

CHAPTER 3

Written Comments on the Draft EIR and Responses to Comments

This chapter contains copies of the comment letters submitted during the public review period on the Draft EIR, and the responses to those comments. Each written comment letter is designated with a number (1 through 35) in the upper right-hand corner of the letter. The letters are grouped by agency, organization, and individuals, as presented in Chapter 2 of this Final EIR. They are further organized alphabetically; however, Letter 35 was received after the close of the comment period and does not appear in the alphabetic sequence.

Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Where responses have resulted in changes to the Draft EIR, these changes also appear in Chapter 5 of this response to comments document.

Comment Letter 1

>>> "Janes, Larry G." <Larry.Janes@va.gov> 10/22/2013 2:30 PM >>>

Please see below for Department of Veterans Affairs, VA Sierra Pacific Network, comments on your EIR.

Larry Janes
Capital Asset Manager
VA Sierra Pacific Network

Dear Mr. Thomas:

The United States Department of Veterans Affairs (VA) applauds the City of Alameda (City) in preparing a Draft Environmental Impact Report (EIR) that proposes to adopt and implement a comprehensive zoning amendment, an associated general plan amendment, a Master Infrastructure Plan, and a Town Center and Waterfront Precise Plan at Alameda Point.

The VA offers the following EIR clarifications:

- The VA's Transfer Parcel does not include any San Francisco Bay submerged water areas. Figures 3-1, 3-2, 3-3, 3-5, 3-6, 3-7, 3-8, 3-10 inaccurately reflect that the land transfer as including submerged waters beyond the rip-rap. Your figures 3-11, 3-12, 3-13, 3-14 factually depict the actual 623.6 acre Navy to VA Transfer Parcel up to and including the shoreline rip-rap. 1-1
- Throughout your EIR and in Figures 3-1, 3-6, 3-7, 3-10: the term "Nature Reserve" is used to identify the undeveloped portion of the VA Transfer Parcel. The VA would like to make clear that it will not provide a "Nature Reserve". Instead, the VA uses the term "Managed Undeveloped Area". The Managed Undeveloped Area is identified as a 511.2 acre area reserved for the long-term persistence and sustainability of the Federal listed endangered California Least Tern (CLT) as managed pursuant to the VA's 2012 Biological Opinion. This Managed Undeveloped Area will only be actively managed for the CLT. It will not be actively managed for other species. 1-2
- The VA would like to clarify that with the exception of the possible seasonally administered shoreline trail immediately adjacent to and inside the shoreline rip-rap (Figure 3-7); the remainder of the managed undeveloped area will not be publically accessible. 1-3
- Please correct page 3-18 to indicate that the VA's 623.6 acre Transfer Parcel is made up of a 112.4 acre Development Area; and a 511.2 Undeveloped Area. The 112.4 acre Development area will include a Clinic on 20 acres, a National Cemetery on 80 acres, and utilities and other support buildings on the remaining 12.4 acres. 1-4

The VA believes the zoning outlined in the EIR aligns with and is complementary to our shared commitment to responsibly re-invigorating Alameda Point.

Respectfully,

Larry

Doug

Douglas Roaldson

Comment Letter 1

Environmental Program Manager
Green Environmental Management Systems
VA Sierra Pacific Network (VISN 21)
201 Walnut Ave, Room 1020
Mare Island CA 94592-1107
707-562-8426 (office)
707-235-4602 (BB)
douglas.roaldson@va.gov

Letter 1. United States Department of Veterans Affairs (Douglas Roaldson, Environmental Program Manager)

- 1-1 The City acknowledges that the VA's Transfer Parcel does not include submerged waters beyond the rip-rap.
- 1-2 The City acknowledges the requirements of the Biological Opinion, which is discussed in detail on pages 3-10 of the Project Description, on page 4.K-6 related to visual resources, and throughout Section 4.E, *Biological Resources* of the Draft EIR. The Draft EIR acknowledges that the portion of the VA Transfer Area referred to in the Draft EIR as "Natural Reserve" will be actively managed consistent with that document.
- 1-3 As stated on page 3-18 of the Draft EIR, access to the Natural Reserve will be limited to a seasonally accessible trail.
- 1-4 The City acknowledges that the VA's 623.6 acre Transfer Parcel is made up of a 112.4 acre Development Area; and a 511.2 Undeveloped Area. The 112.4 acre Development area will include a Clinic on 20 acres, a National Cemetery on 80 acres, and utilities and other support buildings on the remaining 12.4 acres. Pages 4-4 to 4-5 of the Draft EIR accurately describe the VA project under "Cumulative Context." The text on page 3-18 of the Draft EIR describes the overall open (undeveloped) space areas, and the reference to "30 acres of Veterans' facilities" is intended to encompass the 20-acre clinic grounds plus the approximately 12 acres of utilities serving the clinic as well as the supporting buildings noted by the commenter. The following bullet is revised on page 3-18 of the Draft EIR as follows:
- Approximately 624 acres ~~Over 700 acres~~ of former runways to the west of the urban areas of Alameda Point, which are planned for a Nature Reserve, ~~30~~-112.4 acres of Veterans' facilities, and public park lands;

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711



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October 21, 2013

ALA260026
ALA-260-R0.26
SCH#2013012043

Mr. Andrew Thomas
City of Alameda
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Dear Mr. Thomas:

Alameda Point General Plan and Zoning Amendments, Master Infrastructure Plan, and Old Town Center and Waterfront Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Alameda Point project. The following comments are based on the Draft Environmental Impact Report (DEIR).

Transportation Impacts on State Facilities

We are concerned that the DEIR did not include grandfathered segments in the impact analysis. From Table 4.C-3, the proposed plan will generate approximate 33,429 daily, 2,928 AM and 3,294 PM peak hour trips. Caltrans believes that majority of new trips generated to and from the proposed plan will significantly impact State Route 260 (Webster and Posey Tubes) since it is the most direct link between the development in Alameda and Oakland. Please discuss these impacts.

2-1

On page 4C-16, one of the policies the DEIR refers to is the development of TSM/TDM fees collection mechanism. As mentioned in the previous comment, the DEIR describes certain segments of state facilities that are ‘grandfathered’ segments since it was already operating at level of service (LOS) F when the CMP network was established. Please discuss how TSM/TDM fees would be allocated for improvements for ‘grandfathered’ segments.

2-2

On page 4C-25, the DEIR indicates that it analyzed six freeway mainline locations but only one segment of I-980 and one segment of I-580 were included in the DEIR since only those segments had any meaningful traffic increase (increase over existing volumes of more than 2.5 percent). As the owner and operator of the State Highway System (SHS), we would like to review the analysis for the four mainlines that were not included in the DEIR. Any traffic increase to State facilities that are already operating at poor levels of service can potentially increase delays and queue lengths which can jeopardize safety on the SHS. Any additional traffic impacts on State facilities also require mitigation.

2-3

Referring to the previous comment, page 4C-48 includes freeway analysis only for Interstate (I-) 980 segment but not the I-580 segment. Furthermore, it indicated that the LOS will drop from C

2-4

Mr. Andrew Thomas/City of Alameda
 October 21, 2013
 Page 2

to D and with density increase from 25.8 to 26.6. However, the DEIR found this impact insignificant because the change of volume is less than 3 percent. If the assessment is such that 3 percent change of volume is insignificant, please clarify why 2.5 percent was used in the previous comment. 2-4
cont.

On pages 4C-54 and 4C-55, it provides cumulative conditions for mainline facilities. Please include SR-260 cumulative conditions. 2-5

On page 4C-55 & 4C-55, it states, “no change in LOS and minimal, if any, in density under existing conditions.” However, Table 4.C-21 clearly shows a number of ramp locations during both AM and PM peaks with one LOS degradation. At one particular location, northbound Interstate 880 Broadway off-ramp, the LOS degrades from E (without project) to F (with project) in PM peak. 2-6

On page 4C-92, it indicates that State Route 260 Volume/Capacity ratio would increase by 2.5 percent for northbound and 1.2 percent for southbound. On Page 4C-23, the proposed project will generate 3,294 in the PM peak hour. Assuming a majority of these trips will access the project site through SR-260, please verify how the 2.5 and 1.2 percentages were derived. 2-7

State Route 260 Transportation Concept Report

In our Notice of Preparation comment letter, we recommended that the DEIR consider issues that were addressed in Caltrans’ SR 260 Transportation Concept Report (TCR). The TCR identified a number of factors contributing to congestion on this particular route. Please reference the TCR as Caltrans’ 25-year vision statement for this route. 2-8

Transportation Demand Management Strategies

For Mitigation Measure 4.C-2a, it requires sponsors to develop a Transportation Demand Management program aimed at meeting the General Plan peak-hour trip reduction goals. However, to provide uniformity throughout the proposed plan, we recommend the City develop and guide trip reduction strategies for projects within the proposed plan. Some strategies could include improving public transit, bicycling, and pedestrian facilities, residents & employees receiving transit passes at a reduced rate in lieu of free parking, and reducing the parking requirements. 2-9

We also recommend that the City refer to, “Reforming Parking Policies to Support Smart Growth¹,” an MTC study funded by the Department, for sample parking ratios and strategies that support compact growth and Transit Oriented Development. Also consider applying for Transform’s GreenTRIP certification to further implement TDM strategies². Doing so will encourage alternate forms of transportation, reduce regional vehicle miles traveled and lessen future traffic impacts on the state highways. 2-10

The document has should also expound on opportunities to improve non-auto transportation connection from Alameda to Oakland and SF. Current pedestrian and bicycle access to/from Alameda is limited and future developments at the Point could exact some mitigation fees to fund 2-11

¹ http://www.mtc.ca.gov/planning/smart_growth/parking_study.htm

² <http://transformca.org/GreenTRIP>

Mr. Andrew Thomas/City of Alameda
October 21, 2013
Page 3

pedestrian/bike capital improvements. This would also be an opportunity to implement some of the goals and recommendations from the 2009 Alameda Estuary Crossing report.

↑ 2-11
| cont.

For Mitigation Measure 4.C-2b, the DEIR states that the City shall adopt a Transportation Network Monitoring and Improvement program to identify fair share contribution for roadway improvements. Please coordinate with Caltrans in the development of this program.

| 2-12

Should you have any questions regarding this letter, please call Yatman Kwan, AICP of my staff at (510) 622-1670.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Letter 2. California Department of Transportation (Erik Alm, AICP, District Branch Chief)

- 2-1 The “grandfathered segments” were included in the freeway segments identified for analysis and are described in the Significance Criteria, as noted on page 4.C-21 of the Draft EIR. The “grandfathered segment” includes arterial segments of SR 260 (Webster Tube) from Seventh and Webster Streets in Oakland to Atlantic Avenue in Alameda.

The traffic analysis was undertaken using the Alameda County Transportation Commission (CTC)’s Alameda Countywide Travel Demand Model (“the Model”). Use of the Model is recommended by Alameda CTC for the analysis of large, mixed use projects, and is standard industry practice for evaluation of the transportation impacts of such projects in Alameda County.

Regarding the results of the analysis, as noted in the comment, the Webster and Posey Tubes (SR 260) provide the most direct route between the project site and Oakland, where traffic can reach Interstate 880 and other destinations. Because the Model takes into account congestion (which translates to travel time), among other factors, the modeling showed that because the Webster and Posey Tubes do not have additional capacity to accept significantly more automobile trips during the peak hour commute periods, the addition of project traffic to the network would not substantially increase peak-hour, peak-direction volumes in the Tubes (i.e., outbound from Alameda in the morning and inbound to Alameda in the afternoon). This is because, although the Model assigned many of the project trips to the tubes, the Model also projects that many of the additional peak-direction trips will be diverted to the other less congested Estuary crossings, such as the Park Street Bridge, the Fruitvale Bridge, the High Street Bridge and the Bay Farm Bridge or would alter their travel time.

- 2-2 The TDM program fees would be used to implement the travel reduction strategies, not to implement physical improvements to “grandfathered” segments. It is anticipated that the TDM program would provide a certain degree of relief from congestion that would otherwise occur, as a result of the reduction in vehicle trips generated by the project. Please also see response to Comment 7-9.
- 2-3 According to the Alameda CTC model forecasts, used to estimate the future peak hour volumes on the State highway system, the peak hour traffic volumes on the freeway mainline exhibited very little increases with the development of the project as increases less than 2.5 percent were considered to occur within the normal daily fluctuations in volumes. The methodology and freeway analysis is presented on pages 4.C-25, 4.C-34, 4.C-48, and 4.C-55 of the Draft EIR. As explained in response to Comment 2-1, this can be attributed to capacity constraints on the system and peak spreading¹ since the analysis

¹ Peak spreading means that as traffic congestion grows during the peak travel times, motorists may shift their departure time to a non-peak hour.

covered only the one hour peak during the morning and evening. For additional information, please see the technical memorandum entitled Freeways and Ramps Analysis – Impacts and Mitigations, to City Staff dated June 30, 2013, which documents the freeway analysis, presented in **Appendix A** of this Final EIR. Please also see response to Comment 7-9.

- 2-4 The freeway analysis for both of the segments referred to by the comment is presented on page 4.C-34 and summarized in Table 4.C-13 of the Draft EIR. Page 4.C-48 presents the freeway impact finding, which is only for the one mainline segment of I-980. The change in LOS occurs since the 0.8 increase in passenger car per hour per lane happens to fall at the threshold between LOS C and D. The discussion of the I-580 segment was not included in the discussion on page 4C-48 since the LOS did not change.

The three percent change in volumes on the freeway mainline is considered a threshold that is within normal daily variation in peak hour traffic volumes on a freeway segment, and a threshold upon which the driver would perceive a difference in traffic conditions, which in this case is based on density. The 2.5 percent change in peak hour volume with the project was used to screen freeway segments for further impact analysis due to the project (see page 4.C-25 and response to Comment 2-4) and not to determine impacts.

- 2-5 Pages 4.C-54 and 4.C-55 of the Draft EIR present the results for freeway mainline conditions. SR 260 was considered as part of the Congestion Management Program Analysis starting on page 4.C-88 and detailed in Appendix G3 of the Draft EIR.
- 2-6 The comment is correct that page 4.C-54 of the Draft EIR incorrectly presents the result of the existing condition when this section was meant to describe the results of the “cumulative” impacts to freeway ramps. As shown in Table 4.C-21, under the cumulative condition, the LOS designation changes at several ramp locations. Impact 4.C-7 on page 4.C-82, is also mislabeled as “existing” condition when it should be labeled “cumulative.” These cumulative impacts to the freeway ramps are correctly described under Impact 4.C-7, which found that the proposed project would have a less-than-significant impact on freeway ramps. The significance finding is based on the magnitude of change in traffic volumes associated with the proposed project at the ramps and on the mainline, which are considered to be imperceptible to the driver. Please see Chapter 5 for text edits to pages 4.C-54 and 4.C-82. These edits do not affect the conclusions of the analysis.
- 2-7 As described on page 4.C-91 of the Draft EIR, the traffic baseline forecasts for 2035 were extracted at the required CMP and MTS highway segments from the Alameda CTC Model for the PM peak hour. The “With Project” forecasts at the roadway segments for the proposed project were obtained by manually adding the proposed project trips to the “No Project” forecasts. The minimal increase in peak hour traffic at the Webster-Posey Tubes (SR260) can be attributed to capacity constraints on the system and peak

- spreading² since the analysis covered only the one hour peak during the evening. Please also see response to Comment 7-9.
- 2-8 The SR 260 Transportation Concept Report (TCR) provides the 25-year vision Caltrans has established for SR 260. The planned and programmed capital improvements from the TCR were included in the Model.
- 2-9 Mitigation Measure 4.C-2a on page 4.C-37 of the Draft EIR requires a TDM program which would be developed and monitored specifically to reduce vehicular trips to and from Alameda Point as a whole and not a project-by-project basis. The intent of the TDM program is to incorporate strategies, such as improved public transit, bicycling and pedestrian facilities, and reduced parking on a scale that would generate synergy between developments that occur on the site.
- 2-10 These comments are noted. Mitigation Measure 4.C-2a on page 4.C-37 of the Draft EIR requires a TDM program, which would be developed and monitored specifically to reduce vehicular trips to and from Alameda Point.
- 2-11 These comments are noted. Mitigation Measure 4.C-2a on page 4.C-37 of the Draft EIR requires a TDM program, which would be developed and monitored specifically to reduce vehicular trips to and from Alameda Point.
- 2-12 Mitigation Measure 4.C-2b, requires the implementation of a monitoring and improvement program that would be established to regularly assess the success of the TDM program. Regarding coordination related to the development of the program, the City will involve Caltrans on an as-needed basis. The City will continue to coordinate with Caltrans and the Alameda CTC on regional solutions to the regional transportation system to accommodate the region's priority development areas as identified in the regional Sustainable Communities Strategy Plan Bay Area.

² Peak spreading means that as traffic congestion grows during the peak travel times, motorists may shift their departure time to a non-peak hour.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



September 9, 2013

Andrew Thomas
City of Alameda
2263 Santa Clara
Alameda, CA 94501

Dear Mr. Thomas:

Re: SCH 2013012043 Alameda Naval Air Station Point General Plan Project, DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the Draft *Environmental Impact Report (DEIR)* for the proposed City of Alameda (City) Naval Air Station Point General Plan project.

The project area includes active railroad tracks. RCES recommends that the City add language to the Naval air Station Point General Plan so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

3-1

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse

Letter 3. Public Utilities Commission (Ken Chiang, Utilities Engineer)

- 3-1 The comment is not correct. While the Beltline Railroad operated on the project site in the past, all tracks were removed and no active railroads exist on the site.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

October 17, 2013
CIWQS Place ID No. 799853

City of Alameda
Community Development Department
2263 Santa Clara
Alameda, CA, 94070

Attn: Andrew Thomas (athomas@alamedaca.gov)

Subject: Comments on the Draft Environmental Impact Report for the Alameda Point Project, Alameda, California
State Clearinghouse Number (SCH #) 2013012043

Dear Mr. Thomas:

Thank you for the opportunity to comment on the *Draft Environmental Impact Report for the Alameda Point Project, Alameda, California* (DEIR), dated September, 2013. The DEIR evaluates the potential environmental impacts associated with the redevelopment and reuse of the 878 acres of land and approximately 1,229 acres of water at the former Naval Air Station Alameda (NAS Alameda). San Francisco Bay Regional Water Quality Control Board (Water Board) staff has the following comments on the DEIR.

Comment 1, Section E. Biological Resources, Impacts to Special Status Birds, pages 4.E-56 through 4.E-62.

Special status birds discussed in this section of the DEIR include the California least tern colony in the former NAS Alameda runways and birds that roost on the Breakwater Island. One of the mitigation measures proposed for reducing impacts to breeding terns and roosting birds is the establishment of a no wake zone during the least tern breeding season (USFWS Biological Opinion mitigation measure BO-AMM-10f). However, the use of Breakwater Island as a roosting site by special status bird species is a year round activity that occurs outside of the least tern breeding season. Therefore, mitigation measures that may be effective at minimizing impacts to breeding success at the least tern colony, may not be effective at sustaining roosting at Breakwater Island.

4-1

Many of the mitigation measures presented in the DEIR for reducing impacts to roosting birds rely on voluntary compliance by members of the boating public. For example, USFWS Biological Opinion mitigation measures BO-AMM-10e and BO-AMM-10f establish 300 foot watercraft exclusion zones from breakwaters and the least tern colony and no wake zones. But it is not clear how compliance with these mitigation measures will be enforced.

4-2

Mitigation Measure 4.E-1e also relies on providing information to the public about sensitive biological resources and assuming near complete compliance on the part of the public. It does not seem likely that a mitigation measure that relies significantly on complete compliance on the part of the general public can actually be successful in reducing impacts to sensitive species to a less than significant level.

Mitigation Measure 4.E-2b (page 4.E-65) requires marina operators to provide educational information on sensitive species and habitats to boaters. The DEIR should provide documentation of the success of such voluntary compliance measures on reducing impacts to sensitive habitats and species. Without a study of the effectiveness of such mitigation measures, it is not possible to establish that the mitigation measure can reduce impacts to sensitive species and habitats to less than significant levels.

4-3

Comment 2, Section E. Biological Resources, Impacts to Eelgrass Beds, pages 4.E-63 through 4.E-65.

The discussion of potential impacts to eel grass beds relies too heavily on mitigation measures, and should be revised to place a greater emphasis on avoidance of eelgrass beds.

Mitigation Measure 4.E-2a requires eel grass beds to be relocated, if feasible. Where relocation is not feasible, project proponents are required to provide compensatory mitigation consistent with the California Draft Eelgrass Mitigation Policy (CDEMP) for eelgrass. However, in the experience of Water Board staff, the timing of eelgrass surveys in the CDEMP is problematic for the usual timelines for obtaining Clean Water Act Section 401 water quality certifications from the Water Board. The CDEMP requires eelgrass surveys to be conducted within 60 days of any in-water work near potential eelgrass beds. If eelgrass beds are detected, project proponents are supposed to redesign projects as much as possible to avoid impacts to eelgrass. By the time such project revisions are made and permits are revised to accommodate revised designs, the 60-day period in which the survey is valid is likely to have expired.

4-4

Successful eelgrass beds are dependent on proper substrate materials and appropriate depths below the water surface. The science of relocating eelgrass beds is still fairly new and attempts to relocate eelgrass beds have a mixed record of success. Therefore, mitigation measures that rely on relocating eelgrass beds should include an assessment of the feasibility of eelgrass relocation when evaluating whether or not the mitigation measure is actually capable of reducing impacts to eelgrass beds to a less than significant level. Due to the high level of uncertainty associated with relocating eelgrass beds, mitigation ratios for eelgrass beds are likely to be fairly high.

A reliance on translocating eelgrass beds and/or providing offsite mitigation will also have the effect of exporting eelgrass habitat from the project area. Eelgrass beds provide important primary productivity, foraging habitat, and refuge habitat for aquatic species. The habitat values provided by eelgrass beds are more valuable when they are distributed in many locations throughout San Francisco Bay. Exporting this habitat from the project area will have the unintended effect of reducing general habitat quality in the local aquatic environment, since local foraging and refuge options will be reduced.

4-5

When future projects apply to the Water Board for permits to impact eelgrass beds, the Water Board will require that all practicable options for avoiding impacts to eelgrass beds have been explored, including relocation or redesign of the proposed project, before permits are issued that would allow impacts, with appropriate mitigation, to the eelgrass beds. Since permitting will emphasize avoidance over mitigation, the DEIR would be of more use to future project proponents if it was revised to place a greater emphasis on avoiding eelgrass beds. Text on page 4.E-68 states that impacts to eelgrass beds would be reduced to less than significant levels through compliance with Mitigation Measure 4.E-3a and compliance with regulatory

4-6

requirements. Since regulatory requirements emphasize avoidance and the CDEMP emphasizes avoidance, mitigation measures in the DEIR should have also emphasized avoidance.

4-6
cont.

Comment 3, Section E. Biological Resources, Mitigation Measure 4.E-3a, page 4.E-69.

This mitigation measure addresses mitigation for impacts to wetlands at former NAS Alameda. The first bullet item of this mitigation measure requires that, “existing wetlands in the Northwest Territories be preserved and incorporated into compatible open space to the maximum extent feasible.” The term “maximum extent feasible” is not defined in this mitigation measure, and, therefore, this clause weakens the protection of the existing wetlands that is implied by the mitigation measure. Please revise this sentence to remove, “to the maximum extent feasible.” Since the Northwest Territories are in the process of being redeveloped and there are no known constraints on future uses that would preclude avoidance of existing wetlands, it should be feasible to design redevelopment in the Northwest Territories to avoid the existing wetlands.

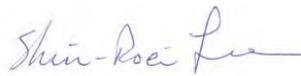
4-7

The second bullet item in Mitigation Measure 4.E-3a requires that, “a minimum 300-foot wetland buffer shall be incorporated into project design wherever possible.” However the basis of establishing that a buffer is not possible may take into account, “the quality of the wetlands, actual or potential wildlife use, existing and proposed future uses, amount and type of vegetation within the buffer, and angle and direction of slope in proximity to the wetland.” The large list of potential extenuating circumstances may render the assurance of 300-foot buffers meaningless. Even where wetlands may appear to have low quality, such wetlands are often prime candidates for enhancement, since they possess appropriate hydrology and soils for sustaining wetlands. Also, vegetation in the buffer can usually be enhanced with minimal effort. The phrase “existing and proposed future uses” is not clear; does this refer to use of the wetland or use of the land for redevelopment. Please delete, “wetland quality”, “amount and type of vegetation within the buffer”, and “existing and proposed future uses” from the factors that may be used to justify reducing the size of the surrounding buffer.

4-8

If you have any questions regarding our comments, please contact Brian Wines (bwines@waterboards.ca.gov) at (510) 622-2342.

Sincerely,



Shin-Roei Lee
Division Chief
Watershed Division

Digitally signed by
Shin-Roei Lee
Date: 2013.10.17
14:57:57 -07'00'

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

Letter 4. San Francisco Bay Regional Water Quality Control District (Shin-Roei Lee, Division Chief, Watershed Division)

- 4-1 Comment noted. The City agrees that special-status birds use Breakwater Island for roosting year-round, and that measures designed solely to protect nesting California least terns would not necessarily protect birds using Breakwater Island outside the tern nesting season. Accordingly, the Draft EIR includes Mitigation Measure 4.E.4a on page 4.E-73, which states:

“The City shall deploy buoys between Breakwater Island and the shoreline to create a 500-foot access corridor for all marine craft, including pleasure crafts and ferries, under non-emergency situation, in order to minimize disturbance to biological habitat on the shoreline and on the breakwater. Signs shall be posted that include a speed limit of 10 mph on the harbor side of Breakwater Island.”

- 4-2 Mitigation measures that rely on compliance by the public are frequently used to reduce impacts to less-than-significant levels. In the case of the Alameda Point project, the use of buoys to indicate the edge of watercraft exclusion zones and no-wake zones, the distribution of educational materials at marinas, the posting of signage at marinas and on the breakwater, and education of marina operators are the most effective means of conveying the importance of, and limits of, such zones to boat operators.

In addition, CEQA requires the City to adopt a Mitigation Monitoring and Reporting Program (MMRP) that is designed to ensure compliance with the mitigation measures. Public Resources Code § 21081.6(a)(1). See Public Resources Code § 21080.6(b) (“The lead agency shall provide the measures to mitigate or avoid significant effect on the environment are fully enforceable through permit conditions, agreements, or other measures.”) The conditions of the Conditional Use Permit (CUP) and the lease between the City and marina operators will require that marina operators perform such compliance monitoring and enforcement. Monitoring by City staff, by property management staff acting on behalf of the City, and by biologists monitoring the least tern colony (who will report observations of non-compliance to the City), in addition to monitoring in response to any complaints the City receives, will allow the City to determine whether the marina operators are adequately enforcing these zones in compliance with their leases and use permits. If enforcement is inadequate, the City can rely on the conditions of the CUP and lease to ensure enforcement or terminate the CUP and lease. Therefore, it is anticipated that compliance with Mitigation Measure 4.E-4a can be adequately monitored and enforced.

- 4-3 Please refer to the response to Comment 4-2 for a discussion of how these measures will be implemented, monitored, and enforced.
- 4-4 The City appreciates the Regional Board’s comments regarding the challenges of permitting in-water projects while conforming to California Draft Eelgrass Mitigation

Policy (CDEMP) timelines for eelgrass surveys. The City agrees that conducting the survey within 60 days of the start of construction does not allow sufficient time for project modification to avoid any eelgrass beds (to the extent feasible) and for agency consultation regarding the effects on the eelgrass beds. Therefore the following revisions to Mitigation Measure 4.E-2a are made:

Mitigation Measure 4.E-2a: Prior to marina or ferry terminal construction, the City shall ensure that the project applicant conducts a pre-construction survey to determine if native oysters and eelgrass are present in Seaplane Lagoon.

- The eelgrass survey shall be conducted according to the methods contained in the California Draft Eelgrass Mitigation Policy (CDEMP) (NMFS 2011), with the exception that the survey shall be conducted within 120 days (rather than 60 days, as recommended in the CDEMP) prior to the desired construction start date, to allow sufficient time for modification of project plans (if feasible) and agency consultation.
- If found within or immediately adjacent to the construction footprint, the project applicant shall first determine whether avoidance of the beds is feasible. If feasible, impacts to the oyster or eelgrass bed shall be avoided. If complete avoidance is not feasible, the applicant shall request guidance from the National Marine Fisheries Service (or other applicable agency) as to the need and/or feasibility to move affected beds....

Compensatory mitigation through eelgrass bed restoration can be successful. For example, Boyer and Wyllie-Echeverria (2010), which are cited in Mitigation Measure 4.E-2a, describe eelgrass restoration techniques and goals for San Francisco Bay and describe some methods that have been successful for eelgrass restoration.

4-5 Eelgrass beds are distributed in a number of locations around the South and Central San Francisco Bay areas (Boyer and Wyllie-Echeverria 2010) and, at most, a very small proportion of available eelgrass beds in the region would be impacted by in-water activities. As a result, even if eelgrass beds are impacted, eelgrass habitat sufficient to support fish populations and thereby provide prey for piscivorous birds such as the California least tern will remain in the vicinity of Alameda Point. Nevertheless, the City agrees that relocation or compensatory mitigation should remain within San Francisco Bay in order to continue to support a healthy Bay ecosystem. Accordingly, the following bullet has been added to Mitigation Measure 4.E-2a:

- The relocation or compensatory mitigation site for eelgrass or oyster beds shall be located within San Francisco Bay.

4-6 Please refer to the response to Comment 4-4.

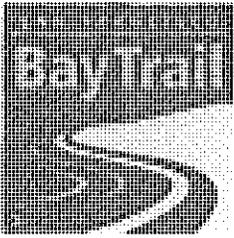
4-7 Although the City clearly desires that wetlands in the Northwest Territories be avoided where feasible, as indicated by the inclusion of this bullet it may not be feasible, or even ecologically beneficial, for all wetlands in that area to be avoided. For example, it is possible that future wetland restoration or enhancement may be performed in the

Northwest Territories, or that wetlands may be consolidated into larger, more contiguous areas to allow for the overall enhancement of habitat conditions in that area while allowing increased human activity as well. Some wetland impacts may be necessary during wetland restoration or enhancement activities. Further, it is possible that impacts to small areas of lower-quality wetlands in one area (e.g., from a trail) would be necessary to allow for avoidance, enhancement, or restoration of higher-quality wetlands elsewhere in the Northwest Territories. A complete prohibition on any wetland impacts in the Northwest Territories would not provide the flexibility necessary for the City to allow both human use and wetland avoidance, enhancement, or restoration. In consultation with the regional agencies, the City will determine whether avoidance has been achieved “to the maximum extent feasible.” The Regional Board will have regulatory oversight over any plans to impact wetlands, and the Regional Board will thus have the ability to comment through the permitting process on whether avoidance has been performed to the maximum extent feasible.

- 4-8 The City disagrees that anticipating that there may be extenuating circumstances which affect whether a 300-foot buffer can be provided around all wetlands would “render the assurance of 300-foot buffers meaningless.” The City intends to require 300-foot buffers where such buffers are possible, but the mitigation measure also recognizes that there are circumstances in which a reduced buffer may be necessary for the various reasons described in Mitigation Measure 4.E-3a. For example, some wetland areas within the Northwest Territories are less than 600 feet apart and, as a result, maintenance of a strict 300-foot buffer would preclude any new activities, such as the creation of trails, between those wetlands. Creation of narrow trails or other passive recreational uses with large buffers, even if those buffers are less than 300 feet, would not impair water quality or habitat quality within those wetlands. If a 300-foot buffer cannot be established, Mitigation Measure 4.E-3a requires the largest possible buffer taking those extenuating circumstances into account. Flexibility in buffering would allow the City to ensure that human uses can be accommodated in areas such as the Northwest Territories while allowing for effective avoidance, enhancement, and restoration of the highest-quality wetland areas. For these reasons, the City does not agree that wetland quality, amount and type of vegetation within the buffer, and existing and proposed future uses, should be ruled out as factors pertinent to the size of effective wetlands buffers. The phrase “existing and proposed future uses” refers to the use of the land for redevelopment or any other activity associated with reuse of Alameda Point.

The City concurs that even low-quality wetlands can be enhanced. However, a 300-foot buffer is not necessary to maintain quality in a low-quality wetland.³

³ McElfish, J.M. Jr., Kishlinger, R.L., and S. Nichols, 2008. *Setting Buffer Sizes for Wetlands*, National Wetlands Newsletter, 30(2).



October 21, 2013

Andrew Thomas, City Planner
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Subject: Comments on the Alameda Point Project and Draft Environmental Impact Report (DEIR)

Dear Mr. Thomas:

On behalf of the San Francisco Bay Trail Project, I am writing to submit comments on the Alameda Point Project located in the City of Alameda. The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes, and advocates for the implementation of the Bay Trail. The Bay Trail is a planned 500-mile continuous network of multi-use bicycling and hiking paths that, when complete, will encircle San Francisco and San Pablo Bays in their entirety. It will link the shoreline of all nine Bay Area counties, as well as 47 cities. To date, 333 miles of the proposed Bay Trail system has been developed.

The Alameda Point Project provides a unique opportunity seldom seen in the Bay Area to open a significant stretch of Bay shoreline with dramatic vistas to the public. As such, the Bay Trail Project is very supportive of the City of Alameda's plans to add nearly eight miles of waterfront trails with the Alameda Point Project. We are interested in adopting the proposed waterfront trail along Alameda Point as part of the official Bay Trail alignment, however we are concerned that two segments of the waterfront trail as currently proposed do not conform with Bay Trail goals and would not be approvable as part of the Bay Trail alignment. The first segment is the seasonal trail proposed around the waterfront perimeter of the proposed Nature Preserve, and the other segment is the proposed trail adjacent to the U.S. Maritime Administration's (MARAD) site near the U.S.S. Hornet and reserve fleet docks.

5-1

It is the goal of the Bay Trail Project to provide bicycling and walking trails that run adjacent to the Bay's shoreline, are separated from roadways, and are accessible 24 hours a day and 365 days of the year. In order for the trail proposed around Alameda Point to be considered for adoption as part of the Bay Trail system, the long term vision and alignment of the Alameda Point trails must be modified to be consistent with the Bay Trail goals and preserve the

Comment Letter 5

Mr. Andrew Thomas

October 21, 2013

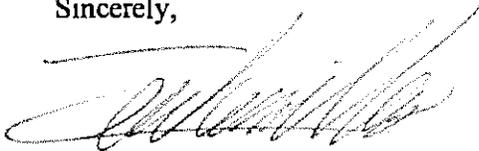
opportunities to eventually develop year round trail access along the waterfront perimeter of the proposed Nature Preserve and trail access along the water's edge of the docks at the MARAD site.

↑
5-1
cont.

The Bay Trail Project understands that the seasonality of the trail is due to concerns by the resource agencies regarding trail impacts on the Least Tern colony and that MARAD has security concerns related to a trail running through their lease site, however we believe that these concerns can be addressed through trail designs that mitigate these concerns. As such, we request that the City of Alameda modify its trail proposal for the Alameda Point Project to preserve the opportunity for a waterfront trail alignment along the MARAD site and for year round access along the entire waterfront trail proposed for Alameda Point. These changes will allow the entire waterfront trail to be considered for addition to the Bay Trail system and would also make these trails eligible for a variety of funding sources since completing the Bay Trail is identified as a priority within the Alameda County Transportation Commission's County-wide Bicycle and Pedestrian Plans and the Metropolitan Transportation Commission's Regional Bicycle Plan.

The Bay Trail Project appreciates the opportunity to comment on the Alameda Point Project, and we look forward to our continued partnership with the City to develop the Bay Trail and improve recreational and commute opportunities for bicyclists and walkers in Alameda. Please do not hesitate to call me at (510) 464-7915 if you have any questions regarding the above comments or the Bay Trail.

Sincerely,



Lee Chien Huo
Bay Trail Planner

Cc: Jennifer Ott, Chief Operating Officer – Alameda Point

Letter 5. San Francisco Bay Trail (Lee Chien Huo, Bay Trail Planner)

- 5-1 The comments do not address the adequacy of the environmental analysis presented in the Draft EIR. The comments do address the proposed locations for the Bay Trail in areas that are constrained due to proximity to habitat for special status species and in areas where the U.S. Maritime Administration and US Hornet are located. The comment from the Bay Trail Project will be forwarded to the City of Alameda Planning Board and City Council for their deliberations on the location of the Bay Trail where limitations on public access may be necessary to protect special status species and/or maintain a safe and secure environment for maritime industrial uses and Bay Trail users.

Andrew THOMAS - Fwd: proposed language

From: Jennifer Ott <jott@alamedaca.gov>
To: ATHOMAS@alamedaca.gov, KHeisler@esassoc.com, LLowe@esassoc.com, Garber@s...
Date: 10/18/2013 3:33 PM
Subject: Fwd: proposed language

FYI - please add to the group.

Jen

Sent from my iPhone

Begin forwarded message:

From: "Vital, Kirsten" <kvital@alameda.k12.ca.us>
Date: October 18, 2013, 1:57:39 PM PDT
To: "Jennifer Ott" <JOtt@alamedaca.gov>
Cc: "John Russo" <JRusso@alamedaca.gov>
Subject: proposed language

Dear Jennifer:

It was a pleasure to talk with you on Wednesday regarding AUSD's input on the wording of Impact 4.L-3. Below are my suggested changes. AUSD is generally amenable to the current draft language, and we are hopeful that the City will be agreeable to the added sentence regarding our working cooperatively together to address school impacts.

Best, Kirsten

Public Schools Impacts

Impact 4.L-3: Development facilitated by the proposed project could potentially result in new students for local schools, but would not and potentially require new or physically altered school facilities to maintain acceptable performance objectives. (Less than Significant)

Students generated from development of the proposed project would be within the boundaries of Paden or Ruby Bridges Elementary School, Wood Middle School, and Encinal High School. The Alameda Unified School District (AUSD) employs a student generation factor as a basis for determining the number of students generated by proposed residential development projects. The results of applying AUSD generation factors to the proposed project are shown in **Table 4.L-4**. As shown, the proposed project is anticipated to result in 427 new students: 186 elementary school students, 96 middle school students, and 145 high school students.

6-1

Comment Letter 6

Even though Paden Elementary, Ruby Bridges Elementary, Wood Middle School and Encinal High School would generally serve students resulting from development of the proposed project, AUSD has reported that the aforementioned school sites have all long exceeded their true capacities (McPhetridge, 2013). To mitigate potential impacts resulting from an increase of approximately 427 new students, AUSD levies development fees for residential and commercial development at the proposed project. Although pursuant to SB 50, payment of the development fees for schools is considered full and complete mitigation for the impacts of a development project on school facilities, the City and AUSD agree to work cooperatively with one another to identify additional, legally appropriate ways to alleviate costs of construction and ensure that all school impacts are adequately addressed. As a result, the proposed project's impacts on schools would be less than significant.

↑
6-1
cont.

Mitigation: None required.

Kirsten Vital
Superintendent
Alameda Unified School District
2060 Challenger Drive
Alameda, California 94501
(510) 337-7060

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Letter 6. Alameda Unified School District (Kirsten Vital, Superintendent)

6-1 The City of Alameda is committed to working with Alameda Unified School District (AUSD, the State of California, and/or other parties to identify resources for providing educational facilities at Alameda Point. As described starting on page 4.L-5 of the Draft EIR, pursuant to Senate Bill 50, payment of school district impact fees by new development is full mitigation for potential impacts to school facilities from new development. All new development at Alameda Point will be required to pay the AUSD impact fees.

In addition, the text changes are made to Impact 4.L-3 on page 4.L-10 of the Draft EIR:

Impact 4.L-3: Development facilitated by the proposed project could potentially result in new students for local schools, ~~but would not~~ and potentially require new or physically altered school facilities to maintain acceptable performance objectives. (Less than Significant)

Students generated from development of the proposed project would be within the boundaries of Paden or Ruby Bridges Elementary School, Wood Middle School, and Encinal High School. The Alameda Unified School District (AUSD) employs a student generation factor as a basis for determining the number of students generated by proposed residential development projects. The results of applying AUSD generation factors to the proposed project are shown in **Table 4.L-4**. As shown, the proposed project is anticipated to result in 427 new students: 186 elementary school students, 96 middle school students, and 145 high school students.

Even though Paden Elementary, Ruby Bridges Elementary, Wood Middle School and Encinal High School would generally serve students resulting from development of the proposed project, ~~However, the~~ AUSD has reported that the aforementioned school sites have all long exceeded their true capacities (McPhetridge, 2013). To mitigate potential impacts resulting from an increase of approximately 427 new students, AUSD levies development fees for residential and commercial development. Pursuant to SB 50, payment of the development fees for schools is considered full and complete mitigation for the impacts of a development project on school facilities. As a result, the proposed project's impacts on schools would be less than significant. While ~~payment of the adopted development fees ensures that the project would result in less than significant impacts related to the provision of school facilities, the City, together with AUSD, is committed to working with the State of California and/or other parties to identify additional, legally appropriate ways to alleviate costs of construction. As a result, the proposed project's impacts on schools would be less than significant.~~

CITY OF OAKLAND



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

Department of Planning, Building and Neighborhood Preservation
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

October 21, 2013

Andrew Thomas, Planning Services Manager
City of Alameda
Community Development Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

RE: **Comments on the Draft Environmental Impact Report for Alameda Point General Plan and Zoning Amendments, Master Infrastructure Plan, and Town Center and Waterfront Plan**

Dear Mr. Thomas:

The City of Oakland ("Oakland") appreciates the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Alameda Point Project ("Project") located in the City of Alameda ("Alameda"). Overall, we believe the DEIR does not adequately address the impacts of development of the Project, including most notably, impacts on Oakland, which is immediately adjacent to the Project site.

7-1

Please fully address the following City Of Oakland comments in the Final EIR:

- 1. Pg. 4.B-3
City of Alameda General Plan Housing Element
Policy 5.5.e: *Minimize commuting by balancing jobs and nearby housing opportunities.*

Comment: The DEIR states that the Project is designed to accommodate the rehabilitation, reuse, and new construction of approximately 5.5 million square feet of commercial and workplace facilities for approximately **8,900 jobs**; and the rehabilitation and new construction of 1,425 residential units for approximately **3,240 residents**. This jobs/housing imbalance in the Project is not in conformance with the City of Alameda's General Plan Housing Element Policy 5.5.e, and is likely to generate a large number of employment-related trips to Alameda Point from off the island of Alameda.

7-2

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2. Pg. 3-41

...the initial flood protection system would provide flood protection for up to 18-inches of sea level rise. These initial flood protection measures would be designed to be adapted if the amount of future sea level rise exceeds 18-inches...

Comment: The DEIR states that the flood protection system to be built around the perimeter of the Project Site may also be extended around the island perimeter to provide island-wide flood protection. The Final EIR should evaluate the potential for both the Project Site and island-wide flood protection systems to displace flood waters in the case of sea level rise onto similar low-lying waterfront lands within Oakland.

7-3

3. Pg. 3-45

Comment: Given that development of the Project would cause severe impacts to Oakland, especially to the Chinatown community, related to increased traffic on Oakland's streets around I-880 and the Webster and Posey Tubes, a share of the proceeds from the Alameda Point Infrastructure Fee Program being established to facilitate infrastructure implementation should be dedicated to the City of Oakland for improvements to pedestrian safety and other measures to reduce impacts to local residents from increased vehicle traffic.

7-4

4. Pg. 3-63

It is anticipated that buildout of the project site is likely to take many years and thus sequential, logical, phasing of development and infrastructure is necessary to minimize uncertainty and improve the economic feasibility of infrastructure development.

Comment: This is an important point, and yet, the DEIR does not include an analysis of the feasibility and impacts of a proposed sequential phasing plan of development and infrastructure for the Project Site. The Final EIR should address this point, and analyze a sequential phasing plan of development and infrastructure for the Project Site from the commencement of construction through buildout in 2035.

7-5

5. Pg. 4.C-7

Comment: What is the source for the crash data?

7-6

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6. Pg. 4.C-22

Comment: Are the land use projections the most recent available?

7-7

7. Pg. 4.C-23

Comments:

- More detail is required on the trip generation, particularly the resulting mode split. In particular, given that the site is currently served only by a single bus line (with 30-minute headway), transit mode split may be expected to be significantly lower than elsewhere on Alameda.
- How does model trip generation compare to ITE trip generation? The Final EIR should show a comparison to ensure results are reasonable.
- Project Vehicle Trip Generation: Provide details on the land use type and formula used from the travel demand model. The Final EIR should mention the multi-modal reduction taken in the project compared to the ITS trip generation base rates.

7-8

7-9

7-10

8. Pgs. 4.C-28-31

Comments:

- Many intersections show improved operations in Existing plus Project. This is counter-intuitive, since the project generally is adding more traffic. The Final EIR should incorporate additional detail on assignment of project trips (eg, select zone assignment or other figures) that allow assessment of reasonableness for model assignment.
- The Final EIR should address why the existing conditions analysis in the Alameda Point EIR is significantly different from that in Oakland's Lake Merritt Station Area Plan in many cases.
- Existing + Project: Project seems to be causing an improvement at several locations, it appears to be a result of re-optimizing the signal operations in the analysis. Please note that only existing signal timing shall be used in the analysis. Signal optimization is considered a mitigation measure for existing plus project, that requires associated hardware upgrades.

7-11

7-12

7-13

9. Pg. 4.C-29

Comment: Table identifies significant impact at 29th/8th/9th, but does not address potential mitigation. Would a traffic signal at the intersection mitigate the impact?

7-14

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Page 4

10. Pg. 4.C-36-37

Impact 4.C-2: Development facilitated by the proposed project would potentially result in a transportation impact at study intersection under Existing plus Project conditions. (Significant)

Comment: Mitigation Measure 4.C-2b states that prior to issuance of the first building permits for any development project at Alameda Point, the City of Alameda shall adopt a Transportation Network Monitoring and Improvement Program to: 1) determine the cost of the transportation network improvements identified in this EIR; 2) identify appropriate means and formulas to collect fair share financial contributions from Alameda Point development; 3) monitor conditions at the locations that will be impacted by the redevelopment of Alameda Point; 4) monitor traffic generated by Alameda Point; and 5) establish the appropriate time to implement the necessary improvements described in this EIR to minimize or eliminate significant transportation impacts prior to the impacts occurring.

7-15

This Transportation Network Monitoring and Improvement Program discussed in Mitigation Measure 4.C-2b should be more fully developed and analyzed in the EIR, and include a discussion of the specific measures to protect and mitigate transportation impacts in Oakland. Further, a share of the funds received to implement the Transportation Network Monitoring and Improvement Program should be allocated to the City of Oakland for infrastructure improvements to mitigate the additional vehicle trips through Oakland.

7-16

11. Pg. 4.C-38

Comments:

- Jackson and Sixth Street: signalized intersections with significant and unavoidable impacts shall be brought up to current signal standards to aid the signal in handling the impact caused by the project traffic and bring a nominal improvement to the LOS at the intersection. Please note this applies to all signalized intersections with significant but unavoidable impacts.
- Brush and 11th: See comment above.

7-17

7-18

12. Pg. 4.C-39

Comment: 23rd Avenue and Seventh Street, see comment for pg. 4.C-38 above.

7-19

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13. Pg. 4.C-51

Comments:

- At several intersections the Cumulative + Project v/c ratio is lower than the cumulative v/c ration. Please explain.
- Please note that the comments from pg. 4.C-38 apply to Cumulative + Project Intersections with cumulative impacts as well.

7-20
7-21

14. Pg. 4.C-90

Comment: EIR identifies a significant impact to pedestrian safety, but does not identify reasonable interventions (eg, countdown signals, curb extensions).

7-22

15. Overall Transportation Chapter

Comment: Overall there appears to be a discrepancy in the treatment of intersections with significant but unavoidable impacts between the City of Oakland and Alameda. In Oakland the consistent mitigation measure is the TDM plan often with the majority of intersection receiving no proposed improvements. On the other hand in Alameda many options are proposed in addition to the TDM plan that includes signal optimization, repurposing existing lanes, and alteration of the signal phasing. At a minimum signal optimization, and upgrades to current standards should be proposed to reduce the delays caused by project traffic.

7-23

16. Page 4.F-38

Impact 4.F-2: Development facilitated by the proposed project could potentially generate operational emissions that would result in a considerable net increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard.

Comment: The impact discussion explains the increase in criteria air pollutant and precursor emissions from a variety of emission sources including onsite area and energy sources and mobile sources. The discussion explains that a Transportation Demand Management (TDM) program would be developed and implemented for the proposed project to reduce use of single occupancy vehicles, and to increase the use of rideshare, transit, bicycle and pedestrian modes for project-related trips. The mitigation measure also references the TDM program and includes an incorrect reference to the location of a more comprehensive discussion of the TDM program in the Transportation Chapter (the correct reference is 4.C-2a).

7-24

The future TDM program mentioned in the Transportation and Project Description Chapters should be more fully developed and include a discussion of the specific measures to protect and mitigate impacts to the Oakland Chinatown community in addition to measures geared toward future project residents. Further, a share of the funds received to implement and monitor the TDM should be allocated to the City of Oakland for infrastructure improvements to mitigate the additional vehicle trips in the Oakland Chinatown area.

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17. Pg. 4.F-39

Impact 4.F-3: Operation of the development facilitated by the proposed project could potentially expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).

Project traffic would also increase DPM and PM2.5 emissions near residences in Oakland Chinatown, although the volumes added, and therefore the increased cancer risk and PM2.5 concentrations, would be less than for the locations discussed above, which are adjacent to the project site. Conservatively assuming that receptors are as close as 10 feet from the edge of the curb, Chinatown receptors along Seventh, Eighth, Jackson, Harrison, and Webster Streets would be subject to a project-generated increase in cancer risk of up to 0.3 in one million and an increased PM2.5 concentration of up to 0.1 µg/m3. Each of these would be well below the significance criteria of 10 in one million and 0.3 µg/m3, respectively, and would also be less than significant. Chinatown receptors are close to I-880, and thus subject to both DPM and PM2.5 emissions from freeway traffic. Residential receptors on Seventh Street, for example (at a distance of about 300 feet from the freeway), are exposed to lifetime cancer risk of approximately 22 in one million and PM2.5 concentration of 0.13 µg/m3 from freeway emissions, based on BAAQMD's Google Earth-based screening tool. Vehicular emissions from cumulative traffic, including project traffic, would add a lifetime incremental cancer risk of approximately 14 in one million and a PM2.5 concentration of 0.5 µg/m3 to the existing baseline, for a total incremental cumulative cancer risk from traffic of up to about 36 in one million and total cumulative PM2.5 concentration of up to 0.63 µg/m3. Both of these totals would be below the BAAQMD cumulative thresholds of 100 in one million cancer risk and 0.8 µg/m3, respectively. Moreover, the project's incremental contribution of 0.3 in one million incremental lifetime cancer risk and PM2.5 concentration of 0.1 µg/m3 would not be considered substantial. Therefore, the impact would be less than significant. Mitigation: None required

Comment: Although exposure to traffic generated TACs in the Chinatown community have been deemed less-than-significant, a framework for addressing the minimization of impacts to this community must be included in the mitigation measures. Goals, policies, and objectives to minimize potential TAC impacts in areas located within 500 ft. of freeways and high-volume roadways containing 100,000 or more average daily trips must be included in the Alameda Point EIR, as access from Oakland's Chinatown is essential to the project. Such a framework is required for consistency with the City of Oakland CEQA Thresholds of Significance.

7-25

18. Pg. 4.I-25

Impact 4.I-6: Development facilitated by the proposed project would potentially place housing and other structures in an area subject to 100-year flooding, however would not subject people or structures to a substantial risk of loss from a 100-year storm event.

Comment: The DEIR reports that a system of levees, detention ponds and pumps will mitigate possible flooding caused by rare storm events and sea level rise. Possible impacts to the Port of Oakland from the Alameda Point flood protection system should be studied in detail to determine whether a system of levees will displace flood waters and jeopardize Port operations. Further, the EIR should reference the SF Bay Conservation Development Commission (BCDC) Adapting to Rising Tides (ART) Strategy. If the ART Strategy includes possible strategies for Alameda Point, these should be included in the EIR. As BCDC notes in its ART Strategy, sea level rise and storm adaptation

7-26

7-27

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strategies should include a variety of scales – from site-specific strategies incorporated into development projects to regional and state strategies addressing larger issues like building codes, financing and governance. 7-27 cont.

AB 375 calls for regional coordination in land use and transportation planning. It is imperative that the cities of Oakland and Alameda (and other surrounding jurisdictions) collaborate around climate adaptation strategies. Additionally, since Oakland’s Chinatown provides the primary regional access to Alameda Point, impacts to the City of Oakland residents and infrastructure should be mitigated in addition to project mitigation measures. 7-28

19. As stated in the City Of Oakland’s NOP comments - Include comprehensive cumulative analysis in the Final EIR that considers the following Oakland projects:

- **Lake Merritt Station Area Plan:** The development program includes up to 4,917 new housing units, 4,084 new jobs, 403,790 square feet of additional retail space, 57,787 square feet of institutional, and 1,229,277 square feet of additional office space within the Planning Area as geographically delineated by 14th Street, I-880, Broadway/Franklin Street, and 4th/5th Avenue.
 - **West Oakland Specific Plan:** 413-acre Planning Area generally defined by I-580, I-980, and I-880; includes strategies for transit-oriented development at the West Oakland BART Station, to better link transportation choices with new housing, and employment options within the community. The development program includes up to 4,999 new housing units, 10,988 new jobs, and 4,705,000 square feet of new non-residential building space.
 - **Broadway/Valdez Specific Plan:** 96 acre site bounded by I-580, Grand Avenue, Webster/Valley Street, and Harrison Street/Bay Place/27th Street/Richmond Avenue/Brook Street. The development program includes up to 1.4 million square feet of retail/commercial, 900,000 square feet of office, 120,000 square feet of hotel, and 1,800 housing units.
 - **Central Estuary Area Plan:** Planning Area bounded by 19th Avenue, 54th Avenue, I-880, and the Estuary. The development program includes up to 391 dwelling units, 31 live/work units, 268,071 square feet of retail/commercial, 443,950 square feet of Office/R&D space, and 374,857 square feet of industrial.
 - **Other Plans and Projects in Oakland,** such as the Oak-to-Ninth Street Project, Oakland Army Base Master Plan, Planned Priority Development Areas (PDAs), and other Active Major Projects in Oakland
- 7-29

Andrew Thomas, Planning Services Manager

October 21, 2013

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20. Also as stated in the City Of Oakland's NOP comments: in 2004, Alameda entered into an Agreement with Oakland, the Oakland Chinatown Chamber of Commerce and Asian Health Services regarding its obligations to study and to mitigate traffic and related impacts of potential development of Alameda Point ("Agreement"). The Agreement established the Oakland Chinatown Advisory Committee ("OCAC"), comprised of representatives from Oakland and Alameda. Alameda must provide the OCAC with opportunities to make recommendations to Alameda regarding traffic studies, mitigation measures, and alternatives, among other things. In addition, the Agreement obligates the City of Alameda to make certain payments to the City of Oakland to mitigate traffic impacts.

7-30

The Agreement imposes these obligations in recognition that development of the Project would cause severe impacts to Oakland, especially to the Chinatown community, related to increased traffic on Oakland's streets around I-880 and the Webster and Posey Tubes. The contractual obligations in the Agreement supplement and are consistent with Alameda's statutory obligations under the California Environmental Quality Act ("CEQA") to study and to avoid or minimize impacts to the extent feasible.

It is our understanding that ACTC will soon be conducting a traffic study of the Oakland Chinatown area. The City of Oakland will be participating the selection of the consultant for this ACTC study and will be incorporating the traffic concerns of Jack London Square, Chinatown, and the overall downtown.

7-31

21. The EIR fails to include an adequate project description and environmental setting, adequate analysis of all environmental impact topics, including but not limited to land use and planning, transportation, and infrastructure, adequate analysis of the cumulative impacts of the project, and an adequate discussion of alternatives and feasible mitigation measures. Given the impacts on Oakland have not been adequately studied in the DEIR, the new information required to be included would be significant and would require recirculation of the DEIR.

Many of the impacts are determined in the DEIR to be significant and unavoidable in the City of Alameda; while similar impacts are to occur in Oakland, they are not adequately identified or analyzed. As a result, there are almost certainly significant and unavoidable effects in Oakland that have not been addressed in the DEIR. A lead agency is required to recirculate an EIR when new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. *See CEQA Guidelines 15088.5(a)*. "Information" includes additional data or other information, such as impacts on Oakland, including without limitation traffic and hydrological impacts.

7-32

Instead of in-depth analysis, the DEIR simply concludes certain impacts to be significant and unavoidable without adequately analyzing the impacts on Oakland. The City of Alameda must adequately analyze Project impacts on Oakland to comply with CEQA.

Andrew Thomas, Planning Services Manager

October 21, 2013

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22. Given these deficiencies, the DEIR is so fundamentally flawed that it does not provide opportunity for meaningful public review and must be recirculated pursuant to CEQA Guidelines 15088.5.

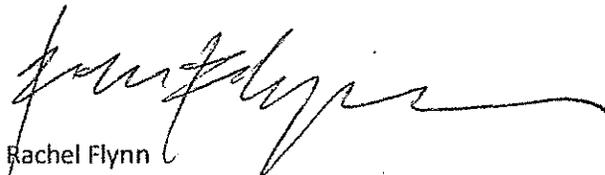
The DEIR's discussion of how the Project will impact Oakland, its immediately adjacent neighbor, and the associated environmental impacts is so fundamentally flawed as to not provide meaningful opportunity for meaningful public review. *See CEQA Guidelines 15088.5(a)(4)* (recirculation is required when the Draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review is precluded").

7-33

The City of Alameda must consider the Project's environmental impacts on Oakland to ensure proper CEQA review and study suitable alternatives or mitigation measures to alleviate environmental impacts rather than rely on "significant and unavoidable impacts" that will more detrimentally impact Oakland. For these reasons, the DEIR needs to address the deficiencies set forth above and must be recirculated in order for the public, particularly Oakland, to make an informed review of the Project.

If you have any questions concerning this response, please contact Ed Manasse, Strategic Planning Manager, at (510) 238-7733 or emanasse@oaklandnet.com.

Sincerely,



Rachel Flynn
Director of Planning and Building

Letter 7. City of Oakland Department of Planning, Building, and Neighborhood Preservation (Rachel Flynn, Director of Planning and Building)

7-1 The City of Alameda disagrees with the City of Oakland's comments. The Draft EIR includes an extensive analysis of the impacts of the project in both Alameda and Oakland. For example, the Alameda Point EIR analyzes traffic at 24 Oakland intersections, and uses Oakland's own significance criteria for this analysis (see Draft EIR Tables 4.C-8, 4.C-9, 4.C-15, and 4.C-16). In contrast, the Lake Merritt Station Area Plan EIR⁴ released by the City of Oakland for public review on November 1, 2013 considered the impacts of the proposed Oakland development on only three intersections in Alameda.

The Alameda Point Project Draft EIR used the Alameda County Transportation Commission (CTC)'s Alameda Countywide Travel Demand Model ("the Model"), which is the recommended and industry standard tool for analysis of large, mixed use projects in Alameda County and is used by the City of Oakland for its environmental documents. A comparison of the environmental conclusions in this EIR and the City of Oakland's environmental analyses reveals that the conclusions of this EIR with regard to traffic impacts in Oakland Chinatown are very similar to the City of Oakland's conclusions with regard to impacts in Oakland Chinatown in Oakland's recently released Lake Merritt Station Area Plan EIR.⁵

The Alameda Point Project Draft EIR contains an analysis of the additional traffic due to the proposed Alameda Point Project on Oakland Chinatown pedestrian circulation (Draft EIR, pages 4.C-83 – 4.C-87); an analysis of air quality impacts along streets in Chinatown (Draft EIR, pages 4.F-39 – 4.F.40); and a roadway noise analysis (Draft EIR, pages 4.G-18 – 4.G-20), which includes Oakland street segments.

As discussed in Section 4.C, *Transportation and Circulation*, of the Draft EIR, the Alameda Point project would result in impacts to transportation facilities in Oakland and Chinatown. The EIR identifies mitigation measures to reduce automobile trips and optimize signal timing in Oakland. These conclusions and mitigations are consistent with the City of Oakland's conclusions in the Lake Merritt Station Area Plan Draft EIR.⁶ By comparison to the Lake Merritt Station Area Plan project, the Alameda Point Draft EIR found that the proposed Alameda Point project traffic would represent a fraction of the new traffic currently being proposed by the City of Oakland in locations immediately adjacent to I-880 and Chinatown. As documented on page 7 of the City of Oakland comment letter, the City of Oakland is currently planning over 15,119 new housing units and over 10 million square feet of non-residential new development in the Lake Merritt Station Area Plan, the West Oakland Specific Plan, the Broadway/Valdez Specific Plan, the Central Estuary Area Plan,

⁴ CEQA State Clearinghouse No. 2012033012.

⁵ Ibid.

⁶ Ibid.

and the Oak to Ninth Project. The Oak to Ninth Project also includes approximately 5,000 new parking spaces. The Alameda Point project would have approximately 1,200 new housing units and three million square feet of new non-residential development (two million of the 5.5 million square feet of non-residential development is already occupied with non-residential uses and businesses in existing buildings at the former NAS Alameda). The Lake Merritt Station Area Plan EIR evaluates Oakland's plans for approximately 5,000 new residential units and approximately two million square feet of additional non-residential development in the Lake Merritt/Chinatown neighborhood. The Lake Merritt Station Area Plan EIR finds that the traffic generated from the Oakland project would not impact pedestrian safety, that additional traffic at a number of Oakland intersections would result in automobile level of service impacts, and that at most of those locations the only feasible mitigation is signal retiming and that is not always feasible (see pages 3.2-130, 3.2-131, 3.2-134 3.2-135, 23.2-150, 3.2-151, and 3.2-153 of the Lake Merritt Area Plan EIR). The analysis in the Alameda Point EIR is consistent with Oakland's conclusions. These similar conclusions should be expected, because the Alameda Point EIR used City of Oakland's own thresholds of significance for the analysis. Accordingly, there is no basis for Oakland's "critique" of the traffic analysis in the Alameda Point Project Draft EIR.

Please also see responses to Comment 7-2 through 7-33, below.

- 7-2 This comment misrepresents the facts about the City of Alameda and the City of Alameda General Plan. The proposed Alameda Point project is consistent with the City of Alameda General Plan. The General Plan establishes a citywide jobs housing balance as a policy objective to reduce off-island commute hour traffic. As stated on page 4.B-2 of the Draft EIR, the City of Alameda currently has more employed residents than jobs. The City of Alameda has approximately 26,970 jobs and 37,799 employed persons, which indicates that many of Alameda's employed residents commute to work outside of the City. A major cause of the existing imbalance is that Alameda lost 18,000 jobs when the U.S. Navy closed NAS Alameda. Therefore a project with 5.5 million square feet of non-residential development and only 1,425 residential units at Alameda Point would improve the jobs-housing balance in Alameda in conformance with the policies of the General Plan.
- 7-3 The commenter is mistaken. The proposed project does not include flood protection around the entire perimeter of the City of Alameda. The proposed flood protection system is designed to protect the project site. As discussed in Section 4.I, *Hydrology and Water Quality*, of the Draft EIR, the sea level rise is an effect from global warming (as a referenced in recent technical studies such as that of the BCDC and the IPCC) – a phenomenon that is occurring and is anticipated to continue with time in the future. The San Francisco Bay Area is but only a part of the global phenomenon and Alameda Point and the areas in the vicinity, being located in the Bay Area would be subject to sea level rise. Therefore, preventing rising Bay levels from encroaching on portions of the 1,229-acre Alameda Point site must be viewed in the following context - that displacement of sea level rise from the entire project site of approximately 2 square miles (which is not proposed – only portions of the project site are proposed for flood protection) would represent

approximately 0.000001 percent of the earth's 139 million square miles of oceans and approximately 0.028 percent of the Bay Area, and thus would have no perceptible effect on the amount of sea (Bay) level rise in Oakland or anywhere else on earth. Were Oakland's position to be taken to its logical conclusion, no Bay Area community would be permitted to address sea level rise.

The project's proposed Alameda Point flood and sea level rise protection system is consistent with the San Francisco Bay Conservation and Development Commission's (BCDC) Adapting to Rising Tides (ART) objectives and adaptation strategies. Page 3-41 of the Draft EIR states that the adaptive measures for the Development Areas would include constructing a perimeter system of levees and floodwalls. The adaptive measures for the Reuse Areas would include elevating the initially constructed perimeter levees and floodwalls. The adapted perimeter measures would be elevated to meet the Federal Emergency Management Agency's (FEMA) guidelines plus protect for sea-level rise as recommended by regional policies. As also described in the analysis of cumulative impacts under Impact 4.I-9, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a significant cumulative impact to people and/or property from a 100-year event in combination with sea level rise. The strategy for the proposed project includes raising the elevation of the site above the existing high tide flood levels plus accounting for projections of sea level rise. The proposed strategy would make approximately one-half of the entire land mass at the former NAS Alameda (the Northwest Territories and the federal Nature Reserve areas), approximately 655 acres, available as open space areas (i.e., undeveloped) and would allow these areas to inundate in a high tide event or higher sea levels. These open space areas would also be potentially designed as seasonal wetlands. There is no evidence that the flood protection system would result in the flooding of low-lying areas in Oakland.

- 7-4 This comment does not address the adequacy of the environmental analysis in the Draft EIR. Please also see response to Comment 7-1. The traffic from Alameda's Alameda Point project represents a fraction of the additional traffic that the City of Oakland is proposing to introduce onto the Oakland Chinatown roadway network. If the City of Oakland considers the Alameda Point contribution to the overall increase in traffic in Chinatown to be "severe", then logic demands that the City of Oakland disclose the "severity" of its Plan's impact on the Oakland Chinatown community. The Lake Merritt Station Area Plan Draft EIR⁷ fails to identify the impacts from the Oakland projects as "severe." Furthermore, the City of Alameda cannot impose mitigation obligations on the City of Oakland. Over the last 10 years, the City of Oakland has released a number of EIRs that examine the impacts of Oakland development on the Chinatown community. All of these EIRs, including the most recent Lake Merritt Station Area Plan EIR, conclude that with the exception of some signal timing adjustments, impacts to Chinatown intersections are significant and unavoidable. If the City of Oakland cannot identify feasible mitigation for these intersections, the City of

⁷ Ibid.

Oakland cannot demand that the City of Alameda project fund a fair-share of the costs of the improvements.

- 7-5 The Draft EIR provides an analysis of the impacts of full buildout of the proposed development and recommends mitigation measures to lessen or avoid the impacts of the proposed development. Those measures are all designed to be implemented and monitored throughout the implementation of the proposed project, to ensure that any impacts associated with the project are mitigated when they occur during the 20 to 30 year buildout period. This approach provides maximum protection for the environment and ensures that no interim impacts occur prior to implementation of mitigation measures.
- 7-6 The crash data was obtained from the California Highway Patrol's Statewide Integrated Traffic Records System, for the period January 2009 through August 2012.
- 7-7 The land use projections relied upon for the transportation analysis of the proposed project are those used in the most current version of the Alameda County Transportation Commission (CTC)'s Alameda Countywide Travel Demand Model ("the Model"), which is the model recommended by Alameda CTC and is the industry standard tool for analysis of large, mixed use projects in Alameda County. The projections for Oakland are the same land use projections for 2030 that the City of Oakland provided to the CMA for the regional model and that are used for Oakland EIRs. As is the case throughout its letter, Oakland complains about the validity of data that Oakland itself compiled.
- 7-8 The Travel Demand Model used in the analysis reflects current and future transit services, including specific routes, bus stop locations, and frequency of service as part of the inputs. For more details on the trip generation and the mode split, see response to Comment 7-9, below.
- 7-9 The project vehicle trip generation shown in Table 4.C-3 is from the Alameda County Transportation Commission (CTC)'s Alameda Countywide Travel Demand Model ("the Model"), which, as noted above in the response to Comment 7-7, is the recommended and industry standard tool for analysis of large, mixed use projects in Alameda County (and is the same approach used by the City of Oakland for such large projects). The following describes the Model methodology and approach.

The Alameda CTC recommends the use of the Model for the analysis of large, mixed use projects, such as the proposed project. The Model is maintained and updated by Association of Bay Area Governments (ABAG) to ensure consistency and coordination between regional and local land use and transportation planning efforts and projects. The value of a travel demand model is that it can incorporate a wide variety of land uses and transportation infrastructure to forecast future travel patterns based on input and output information, which then can assist decision makers in making informed transportation planning decisions. The Model, like other such models developed by transportation agencies elsewhere in the Bay Area and throughout the United States, is generally thought to provide a more realistic assessment of large, mixed-use projects than would be

achieved through use-by-use application of trip generation rates provided by standard industry reference materials such as the Institute of Transportation Engineers (ITE) *Trip Generation* manual. The reason for this is that a model can account for a certain amount of interaction among different land uses, whereas the ITE manual provides estimated traffic for each use individually and, therefore, typically results in an overestimate of travel demand. The ITE rates and formulas, for example, require manual adjustments to account for mixed-use development that internalize a certain percentage of on-site trips. Accordingly, when using the Model (or any comparable model) to forecast trip generation from large, mixed-use projects, it is neither customary nor relevant to compare the Model results to the use-by-use trip generation calculations that would be obtained from the use of the ITE rates.

The Model is a computer-based tool to assist in the development of large-scale transportation, or travel, forecasting. Inputs to the Model include the transportation network and variables such as population, employment, households, dwelling units, trip rates, transit fares, and local transportation system characteristics. Among other statistics and reports, outputs from the Model include plots of the transportation system with peak hour traffic volumes for every roadway segment.

The Model allows for the capture of interactions between a mix of uses (in this case, the proposed residential, commercial, manufacturing, recreational, and service uses) both internal to the project site as well as externally in the rest of Alameda, Oakland and the surrounding cities. Among other statistics and reports, outputs from the Model are maps of the transportation system with traffic volumes for every roadway segment.

The Model follows the four-step process of trip generation, trip distribution, mode split, and trip assignment. Starting with the inputs of land use and socioeconomic data (e.g., households, household residents, and employment by sectors) for existing conditions and future conditions based on the ABAG projections, the model calculates the number of person trips by traffic analysis zone (TAZ). Then, travel routes are estimated based on the travel time and distances on the roadway and transit networks between each TAZ pair. The Model separates the daily person trips by mode, including transit and park & ride, and then applies daily adjustments developed during model validation to estimate a.m. and p.m. peak hour vehicle and transit trips. Those peak hour automobile and transit trips are assigned to the networks based on the travel routes between TAZs assuming capacity constraints at key locations. This constrained model results in spreading the demand from the one single hour to more realistically represent future (2035) peak hour conditions.⁸ The Model provides forecasts of a.m. and p.m. peak hour volumes on the roadways and at the intersections and transit ridership. The Model accounts for both the new vehicle trips generated by the proposed project as well as the diversion to alternate routes of traffic due to capacity constraints in the roadway network.

⁸ A memorandum describing the constrained model methodology can be found on the Alameda County Transportation Commission website at: http://www.alamedactc.org/files/managed/Document/8974/Memo_Constrained_Methodology_120702.pdf

Thus, in the case of the proposed project, although the Webster and Posey Tubes are the closest automobile access points to the regional transportation network and I-880, because the Tubes are currently operating near capacity and do not have additional capacity to accept significantly more automobile trips during the peak commute periods, the Model assigned many project trips that would use the Tubes, if capacity were available, to other routes. (It is noted that the Tubes would still be the route of choice during non-peak periods, when capacity exists; however, the analysis in the EIR focuses on the peak periods of commute traffic, as is common and appropriate in CEQA analysis.) Instead, the Model projects that many of the additional trips will be diverted to the other Estuary crossings at the Park Street Bridge, the Fruitvale Bridge, the High Street Bridge and the Bay Farm Bridge.

- 7-10 The project vehicle trip generation, shown in Table 4.C-3 is derived from the Model by summing the vehicle trips generated by the traffic analysis zones that represent the project. The Model does not provide details on trip generation by land use types as provided by ITE *Trip Generation*. Please see response to Comment 7-9 related to the trip generation and mode split in the Model.
- 7-11 Improved operations at some analysis intersections can be attributed to the *Highway Capacity Manual* methodology, which bases the operations on average delay per vehicle for the overall intersection. A lower average intersection delay can result in situations where the increase in vehicles due to the project is added to a particular movement with less delay, such that the overall intersection average delay per vehicle decreases. That is, if the project is adding more trips to a through movement, which has less delay, the average delay for the intersection would decrease. Improved operations at some intersections can also be attributed to existing traffic being diverted to other roadways, as described in response to Comment 7-7. Printouts showing the Model's assignment of project trips on the roadway network are available at the city offices for review.
- 7-12 The existing conditions for Oakland intersections reported in the Alameda Point EIR were prepared using traffic count data gathered for recent environmental impact analysis documents completed by the City of Oakland⁹ and the Department of Veterans Affairs¹⁰ or were the result of a 2012 traffic count. The City of Oakland rejected the City of Alameda's requests to the City of Oakland for existing traffic count data from the Lake Merritt Station Area Plan. Given that the City of Oakland would not share the data requested, the City of Alameda had to conduct additional traffic counts. Typically, traffic volumes do vary from day to day, so the City of Oakland should expect that different traffic counts on different days would result in different counts.

In the future, if the City of Oakland would like the existing traffic count data to be consistent among City of Alameda and City of Oakland EIRs, the City of Oakland should

⁹ Central Estuary Implementation Guide Supplemental EIR (2012)

¹⁰ Draft Environmental Assessment Transfer of Excess Property and Development of an Outpatient Clinic, Offices, and National Cemetery at the Former Naval Air Station Alameda, California (2013)

- provide the data requested and required. Regional cooperation would save time and taxpayer dollars. The City of Oakland should not refuse to share data and then complain about the accuracy of data in its neighbors' documents.
- 7-13 The comment is not correct. As explained on page 4.C-27 of the Draft EIR, the impact analysis assumed no change in the signal timings to accommodate the addition of project traffic.
- 7-14 Note "d" of Table 4.C-8 of the Draft EIR reads, "The 29th Ave./I-880 NB off-ramp intersection will be reconstructed beginning in late 2013. With completion scheduled for 2017, before the project would add substantial traffic, this new intersection will avoid the project's otherwise significant impact; therefore, no significant impact is identified in this EIR." This interchange improvement would also modify the existing at-grade stop-controlled intersection at 8th and 9th streets.
- 7-15 The TDM program, and the required monitoring of its effectiveness, are required mitigation measures to reduce the automobile trips that are projected to be generated by the proposed project. Mitigation Measure 4.C-2b requires a monitoring program to regularly assess the success of the TDM program; depending on the success of the TDM program, the City would determine which of the physical intersection improvements identified in the EIR and incorporated into the Mitigation Monitoring and Report Program would be required to address residual transportation impacts based on the operation conditions of a particular intersection that can be attributed to vehicle traffic from Alameda Point. These locations include the Oakland intersections where actual improvements were determined to be feasible by the City of Oakland.

Consistent with the City of Alameda General Plan policy 4.4.2.f, the Draft EIR recommends Transportation Demand Management (TDM) as the primary mitigation measure for automobile related transportation impacts. See Mitigation Measure 4.C.2a. The Draft EIR describes the TDM program as part of the proposed project starting on page 3-22, under the Circulation Framework. Mitigation Measure 4.C-2a in the Draft EIR requires implementation of the TDM program to mitigate the impacts of the proposed project on the local roadway network. See in Draft EIR, Chapter 4.C, *Transportation and Circulation*, Impact 4.C-2, p. 4.C-37. In addition, as required by Mitigation Measure 4.C-2b, a monitoring program would be established to regularly assess the success of the TDM program.

In accordance with the General Plan, the Draft EIR establishes the TDM program as the primary mitigation for reducing traffic impacts. General Plan Policy 4.4.2.f specifically requires that transportation mitigation should be designed to reduce the total amount of traffic generated by a project through TDM rather than widening roads, building new roads, or other physical improvements designed to accommodate more cars or allow them to operate at an improved level of service, but which would reduce the level of service for other modes of transportation, such as pedestrians, bicyclists, and transit riders (see page 4.C-16 of the Draft EIR).

TDM refers to a range of strategies, measures, and services that, individually or combined into a comprehensive program, will help create the envisioned transit-oriented development at Alameda Point; achieve the City of Alameda's General Plan goals to reduce automobile trips, and in particular, target the reduction of Single Occupant Vehicle (SOV) trips; and mitigate potential traffic impacts. TDM strategies are designed to change travel behavior (when, where, and by what means people travel) by using combinations of incentives, disincentives, and convenient services.

The Draft EIR requires that the City condition all development projects at Alameda Point to comply with the TDM program as a mitigation measure for all transportation impacts identified in the report. Beyond mitigating the potential traffic impacts of Alameda Point development, TDM contributes to meeting regional goals that include reducing traffic congestion on the Bay Area's routes of regional significance; reducing the primary source of mobile emissions; improving safety, and thus increasing mobility, for those who bicycle, walk or take public transit; conserving energy; and improving the health of the population by encouraging physically active forms of transportation.

To achieve the General Plan goals for trip reduction at Alameda Point, the TDM program will require that all owners of property at Alameda Point annually fund, comply with, and collaboratively manage, monitor and continuously improve upon a TDM program that reduces single occupancy vehicle trips and improves the quality of life for those who live and work at Alameda Point.

The TDM program will be developed by the City with the flexibility to:

- a) adapt to future phasing of Alameda Point land uses;
- b) implement transit services starting at the commencement of development and introduce larger and more comprehensive services as specific development thresholds are met; and
- c) use annual monitoring of performance as a mechanism for continuous improvement of individual employer TDM plans and services.

The property owners of Alameda Point will be required to pay a financing mechanism to fund, implement, and direct the management of the TDM program and be accountable for the TDM program's success. As stated above, every development at Alameda Point will be required to comply with, and provide an annual financial contribution to fund the management and implementation of the TDM Plan. The TDM services funded by the development at Alameda Point will include:

1. Shuttles, and buses, to supplement, compliment and expand AC Transit, BART and WETA services.
2. Car and Bicycle Share Programs
3. A Parking Program (pricing and management)

4. Annual monitoring and reporting (on- and off-site)
5. An enforcement program to ensure that the program is successful.

Mitigation Measure 4.C-2b requires a monitoring program to regularly assess the success of the TDM program. Depending on the success of the TDM program, the City would determine which of the physical intersection improvements identified in the EIR and incorporated into the Mitigation Monitoring and Report Program would be required to address residual transportation impacts based on the operation conditions of a particular intersection that can be attributed to vehicle traffic from Alameda Point.

The mitigation measures proposed in the Draft EIR are consistent with Objective 4.4.2 of the General Plan. The mitigations are specifically designed to ensure that TDM is the primary mitigation measure to reduce the vehicle trips and, therefore, further reduce or eliminate the potential transportation impacts. The recommended mitigations then require that the City monitor the impacted locations until buildout of project to help ensure that the TDM program has successfully reduced any project impact to a less-than-significant level. In the event, and only in the event, that the City monitoring shows that the TDM program is not avoiding or sufficiently reducing the potential transportation impacts, the “second level” mitigations, calling for physical improvements, would be implemented to mitigate the level of service impact at a particular location.

7-16 This is not a comment on the adequacy of the environmental analysis.

7-17 The City of Alameda has no jurisdictional authority to implement mitigation on Oakland or Caltrans facilities that would involve changes to the physical environment, updates to equipment and technologies in use (such as timing of signal systems), or other changes to City of Oakland/Caltrans property. However, in those locations where an impact to an Oakland signalized intersection has been found to be significant and unavoidable, the City of Oakland should consider potential improvements within its responsibility and jurisdiction, such as adjusting the signal timing with regard to the potential changes in traffic volumes, that are identified and recommended in the Draft EIR. As stated in the City of Oakland’s recently published Lake Merritt Station Area Plan EIR¹¹, absent implementation of the Lake Merritt Station Area Plan, over which the City of Oakland has jurisdiction to implement mitigation from specific applicants, no change to signal timing was assumed, an assumption that “reflects current City of Oakland practice that incorporates basic signal timing changes into routine maintenance of the traffic signal system. It is expected that retiming of signals in areas with the greatest need (e.g., major streets, areas with rapidly shifting traffic patterns) would be prioritized as part of the regular ongoing maintenance of signal equipment.”¹² It is further noted that that the Lake Merritt Station Area Plan EIR repeatedly states that retiming traffic signals to improve

¹¹ CEQA State Clearinghouse No. 2012033012.

¹² City of Oakland, *Lake Merritt Station Area Plan Draft Environmental Impact Report*, State Clearinghouse No. 2012032012; November 2013; p. 3.2-72. Available on the internet at: <http://www2.oaklandnet.com/Government/o/PBN/OAK043804>.

vehicle flow “would require greater wait time for pedestrians to cross intersections, and therefore be in conflict with City [of Oakland] policy concerning pedestrian safety and comfort.”¹³

Moreover, with specific application to the intersection of Sixth/Jackson Streets in Oakland, as stated on p. 4.C-38 of the Draft EIR, “An improvement identified as part of the Broadway-Jackson Interchange project to provide direct access to Sixth Street from the Posey Tube would reduce traffic through Oakland Chinatown. With the assistance of the ACTC, the cities of Alameda and Oakland are working to develop consensus on this improvement. To date, Oakland and Caltrans, which has jurisdiction over the freeway and its ramps, have not agreed upon a solution.” The City of Alameda has been, and will continue to be, an active participant in discussions and planning for potential improvements to this corridor, which includes the intersection of Sixth/Jackson Streets.

See response to Comment 7-1 and 7-4 regarding the conclusions of the Lake Merritt Station Area Plan EIR.

For the intersection of Jackson and Sixth Street, which is part of the Broadway-Jackson interchange, the City of Alameda is continuing to work with Alameda CTC and the City of Oakland to develop consensus on this improvement in order to bring an improvement to the LOS at those intersections. However, it should be noted that over the last 10 years and two separate efforts by the Alameda CTC to develop a “Broadway Jackson” improvement plan with Oakland, the City of Oakland has rejected every alternative development to-date.

7-18 Please see response to Comment 7-17.

7-19 Please see response to Comment 7-17.

7-20 The intersection volume-to-capacity (v/c) ratio reported in the EIR (for example, in Table 4.C-16, on page 4.C-51 of the Draft EIR) is the v/c ratio calculated using the methodology contained in the Transportation Research Board’s *Highway Capacity Manual 2000* (HCM 2000). This methodology presents a v/c ratio that is not a strict arithmetic ratio of overall intersection volume divided by overall capacity, but rather reflects the volume-to-capacity relationship for so-called “critical movements,” which are the traffic lanes that are most important to intersection performance. Generally, these are conflicting movements, such as a left-turn against oncoming traffic. In calculating the v/c ratio, HCM 2000 takes into account factors such as lane width and the presence of heavy vehicles. As with average intersection delay, it is possible for overall intersection volume to increase and v/c ratio to decrease if there is a relatively greater increase in traffic volume in lanes with greater remaining capacity than those with lesser capacity. For example, while the total intersection volumes would increase with the project at the intersection of Jackson and Sixth streets, the overall intersection v/c ratio would decrease

¹³ *Ibid*; see for example, Impact TRAN-7, p. 3.2-131.

because the proposed project results in lower volumes for a critical movement, such as the northbound left-turns.

7-21 Please see response to Comment 7-17.

7-22 Pedestrian safety in Oakland Chinatown is discussed on pages 4.C-83 through 4.C-87 of the Draft EIR. The Draft EIR identified a significant impact to pedestrians (Impact 4.C-9, page 4.C-83), and identified Mitigation Measure 4.C-9, page 4.C-87, “The City of Alameda shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and shall continue to work with the City of Oakland, the Alameda CTC, and Caltrans, to evaluate and implement measures to reduce or divert the volume of traffic that travels through Oakland Chinatown to and from Alameda Point and other City of Alameda destinations.”

The City of Alameda has no jurisdictional authority to implement mitigation on Oakland facilities that would involve changes to the physical environment (such as construction of curb extensions), updates to technologies in use (such as timing of signal systems), or other changes to City of Oakland property. However, in those locations where an impact to Oakland intersections have been found to be significant and unavoidable, the City of Alameda is committed to minimizing the traffic through Oakland Chinatown through the TDM program, which the City of Alameda has the authority and jurisdiction to implement, as well as through other methods that may result from discussions between the City of Alameda and the City of Oakland, the Alameda CTC, and Caltrans. See response to Comment 7-4 regarding findings of the Lake Merritt Station Area Plan EIR.

7-23 Oakland and Alameda have different thresholds of significance, so it is predictable that the significance conclusions for Oakland intersections might be different from the significance conclusions for Alameda intersections. The Alameda Point EIR’s findings for Oakland intersections are substantially consistent with the City of Oakland’s findings in the recently released Lake Merritt Station Area Plan Draft EIR, however. As noted above, in the response to Comment 7-17, the Lake Merritt Station Area Plan EIR rejects as mitigation for intersection impact the retiming of traffic signals to improve vehicle flow because such changes would conflict with City of Oakland policy concerning pedestrians. The Lake Merritt Station Area Plan EIR similarly rejects as mitigation at a number of intersection the potential addition of additional travel lanes to improve traffic flow because such changes would require acquisition of right-of-way, and/or could result in loss of bicycle lanes, medians and/or on-street parking or narrowing of existing sidewalks. The City of Alameda would not propose improvements in Oakland that have been rejected in the City of Oakland’s own analyses and which would be outside the City of Alameda’s responsibility and jurisdiction. See also response to Comment 7-4.

7-24 Please see response to Comments 7-15 and 7-16 regarding the TDM program. The TDM program, Mitigation Measure 4.C-2a (see page 4.C-37 of the Draft EIR) is specifically designed to reduce automobile trips and automobile LOS impacts in both Alameda and in Oakland.

- 7-25 The City of Oakland's CEQA air quality thresholds, including those for TACs, are based on the thresholds adopted by the BAAQMD in June 2010. The analysis of impacts included in the Alameda Point Draft EIR, including the analysis of TACs along roadways in Oakland, are also based on the methodologies and thresholds adopted by the BAAQMD in June 2010. Thus, the Alameda Point Draft EIR conclusions regarding the significance of the impact of TACs conform to the standards established by the BAAQMD and also are consistent with Oakland's own approach and findings regarding TACs, including for much larger cumulative projects in Oakland in closer proximity to Chinatown such as the Lake Merritt Station Area Plan.
- 7-26 Please see response to Comment 7-3. As stated under Impact 4.I-6 on page 4.I-25 of the Draft EIR, the level of risk from a 100-year flood event to the proposed development would depend on the location and design of the site development and structures and the protection provided by the emergency response/preparedness planning for the public in the event of a flood. The project site would be developed in accordance with the FEMA criteria and with additional consideration for sea level rise. As discussed under Impact 4.I-9 in the Draft EIR (also described in the response to comment 7-3 above), implementation of the proposed project, together with past, present, and reasonably foreseeable future projects in the vicinity would not result in a significant impact related to exposing people and/or property to flooding from a 100-year event and sea level rise. The proposed project itself would involve structural measures designed to abate flooding from high tides in a 100-year storm event combined with sea level rise of up to 18 inches initially and a future increase of 55 inches and beyond with adaptive measures. The amount and timing of sea level rise are still much debated, and any increased flooding risks associated with sea level rise are expected to occur gradually with time. Regardless, the impending sea level rise is a global phenomenon and protection measures on the project site would have an insubstantial effect of displacement compared to the global rise in sea levels.
- 7-27 As described in Chapter 3, *Project Description* and Section 4.I, *Hydrology and Water Quality* (pages 4.I-25 and 4.I-26 of the Draft EIR), sea level rise and stormwater adaptation strategies, such as the proposed storm drain and flood protection measures and the internal drainage system, would be implemented onsite. As also described under Impact 4.I-8, the project would involve future adaptive measures such as expansion of the levees or floodwalls within the proposed corridors along the shorelines. As discussed under Mitigation Measure 4.I-8, the City would implement steps such as applying for membership in the National Flood Insurance Program (NFIP) Community Rating System and cooperating with FEMA in its efforts to comply with recent congressional mandates to incorporate predictions of sea level rise into its Flood Insurance Studies and Flood Insurance Rate Mapping. Please see response to Comment 7-3.

The BCDC policies (applicable to the proposed project or the project area) indicate that projects with a life beyond the mid-century shall have flood protection measures that can be adapted to address additional sea level rise that is projected to occur by the end of the

century.¹⁴ Consistent with BCDC policy, as discussed under Impact 4.I-8 in Section 4.I Hydrology and Water Quality, the flood protection measures would be designed initially to accommodate 18 inches of sea level rise with capability to adapt to 55 inches (~1.4 meters) and beyond of sea level rise by 2100. Future adaptive measures would involve expanding the levees or floodwalls within the proposed corridors along the shorelines consistent with BCDC guidelines and policies.

- 7-28 The commenter is mistaken. The proposed project is consistent with SB 375 (not AB 375). As stated in the Chapter 3, *Project Description*, on page 3-15, the proposed Alameda Point project is a Priority Development Area in the *Plan Bay Area* (i.e., ABAG/MTC Sustainable Communities Strategy or SCS). Success of the Alameda Point project will contribute to the success of the region's plan to reduce regional greenhouse gas emissions, address climate change, and reduce regional vehicle miles travelled.

The City of Alameda agrees with the statement that the Cities of Oakland and Alameda should be collaborating on climate change and regional development issues. The Cities of Alameda and Oakland need to be coordinating their efforts to focus regional resources to improving the regional transportation system, including transit systems, bicycle facilities, pedestrian improvements, and I-880 modifications to improve circulation in and around Chinatown. The City of Alameda has been working with the City of Oakland, the Alameda CTC, and Caltrans, for more than 10 years to help develop a solution to traffic and pedestrian issues in the Sixth/Jackson Streets corridor in Oakland and is committed to continuing the dialogue concerning potential enhancements at this location. However, the City of Oakland must ultimately approve a plan for these improvements in order for them to be considered feasible. To date, the City of Oakland has been unwilling to approve any such plan.

- 7-29 As stated in the response to Comment 7-7, above, the transportation analysis in the Draft EIR is relied upon the most current version of the Alameda Countywide Travel Demand Model ("the Model"), which is the recommended and industry standard tool for analysis of large, mixed use projects in Alameda County. The land use projections for Oakland are those that the City of Oakland provided to the Alameda CTC for the regional model, and include major projects in Oakland (such as those noted in the comment) and other communities. The other quantitative analyses in the Draft EIR—such as air quality, greenhouse gases, and noise—are based largely on the transportation analysis, and therefore also incorporate the referenced projects in Oakland. For other, non-quantifiable impacts that are generally more location-specific (e.g., aesthetics, geology, hydrology and water quality, biological resources, etc.), no substantial interaction between the proposed Alameda Point project and the Oakland projects noted in the comment would be anticipated because, for example, views affected by one project would not be substantially affected by another, substantially distant project. Likewise, site-specific soils and seismic conditions at the Alameda Point project site would not interact with those conditions at another, distant site. However, the Draft EIR does explicitly

¹⁴ CBG, Master Infrastructure Plan, October 31, 2013.

encompass broad geographic areas in its cumulative impacts analysis, where relevant (see, for example, Impact 4.E-7, which discusses cumulative biological resources impacts in “biologically linked areas sharing Central San Francisco Bay and its waters,” or Impact 4.I-0, which discusses cumulative hydrology and water quality impacts in “the Inner Harbor and the Bay”).

- 7-30 The comment does not address the adequacy of the environmental analysis. The City of Alameda is aware of its obligations and the City of Oakland’s obligations under the terms of the settlement agreement.
- 7-31 The comment does not address the adequacy of the environmental analysis.
- 7-32 The Draft EIR found that the Alameda Point project would contribute to significant and unavoidable transportation impacts at intersections in the City of Oakland, as disclosed in Section 4.C, *Transportation and Circulation*, of the Draft EIR. These impacts would occur because the intersections are already at capacity or will be at capacity with all of the development currently being proposed by the City of Oakland. The Draft EIR used the City of Oakland’s thresholds of significance and provided a level of detail and analysis that is comparable to the level of detail and analysis that Oakland provides for the public in its own EIRs.
- 7-33 For the reasons explained above and based on substantial evidence in the record, the City of Alameda strongly disagrees with the comment. The City of Oakland appears to have a double standard for environmental documents. The Alameda Point Draft EIR provides an extensive discussion and disclosure of potentially significant impacts in Oakland and Chinatown, including significant and unavoidable impacts (see response to Comment 7-32). Please refer, for example to Draft EIR Sections 4.C, *Transportation and Circulation*, 4.F, *Air Quality*, and 4.G, *Noise*. Specifically, see the traffic analysis that includes numerous Oakland intersections (Draft EIR Tables 4.C-8, 4.C-9, 4.C-15, and 4.C-16), using Oakland’s own significance criteria; the Oakland Chinatown pedestrian analysis on page 4.C-83 – 4.C-87 of the Draft EIR; the analysis of air quality impacts along streets in Chinatown on pages 4.F-39 – 4.F-40 of the Draft EIR; and the roadway noise analysis on pages 4.G-18 – 4.G-20 of the Draft (which also includes Oakland street segments). The analysis is equivalent in scope and detail to the scope and detail that the City of Oakland provides in its own environmental documents for projects in and around Oakland Chinatown.



October 17, 2013



Andrew Thomas, Planning Services Manager
City of Alameda Community Development Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Dear Mr. Thomas:

Re: Notice of Availability of a Draft Environmental Impact Report for the Alameda Point Project, Alameda

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

GENERAL

Please make the following revisions to Chapter M (Utilities and Service Systems) related to wastewater conveyance and treatment:

- Throughout the Wastewater section, please replace "Pump Station No. 1" with "Pump Station R". As noted on page 4.M-3, this is an EBMUD owned facility. EBMUD identifies this facility as "Pump Station R." [8-1
- On page 4.M-3 (third paragraph, third sentence) and on page 4.M-11 (first paragraph of Impact 4.M-2, fourth sentence) please delete "capacity" from the phrase "current average dry weather flow capacity of approximately 54 mgd". [8-2
- On page 4.M-3 (last paragraph, last sentence) the document references the flow monitoring study required by EBMUD under its Stipulated Order and states that a draft report has been prepared. Please update this section to note that the final report was completed in March 2012 and approved by EPA in December of 2012. [8-3
- Under Section M.3 Regulatory Setting, EBMUD suggests adding a description of the City of Alameda's NPDES Permit for its collection system and associated Stipulated Order. This permit regulates wastewater discharges from the City. [8-4
- The last paragraph on page 4.M-10 states that the projected wastewater flow from the project is "up to 2.16 mgd" (first sentence), but later states, in the same paragraph, "At buildout, the project would generate increased wastewater treatment demand of [8-5

Andrew Thomas, Planning Services Manager
October 17, 2013
Page 2

approximately 0.23 mgd." (third sentence). Please clarify the difference between these two numbers and whether each is a dry weather or wet weather flow.

↑ 8-5
| cont.

- EBMUD would appreciate the incorporation of sewer collection system replacement and rehabilitation in the project design, as described under Impact 4.M-2 on page 4.M-11 (last paragraph, second sentence).

| 8-6

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

Sincerely,



FOR

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:JAM:sb
sb13_203.docx

Letter 8. East Bay Municipal Utility District (William R. Kirkpatrick, Manager of Water Distribution Planning)

- 8-1 In response to this comment, the term “Pump Station No. 1” is replaced with “Pump Station R” as a global edit throughout the Draft EIR, and specifically on the following pages of the Draft EIR:

The last sentence of the first paragraph under the heading “Wastewater” is revised as follows:

Wastewater from the project site is collected and conveyed to an existing pump station (Pump Station ~~No. 1~~R), located just west of the Main Gate at the northern edge of Alameda Point. As described below, wastewater collected at this pump station is transported via force main to the EBMUD Main Wastewater Treatment Plant (MWWTP) for treatment.

The last sentence under the section heading “Onsite Wastewater Collection System” and the first sentence under the heading “Offsite Wastewater Transmission Facilities” is revised as follows:

Recent flow monitoring conducted by the EBMUD just upstream of Pump Station ~~R~~No. 1 indicates the existing peak wet weather wastewater flow from Alameda Point is approximately 1.80 mgd.

Offsite Wastewater Transmission Facilities

The existing onsite wastewater collection system directs wastewater to Pump Station ~~R~~No. 1, described above. Since 2003, wastewater from this pump station gets directed eastward via an approximately 8,600-foot-long 20-inch force main to the Alameda Siphon facility near the Webster/Posey Tubes.

The second sentence of the second paragraph on page 4.M-3 is revised as follows:

The existing capacity of Pump Station ~~R~~No. 1 is approximately 7.5 mgd, and the 20-inch diameter force main has a capacity of 12.1 mgd. The Alameda Siphon has an existing peak wastewater flow of approximately 28 mgd.

The first incomplete sentence on page 4.M-12 is revised as follows:

... diameter) and five lift stations, and would connect to the existing Pump Station ~~R~~No. 1 located at the Main Gate.

- 8-2 In response to this comment, the third sentence of the first paragraph under the heading “Wastewater Treatment” is revised as follows:

The interceptor system then transports wastewater to EBMUD's MWWTP, which has a current average dry weather flow ~~capacity~~ of approximately 54 mgd.

The fourth sentence of the first paragraph under Impact 4.M-2 is also revised as follows:

With a current average dry weather flow ~~capacity~~ of approximately 54 mgd, EBMUD has adequate dry weather capacity at the MWWTP for the projected wastewater flows.

- 8-3 In response to this comment, the last sentence of the last paragraph on page 4.M-3 is revised as follows:

~~A draft of t~~This flow monitoring study was completed in March 2012 and approved by the EPA in December 2012~~has been prepared~~, and EBMUD is currently working with the EPA and various stakeholders to develop a long-term plan for region-wide reductions (EBMUD, 2013; CBG, 2013).

- 8-4 A description of the Stipulated Order that the City of Alameda and other Satellite Agencies entered into with the U.S. Environmental Protection Agency (EPA), State Water Resources Control Board, and the San Francisco Bay Regional Water Quality Control Board (RWQCB) is described on page 4.M-4 of the Draft EIR. In response to this comment, a description of the City of Alameda's NPDES permit for its collection system is inserted after the first paragraph on page 4.M-8 of the Draft EIR as follows:

City of Alameda NPDES Permit No. CA0038474

The proposed project would be subject to the requirements of the NPDES permit for the City of Alameda's sewer collection system and wastewater discharges (Permit No. CA0038474, Order No. R2-2009-0081) (RWQCB, 2009). This permit prohibits the discharge of untreated or partially treated wastewater to any surface water stream or to any drainage system intended to convey storm water runoff to surface waters. It also prohibits discharge of chlorine, or any other toxic substance used for disinfection and cleanup of wastewater spills, to any surface water body. Provisions of this permit include proper sewer system management and reporting, consistent with statewide requirements. The City is required to specifically control inflow and infiltration and report any noncompliance, except that the City does not need to report noncompliance with Prohibition III.D. This particular prohibition ensures the City properly operates and maintains its wastewater collection systems so as to not cause or contribute to violations of the Clean Water Act. However, because EBMUD's NPDES permit (CA0038440) requires EBMUD to report such discharges from its wet weather facilities, the City does not need to comply with Prohibition III.D. The NPDES permit also summarizes the 2009 Stipulated Order that EBMUD entered with the EPA, SWRCB, and RWQCB (see above for details).

The following reference is added after (Municode, 2013) on Draft EIR page 4.M-19:

Regional Water Quality Control Board (RWQCB), 2009. Waste Discharge Requirements for the City of Alameda Sanitary Collection System, Alameda County, Order No. R2-2009-0081, NPDES No. CA0038474, adopted on November 18, 2009.

- 8-5 Page 4.M-10 of the Draft EIR states, “At buildout, the project would generate increased wastewater treatment demand of approximately 0.23 mgd.” The 0.23 mgd value represents the increase in peak wet weather flow in comparison to existing peak flows at the EBMUD MWWTP. To correct this error, the second sentence of the last paragraph on page 4.M-10 of the Draft EIR is revised as follows:

At buildout, the project would generate an incremental increased of wastewater treatment demand peak wet weather flow by of approximately 0.23 mgd.

- 8-6 The proposed wastewater collection system improvements, including the replacement of the existing system, are described in Chapter 3, *Project Description* (Draft EIR pages 3-45 to 3-46). A schematic of the proposed ultimate sanitary sewer system is also shown in Figure 3-16 of the Draft EIR.

EBRPD

October 21, 2013

Andrew Thomas, AICP
City Planner
Planning and Building Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

E-mail: athomas@alamedaca.gov

RE: Comments on Draft Environmental Impact Report for Alameda Point General Plan and Zoning Amendments, Master Infrastructure Plan, and Town Center and Waterfront Plan

Dear Mr. Thomas:

The East Bay Regional Park District (the 'Park District') appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Alameda Point General Plan and Zoning Amendments, Master Infrastructure Plan, and Town Center and Waterfront Plan. As a follow up to the Park District's letter dated Feb. 28, 2013 and included in Appendix B of the DEIR, the Park District especially appreciates the acknowledgement of

- 1. The 147-acre Regional Park proposed in the Northwest Territory to be managed by the Park District as shown in Fig. 3-3, Fig. 3-6, Fig. 3-7 and elsewhere in the DEIR;
- 2. The Bay Trail (Class I 12-foot wide) provisions and the Bicycle Lane (Class II 10-foot wide) provisions as shown in Fig. 3-7 and elsewhere in the DEIR. The seasonal trail (10-foot wide) in the Nature Reserve will help protect the California Least Tern and other vital natural resources of the site.

9-1

As indicated in the previous letter, the Park District is concerned regarding the DEIR evaluation of environmental effect of the General Plan Amendment. In particular, the DEIR does not seem to adequately discuss the impacts on the current Open Space Element, the Open Space Action Program (per Government Code Section 65564 Implementation), and the Parks and Recreation Element.

9-2

As part of the action program to implement the Open Space Element, the Park District requests consideration of an implementation policy (similar to Implementation Policy 9.6j) to assure that there is an adequate long term funding for capital improvements, operations and maintenance of the Regional Park and Bay Trail components of the Alameda Point project.

The District appreciates the opportunity to provide these comments on the draft environmental document for the Alameda Point project. We look forward to working with the

City of Alameda and the various stakeholders in developing a vision that can be implemented on Alameda Point that will benefit the City and the region as a whole.

Please provide any future project materials to my attention. I can be reached at (510) 544-2621 or ltong@ebparks.org should you have any questions.

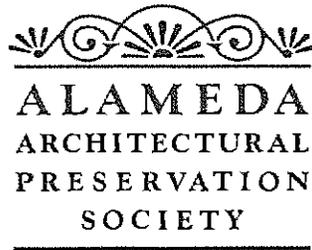
Sincerely,

Larry Tong
Interagency Planning Manager

Cc: Doug Siden – EBRPD Board of Directors
Robert E. Doyle – EBRPD General Manager
Bob Nisbet – EBRPD Assistant General Manager
Michael Anderson – EBRPD Assistant General Manager
Brian Holt – EBRPD Senior Planner

Letter 9. East Bay Regional Park District (Larry Tong, Interagency Planning Manager)

- 9-1 The comment does not pertain to the adequacy of the environmental review. While the proposed project includes several hundred acres of large scale public open spaces and trails that will be used by residents of not only Alameda, but also Oakland, Berkeley, San Leandro and other cities from throughout the region, the determination regarding which entity will manage open space proposed for the Northwest Territories is an administrative question for the City of Alameda and does not affect the adequacy of the EIR or to the environmental process. At this time no decision has been made by the City of Alameda on this point. Although the Park District may be chosen by the City of Alameda to manage the Northwest Territories, as explained no such determination has yet been made. Further, as described on page 3-21 of the Draft EIR, the Bay Trail is an important component of the proposed project, but is required by the United States Fish and Wildlife Service to operate seasonally to protect the California Least Tern and other vital natural resources of the area.
- 9-2 The proposed project changes the zoning on several hundred acres of land from Manufacturing to Open Space, consistent with the City of Alameda General Plan Open Space Element and the Alameda Point Element (adopted 2003). The 2003 General Plan amendment established and planned these areas for future open space in the General Plan. As explained in the Draft EIR, the proposed project is consistent with the City's General Plan Open Space and Conservation Element, Open Space Action Program prepared in accordance with Section 65564, and Parks and Recreation Element. Please see the discussion of recreation and open space on pages 4.A-16, 4.A-21 to 4.A-22, and 4.L-7, 4.L-11 and 4.L-12 of the Draft EIR.



October 21, 2013

(By Electronic Transmission)
 Mr. Andrew Thomas
 City of Alameda Community Development Department
 2263 Santa Clara Avenue
 Alameda, CA. 94501

Subject: Alameda Point Project Draft Environmental Impact Report (DEIR)

Dear Mr. Thomas:

The Alameda Architectural Preservation Society has the following comment on the DEIR.

1. **Chapter 2 Figure 2-3, page 2-6** shows a map of the 2 areas. The Reuse Area includes much of, but not all of the NAS Historic District. Then there are 4 subareas: Open space, Town Center and Waterfront Sub-area, Main Street Neighborhoods Sub-area, Adaptive Reuse Sub-area, and the Enterprise Sub-area. As with the Development vs. Reuse Areas, these sub areas do not line up with the boundaries of the Historic District. Much of the Historic District is located inside the Adaptive Reuse zone, but there are Historic District contributors throughout the other zones. The problem with all these maps of zones, areas, sub areas, etc is that NONE of them have the boundary of the Historic District shown including the district contributors.
2. **Chapter 3 Figure 3-4, page 3-13** – this map was originally published in the Cultural Landscape report. This map has an error; the Tower (Bldg 19) is shown as a non-contributor to the Historic District. This information is incorrect. The Tower was identified as a contributor to the Historic District.
3. **Chapter 3 Project Description-** The Main Street Neighborhoods SubArea states removal of the NCO houses but does not indicate where the replacement housing with be located.

10-1

10-2

10-3
 Page 1

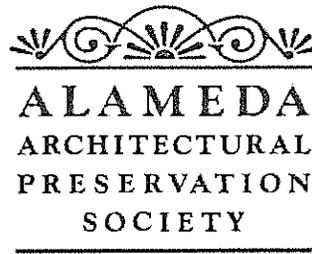


Fig 3-9 is not labeled with street names or building landmarks to identify the location. It is unclear if the Admiral House will be removed as the project description and Figure 3-9 is unclear.

↑
10-3
cont.

4. **Chapter 3 Project Description** – Adaptive Reuse Subarea needs to incorporate the use of the Design Guidelines included in the Cultural Landscape Report as well the use of the *Guide to Preserving the Character of the NAS Historic District*.

↑
10-4

5. **Chapter 3 Project Description** – Town Center/Waterfront Sub Area – the addition of new buildings along the Seaplane Taxi Way would be incompatible with the Design Guidelines in the Cultural Landscape Report (page 258), which would negatively impact the “Views and Vistas” along Tower Avenue and could possibly impact the SeaPlane Hangars. Since the addition of new buildings would be a significant impact; we request a mitigation of infill buildings be limited to 30’ -40’ and/or infill buildings to be significantly lower than historic resources or existing buildings.

↑
10-5

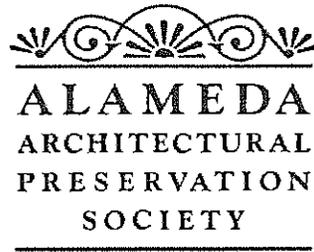
6. **Chapter 4 Impact 4.K-1: Development facilitated by the proposed project could potentially have an adverse effect on a scenic vista. (Significant)**

Views of the project area are not sensitive because it consists of buildings, piers, runways, hangars, and other structures with low scenic qualities. Although there are views of the project area from across the bay from Jack London Square, Alameda/Oakland ferry and other boats, I- 880, the Oakland Ferry Terminal, and from elevated heights in Oakland, there are no particularly scenic features or views of major interest.

↑
10-6

The area has already been deemed significant within the Views and Vistas of the Cultural Landscape report. This analysis is biased and does not take into considering previous adopted historic resource reports.

Page 2



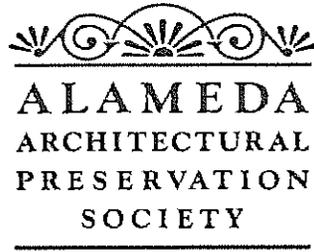
7. Chapter 5: Alternatives D.2 The Preservation/Less Development Alternative –

The Analysis is boilerplate and is not well defined, explained, examined or detailed. The analysis does not identify any specific historic resources that will be impacted, with the exception of the NCO houses. The mitigation is also boilerplate and does not really provide appropriate reparations for significantly impacting historic resources. Additionally:

- Historic district contributors are not identified
- Cumulative impact discussion is lacking a broader historical view: it ought to address the impact of the loss of integrity through modernization and modern development of other major historic military installation on San Francisco bay; Hunters point, Hamilton Field, the Naval Station on Yerba Buena Island & Treasure Island. The DEIR should acknowledge the cumulative impact of diminishing similar resources in the Bay Area.
- Inconsistency of historic names of buildings and landmarks.
- Removal of trees in the identified in the Cultural Landscape report is not addressed.
- Would the new “Supportive housing” to replace the NCO/CPO houses be located inside the HD? If so, would other contributing buildings have to be demolished to make room for them?

10-7

Please contact Karin Sidwell at (510) 459-3799 or karinsidwell@gmail.com if you have any questions.



Thank you,

A handwritten signature in cursive script, appearing to read "Karin Sidwell".

Karin Sidwell
Preservation Action Committee Chairmen
Alameda Architectural Preservation Society

Letter 10. Alameda Architectural Preservation Society (Karin Sidwell, Preservation Action Committee Chairmen)

- 10-1 The outline of the NAS Historic District is shown on page 4.D-24 of the Draft EIR in Figure 4.D-7 and is discussed in detail in Section 4.D, *Cultural and Paleontological Resources* of the Draft EIR (see pages 4.D-6 through 4D-29 of the Draft EIR). The comment is correct that the zoning maps and the Master Infrastructure Plan maps do not show the outline of the NAS Historic District. Both the proposed draft zoning ordinance and draft Master Infrastructure Plan include a number of provisions to ensure that the integrity of the entire NAS Alameda Historic District is considered in all zoning and all infrastructure improvement decisions. The Draft EIR concludes in Impact 4.D-1, notwithstanding the project features to protect historical resources and the mitigation measures identified in the Draft EIR, that it remains possible that one or more historical resources could be adversely affected by demolition or substantial alteration, and for this reason the Draft EIR concludes that this impact is significant and unavoidable.
- 10-2 The diagram referenced by the commenter was provided to the City by the U.S Navy. Although the diagram does not show Building 19 to be a contributing structure, the table on page 4.C-20 of the Draft EIR does list the building as a contributor. The map has been corrected in the Final EIR. This correction has no impact on the environmental analysis or the conclusions and findings in the Draft EIR regarding cultural resources. Neither the zoning, the Master Infrastructure Plan nor the Town Center and Waterfront Precise Plan proposes to remove or alter the Tower building (Building 19). Please see Chapter 5 of this Final EIR for a corrected map.
- 10-3 The Collaborative's proposal to consolidate and relocate their existing 200 housing units, which include the NCO houses, is shown in Figure 3-9 of the Project Description (see page 3-29 of Draft EIR).
- 10-4 The comment relates to the proposed draft zoning ordinance, not the adequacy of the environmental analysis. The October 18, 2013 draft of the Zoning Ordinance includes references to the Cultural Landscape Report and the *Guide to Preserving the Character of the NAS Alameda Historic District*.
- 10-5 The Draft EIR discloses that redevelopment and reuse of the properties within the NAS Alameda Historic District could result in significant unavoidable impacts to the contributing features, including the Seaplane Taxiway. The Draft EIR also includes Mitigation Measures 4.D-1a, 1b, and 1c which requires review of any new buildings proposed within the boundaries of the NAS Alameda Historic District to ensure that the new buildings are designed in a manner that is consistent with the character defining features of the Historic District (see page 4.D-36 of the Draft EIR). These mitigation measures are designed to ensure that the City of Alameda Historical Advisory Board reviews proposed new buildings and modifications to existing buildings and features on an

individual, and case-by-case basis to ensure that each proposal is compatible with the surrounding context. A “one-size-fits-all” approach, where all new buildings would need to be “significantly lower than historic resources” or limited to “30-40 feet” in height, is not recommended as part of the proposed project because the character defining features of existing structures varies dramatically within the Historic District. For example, a 30- to 40-foot high building may not be compatible with the 50-60 foot high hangars, and it may not be appropriate immediately adjacent to the one and two story residential buildings in the residential area.

- 10-6 The potentially significant impacts on the NAS Alameda Historic District are discussed and disclosed in Section 4.D, *Cultural and Paleontological Resources*, of the Draft EIR. In contrast, Impact 4.K-1 relates to scenic resources within a state scenic highway, and addresses significance criterion number two on Draft EIR page 4.K-10. The project site is not within a designated scenic highway; therefore, the project would have a less-than-significant impact on scenic highway vistas, as discussed on page 4.K-13 of the Draft EIR.
- 10-7 The purpose of the alternatives analysis in an EIR is to determine whether there is an alternative development scenario that would: 1) avoid or substantially lessen any of the significant environmental effects of the proposed project, and 2) meet most of the basic Project Objectives, pursuant to CEQA *Guidelines* §§ 15126.6(a) and 15126.6(c). The analysis in Chapter 5, *Alternatives*, of the Draft EIR finds that a preservation alternative would reduce or eliminate the cultural resource impacts associated with the proposed project, but that the preservation alternative would fail to meet many of the project objectives. In response to the specific issues raised by the comment:
1. The mitigation proposed for the impacts associated with the proposed project is specifically designed to allow the Historical Advisory Board and the general public the opportunity to review, evaluate and conditionally approve individual modification to existing contributing structures and new structure proposed within the NAS Alameda Historic District.
 2. The contributors to the Historic District are listed on pages 4.D-20 through 4.D-23 (Table 4.D-1) and are shown on Figure 4.D-7 on page 4.D-24 of the Draft EIR.
 3. The Draft EIR analyzes cumulative impacts to cultural resources in Cumulative Impact 4.D-5 (Draft EIR pages 4.D-40 to 4.D-41). Impact 4.D-5 discusses the combined impact on cultural resources in combination with the effects of other projects in the vicinity of the project site that may have related impacts.
 4. Table 4.D-1 on pages 4.D-20 through 4.D-23 is the list of names and building numbers from the National Register of Historic Places Nomination Form for the Naval Air Station Alameda. If a building or feature was referred to by a different name in the text of the analysis, (because many of the buildings are known by several names), it would not affect the findings or conclusions of the environmental analysis.

5. The project does not propose any tree removals. On the contrary, the project is designed to increase the number of trees at Alameda Point. As described in the Draft EIR, (page 4.D-36) if a tree or other landscape element identified in the Cultural Landscape report is proposed for removal to accommodate an infrastructure improvement or a proposal for a new building, then that proposal would be reviewed by the Historical Advisory Board at a public meeting to determine if there is a way to avoid the removal of the tree or landscape feature and/or minimize the impact of the proposed removal on the integrity of the NAS Alameda Historic District.

6. When and if the Alameda Point Collaborative proposes a plan to consolidate their existing 200 housing units of supportive housing, and if that plan includes either: 1) new construction in the NAS Alameda Historic District or 2) demolition of contributing structures such as the “NCO/CPO” units, then that proposal would be reviewed by the Historic Advisory Board at a noticed public hearing consistent with Mitigation Measures 4.D-1a, 1b, and 1c.



October 21, 2013

Andrew Thomas
City Planner
City of Alameda
Community Development Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Subject: Comments on Draft Environmental Impact Report for Alameda Point Project SCH No. 2013-12043

Dear Mr. Thomas,

Alameda Point Collaborative, Operation Dignity and Building Futures for Women and Children have reviewed and prepared the following comments on the Draft Environmental Impact Report (DEIR) for the proposed Alameda Point Project.

We are encouraged that many impacts of the proposed project can be mitigated to a level of insignificance. Nevertheless, our resident population has the following concerns:

PROJECT DESCRIPTION

1. Project Objective B.4 Economic Development and Employment Objectives (page 3-4)

The project objectives need to include reference to the McKinney-Vento Act homeless employment goals and the 1995 Standards of Reasonableness agreement with Alameda Point Collaborative. The agreement sets a first source-hiring goal of placing homeless and low-income residents in 15% of all new jobs at Alameda Point.

11-1

2. Figure 3-7 Alameda Point Circulation Framework (page 3-17)

Figure 3-7 needs to be revised to show Orion Street as a Local Residential Street north of West Midway Avenue, rather than an Island Collector, per our agreement with Jennifer Ott and Matt Naclerio. This local residential street can have traffic calming, bicycle lanes, traffic bulb-outs and changes in alignment to reduce traffic volume and speeds.

11-2

3. D. Project Description Sub Areas Description: Main Street Neighborhoods Sub-Area. "The existing Supportive Housing Units may be relocated into a new well-designed neighborhood center with multi-family housing, community spaces, supportive facilities and public gathering spaces." (page 3-28)

The project description needs to state: "The intentions of the Alameda Point Project are to ensure:

11-3

- o Early investment in infrastructure and public service improvements to enable the successful rebuilding and maintaining of long-term operations of supportive housing to meet the health, safety, welfare and job readiness needs of the formerly homeless at Alameda Point;

- o Priority to invest in replacement infrastructure to protect livability of existing supportive housing until replacement housing is built; and
- o Support to obtain early funding to rebuild replacement housing (federal and state tax credits, grants, private and other funding), including relocating in the Main Street Neighborhood closer to the Town Center to maximize tax credit allocation competitiveness.”

11-3
cont.

4. D. Project Description Development Program. “...development increments may be moved from one sub-area to another to optimize development opportunities, and address site specific conditions.” (page 3-32)

We are concerned this will be detrimental to rebuilding supportive housing. There needs to be a minimum number of residential units in the Main Street Neighborhood. While some flexibility to address site-specific conditions makes sense, this is too open ended. For example, depending on the number of housing units moved from the Main Street Neighborhood to the Town Center, there could be an insufficient amount of market rate housing to pay for infrastructure; funds to subsidize rebuilding supportive housing; funding public services per city’s fiscal neutrality policy; or insufficient density to qualify as a viable mixed-use transit-oriented neighborhood.

11-4

The City’s General Plan (Chapter 9, page 5, Table 2-7 Alameda Point Build Out 2000-2020) allocates 490 units for medium density residential and 50 low density residential for the “Big Whites” in the Main Street Neighborhoods. Medium density residential in this area will be approximately 5 du/ac, which is considerably less than the One Bay Area Plan, which designates Alameda Point as a moderate density town center, with residential densities from 20 – 70 dwelling units/net acre.

5 units per acre is already low to achieve the city’s goal to have: “a wide variety of residential building types including single family detached homes, and multi-family buildings such as attached town house and row houses.” Transferring units from this area to other areas will further reduce residential density building types to only large lot single family. These units will be larger than traditional Alameda neighborhoods, and inconsistent with the General Plan.

ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

1. A. Land Use Consistency and Compatibility: Local Plans, City of Alameda
The DEIR analysis needs to reference the 1995 ARRA adopted Standards of Reasonableness to guide the evaluation of land use impacts with the plan.

The Standards of Reasonableness provide a general commitment to the future reuse goals at Alameda Point that lead to the Legally Binding Agreement and Property Lease (LBA) for 200 units of supportive housing for a 59 year least term once the Navy conveyed the property to the Alameda Reuse and Redevelopment Authority. The DEIR finding needs to show that the Alameda Point Project is consistent with the Standard of Reasonableness.

11-5

2. **B. Population and Housing Impact 4.2 B-2: Development facilitated by the proposed could potentially displace a substantial number of people or housing. "The proposed project would not displace any people or existing housing, and the project would not necessitate construction of replacement housing." (page 4.B-9)**

We are concerned that the DEIR does not address mitigation of impacts to residents if there is no project, inadequate funding to implement project or there are long-term delays with implementing the project that could result in displacing existing residents.

The existing residents live with infrastructure that is way beyond its useful life. The Navy left active use of the base 20 years ago, and no investment in infrastructure has taken place.

The existing infrastructure continues to deteriorate and is increasingly unreliable. Storm water floods areas at the base. The sewer system has water infiltration during rains. The water system breaks, is costly to repair, and residents have been without water for days. Telephone service is unreliable, having been disrupted for days at a time. Natural gas is not provided to parts of the base. Sidewalks do not meet federal disability accessibility standards for the resident disabled population.

Existing infrastructure does not meet current codes and is completely inadequate to address the threat of sea level rise and climate change as anticipated during the 20-year build-out of the plan to 2035. Residents are rightfully concerned that of what could happen at a peak storm event.

Existing historic buildings are vacant, abandoned, vandalized and rapidly deteriorating, creating a district of "historic blight." These buildings are a health and safety hazard, and invite further vandalism. Supportive housing has deferred maintenance issues due to funders anticipating the rebuilding of supportive housing, and thereby not investing in long-term maintenance.

Disabled Veterans returning from Afghanistan and Iraq and their families, women and children surviving domestic violence, as well as formerly homeless and their families recovering from homelessness and striving for self-sufficiency, need adequate housing and infrastructure services.

The potential for displacement of these residents as a result of the city's not acting in time and with sufficient resources to ensure adequate infrastructure to protect and serve these communities needs to be addressed in the DEIR.

The DEIR needs to identify mitigations to address health and safety risks to existing residents with deteriorating infrastructure and buildings if rebuilding supportive housing is not accomplished in the first phase of the project or with the selection of a lesser environmental impact alternative.

11-6

- 3. **C. Transportation and Circulation Mitigation Measure 4. C-1: The City shall require that project applicant(s) and construction contractor(s) develop a construction management plan for review and approval by the Public Works Department prior to issuance of any permits. (page 4.C-35)**

Construction management plans need to have uniform criteria to mitigate the impact of truck trips and deliveries on existing supportive housing residents. APC needs to review the criteria for development of the plans to ensure this is adequately addressed.

11-7

- 4. **D. Cultural and Paleontological Resources Mitigation Measure 4.D-1c: "As condition of approval for demolition or removal of contributor to the Historic District, the City shall require that the project applicant..."**

Figure 3-11 Reuse vs. Development Areas (page 3-38) shows the extent of the area of new construction extends into the historic district, demolishing existing officer housing north of West Midway and East of Pan Am Way. Please clarify that this means that new construction in this area will be permitted to replace existing officer housing per meeting mitigation measures for this section.

11-8

- 5. **F. Air Quality and Greenhouse Gases: Impact 4.f-1: Development facilitated by proposed project could potentially result in air quality impacts due construction activities.**

Residents are concerned that even with the implementation of the BAAQMD Best Management Practices for construction activities, there is still a health risk with exposure to dust, construction exhaust, cancer causing toxic air contaminants and particulates. The DEIR states that supportive housing is downwind of the most intensive construction activity including grading. However the duration of construction from 2014 to 2035 will result in long-term exposure risks, including objectionable odors for almost 20 years. 50 percent of the residents at Alameda Point are children, which have much higher sensitivity to exposure to toxic air contaminants and particulates.

11-9

We request that the City fund working with an environmental justice organization to protect resident health. For example, Global Community Monitor (GMC) is an environmental justice organization that trains and supports communities in the use of environmental monitors tools to understand the impacts if industrial pollution on their health. This independent air testing program empowers residents to take scientifically credible samples using U.S environmental Protection agency approved methods and laboratories. This gives communities a way to "level the playing field" with indifferent regulators and polluters. The City can support these efforts through funding and inclusion into the project mitigation measures.

11-10

6. **G. Noise: Impact 4.G-1: Construction facilitated by the proposed project could potentially expose persons to or generate noise levels in excesses of City noise standards.**

Residents will experience noise from pile driving, generators, air compressors, truck traffic and other stationary and mobile sources, including ground borne vibration on an annual basis for 20 years with build out by 2035.

Mitigation of noise impacts will be essential for quality of life of residents, who occupy existing housing during daytime construction and do not have acoustical measures built into their housing. Rebuilding supportive housing in the first phase will mitigate noise with new construction meeting city's standards for indoor noise. Outdoor noise mitigation measures will need to be identified for areas that are used by children. Prior to construction of replacement housing, APC will need to review measures to respond and track complaints.

11-11

7. **J. Hazards and Hazardous Materials: Impact 4.J-1: Demolition of existing structures on Alameda Point which contain hazardous building materials such as lead based paint, asbestos and PCB's could potential expose workers, the public or the environment from the transport, use or disposal of these hazardous materials and waste.**

The supportive housing providers need to review the City's hazardous building material assessment, as well as review and comment on any proposed health and safety plans prepared by future applicants to address mitigations of hazardous materials. This includes review and comment on a site management plan and land use restriction tracking program to address any risks of exposure to previously contaminated soil or ground water including vapor intrusion into buildings and mitigation management of construction waste and recycling. These mitigation programs could be opportunities to train APC residents for monitoring jobs.

11-12

ALTERNATIVES ANALYSIS

We are concerned that the Alternatives Analysis does not evaluate how the project alternatives either advance the goal of rebuilding supportive housing, or articulate the impacts on existing residents to inform consideration of project alternatives. We recommend adding the following text:

11-13

D.1. **The No Project/No New Development Alternative.** This alternative will result in further deterioration of infrastructure services on residents resulting in increased displacement risks to residents due to lack of reliable infrastructure services and exposure to flood hazards. This alternative does not achieve the goal of rebuilding and maintaining long-term operations of supportive housing and is unlikely to achieve first source hiring goals.

11-14

D.2. **The Preservation/Less Development Alternative (1,000 units/6,000 jobs):** This alternative will attract limited investment and inadequate resources to rebuild housing and infrastructure. Residents will continue to be exposed to flood

11-15

Comment Letter 11

Collaborative Supportive Housing
DEIR Comments

hazards and deteriorating, unreliable infrastructure therefore increasing displacement risks for residents. This alternative does not achieve the goal of rebuilding and maintaining long-term operations of supportive housing.

↑ 11-15
cont.

- D.3. **The Existing General Plan Alternative: More Housing and Less Jobs Alternative** (1,928 units/2.3 million SF): This alternative is unlikely to achieve goals for job creation, economic development or re-use of historic buildings. Build out of a greater number of residential units in the Main Street Neighborhood is more likely to achieve rebuilding of supportive housing, but less likely to achieve first source hiring goals.

11-16

With limited commercial development, preservation and adaptive reuse of existing historic buildings will not be achieved, increasing “historic blight” and discouraging investment in residential development in the Main Street Neighborhoods. This alternative performs better at achieving the goal of rebuilding and long-term operations of supportive housing but is unlikely to achieve first source hiring goals.

- D.4. **The Multifamily Alternative** (1,425 units/5.5 million SF): This alternative will result in large land areas remaining undeveloped and less infrastructure investment without single-family residential uses. This alternative does not achieve the goal of rebuilding and long-term operations of supportive housing.

11-17

- D.5. **The Transit-Oriented Mixed-Use Alternative** (3,400 units/5.5 million SF): This alternative will provide higher levels of development and infrastructure investment, thus making it easier to achieve the goals of rebuilding and maintaining long-term operations of supportive housing and achieving first source hiring goals. This assumes that the real estate market can accomplish project goals even with the imposition of Navy fees for housing above the no cost conveyance limits of 1,425 units.

11-18

- D.6. **The High-Density Alternative** (4,841 units/3.4 million SF): This alternative will provide higher levels of development and infrastructure investment, thus making it easier to achieve the goals of rebuilding and maintaining long-term operations of supportive housing and achieving first source hiring goals. This assumes that the real estate market can accomplish project goals even with the imposition of Navy fees for housing above the no cost conveyance limits of 1,425 units.

11-19

Sincerely,



Doug Biggs
Executive Director
Alameda Point Collaborative

Letter 11. Alameda Point Collaborative (Doug Biggs, Executive Director)

- 11-1 The comment does not address the adequacy of the environmental analysis presented in the Draft EIR. The City acknowledges the agreement with the Alameda Point Collaborative (APC) and is committed to working with APC toward achieving the goals established by the agreement, as substantiated by in the final project objective on page 3-5 of the Draft EIR which reads:
- Facilitating the relocation and consolidation of existing supportive housing providers in new facilities at Alameda Point to help ensure a mix of incomes and populations are represented at the project site.
- 11-2 The General Plan Amendment to Chapter 4 (Transportation Element) shows Orion Street as a Local Residential Street north of West Midway Avenue.
- 11-3 The comment does not address the adequacy of the environmental analysis presented in the Draft EIR. The City acknowledges the goals of the APC and will continue working with the Supportive Housing Providers toward investment in infrastructure and public services improvements that serve the long-term needs of the residents in the Supportive Housing Units.
- 11-4 The comment does not address the adequacy of the environmental analysis presented in the Draft EIR. The City agrees that housing development in the Main Street Neighborhood will be crucial to financing infrastructure and other required public and community benefits planned for that area and elsewhere at Alameda Point. The details of exactly where, how much and what type of housing occurs in the Main Street Neighborhood will be determined in the Master Plan for this zoning sub-district as required by the proposed Zoning Ordinance Amendment.
- 11-5 The Standard of Reasonableness provide a general commitment to the future reuse goals of Alameda Point that led to the Legally Binding Agreement and Property Lease for 200 units of supportive housing for a 59-year lease term. The Standards of Reasonableness were reviewed in preparing this EIR.¹⁵ The proposed project would be consistent with those Standards. The Supportive Housing Units are described as part of the project on page 3-28 of the Project Description, on page 4.A-22 under consistency with the Housing Element, and on page 4.B-8 of Population and Housing related to inclusionary housing. The proposed project is consistent with the Standards of Reasonableness in that it will continue to provide housing opportunities for the homeless population. Although job placement under buildout of the proposed project is not discussed in the EIR because it is not related to a physical effect on the environment, the City is committed to working with APCs in achieving the 15 percent hiring goal.

¹⁵ Standards of Reasonableness for Homeless Uses at the Alameda Naval Air Station, as amended January 2, 2007.

- 11-6 As explained in the Draft EIR, page 5-1 CEQA requires all EIRs to analyze the “no project” alternative, which consists of “the existing conditions at the time the notice of preparation [NOP] is published . . . as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” CEQA Guidelines § 15126.6(e)(2); Draft EIR, pages 5-1 and 5-2. The purpose of analyzing the no project alternative “is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” CEQA Guidelines § 15126.6(e)(1).

The NOP for this EIR was issued on January 10, 2013. Accordingly, the analysis of the No Project Alternative, which is described on pages 5-5 to 5-6 of the Draft EIR, addresses the conditions that would exist if the proposed project is not approved, which consists of a continuation of the existing uses on the project site, with no new construction, but ongoing use of and reinvestment in existing residential and commercial buildings. In addition, because the project site would continue to be occupied the site would continue to require some construction work to repair and maintain existing facilities, as noted on pages 5-19 to 5-20, 5-26 to 5-27, 5-28, 5-29 of the Draft EIR.

The Draft EIR assesses the environmental impacts of each of the alternatives, including the No Project Alternative, in Section F of Chapter 5 of the Draft EIR (on pages 5-11 to 5-29 of the Draft EIR). Thus, for example, the No Project Alternative would not correct ongoing and current deterioration of the cultural resources making up the NAS Alameda Historic District as described on pages 5-18 to 5-19 of the Draft EIR. In addition, because under the No Project Alternative the current substandard storm water systems and storm water runoff conditions would remain, they would likely continue to contribute to or even increase existing water quality issues (see page 5-29 of the Draft EIR).

A “significant effect on the environment” (significant impact) under CEQA consist of “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” CEQA *Guidelines* § 15382; Public Resources Code § 21068. Because the No Project Alternative would involve the City making no change in the status quo, there would be no project approval, and CEQA does not require the lead agency to evaluate and mitigate the impacts from the lead agency taking “no action.”

The Alameda Point Collaborative housing is an existing condition on the project site. The Alameda Point Collaborative site is above the existing 100-year flood elevation under existing conditions plus 18 inches of sea level rise. Draft EIR, p. 3-39, Figure 3-12, and pp. 4.I-3 through 4.I-7. As explained in the Draft EIR, the City has a Comprehensive Emergency Services Management Plan to protect the safety and welfare of residents, employees and visitors in Alameda in the event of an emergency such as a flood, tsunami or earthquake. Continuation of existing conditions is not a significant impact for purposes of CEQA, please see pages 4.I-16 to 4.I-17 of the Draft EIR.

As stated in the Draft EIR, the proposed project meets the project objective for reinvestment in infrastructure and deteriorating facilities (Objective B.1) better than the no project. The faster that the project is implemented the greater the potential for upgrade and replacement of infrastructure and other deteriorating conditions found at Alameda Point under the existing conditions, including the facilities used by the Supportive Housing Units. The City is committed to working with the Supportive Housing Providers to pursue financing mechanisms from numerous public and private sources to achieve new infrastructure and the relocation of the Supportive Housing Units into new facilities as soon as possible.

- 11-7 The request is noted and the City welcomes the review of such plans by the APC when they are developed.
- 11-8 Page 4.D-35 of the Draft EIR notes that the proposed project includes development of new residential development of the CPO housing area which could change the character of the district and/or require the removal of these or other contributing structures or features. This effect was identified as a potentially significant impact. Mitigation measures identified to reduce this and other impacts to the Historic District are listed on paged 4.D-36-37 of the Draft EIR. They include Measure 4.D-1a (City shall implement the requirements of the Historic Preservation Ordinance, which requires a certificate of approval by the HAB for modifications to contributors and resources within the Historic District), Mitigation Measure 4.D-1b (prior to approval of new buildings within the Historic District the City shall complete and adopt *Guidelines for New Infill Development within the Historic District*), and Mitigation Measure 4.D.1c (as a condition of approval for demolition or removal of a contributor to the Historic District, the City shall require that the project applicant to complete various documentation, public interpretation, and architectural salvage efforts prior to demolition). Page 4.D-37 of the Draft EIR concludes that these mitigation strategies would reduce, but not eliminate, potential significant adverse impacts to the NAS Alameda Historic District (including potential demolition of the CPO housing area). Therefore, even with implementation of the Mitigation Measure 4.D 1, demolition and/or substantial alteration of NAS Alameda Historic District contributors could result in significant and unavoidable impacts. New construction within this or other portions of the NAS Alameda Historic District would be subject to these same mitigation measures. Therefore, these measures would apply to both the potential removal of the CPOs and new replacement housing.
- 11-9 The health risk impacts associated with proposed project construction are conservatively analyzed in Impact 4.F-1 of the Draft EIR, which concludes that supportive housing would not be downwind of significant project construction and would not represent the maximally exposed receptors. In addition, no individual receptor would be exposed to maximum exhaust emissions over the total duration of the project development, because construction would occur in different areas and at distances from sensitive receptors for more limited periods of time during the overall buildout period. Finally, as indicated on page 4.F-34 of the Draft EIR, the health risk estimates incorporate updated age sensitivity

- factors and daily breathing rates that factor in the increased susceptibility of infants and children to carcinogens as compared to adults. Substantial emissions reductions would be achieved by implementing specified mitigation measures, which would in turn substantially reduce potential health risks of all sensitive receptors in the area, including the supportive housing residents. The localized TAC health risk impact was determined to be less than significant after mitigation.
- 11-10 The City welcomes discussions with the Alameda Point Collaborative regarding coordination with an environmental justice organization, such as the Global Community Monitor, to establish a community air quality monitoring program.
- 11-11 Construction noise impacts and proposed mitigation measures are described in Impact 4.G-1 of the Draft EIR. The analysis found that the mitigation measures specified would ensure that construction would comply with the City of Alameda Noise Ordinance and would reduce the construction noise levels from the proposed project to the extent feasible. However, for some infrastructure projects, activities could occur outside the allowable hours permitted under the noise ordinance and potentially result in short-term significant noise impacts. Although phasing of development is not known at this time, supportive housing residents would not be exposed to the maximum noise levels for the entire 20 year construction period, but rather when construction occurs in close proximity. Individual residents would be exposed to reduced noise as construction progressed at greater distances and intervening structures are built. The City welcomes the Alameda Point Collaborative in assisting in complaint review and tracking efforts as warranted.
- 11-12 Much of the process and performance standards in the Site Management Plan are guided by existing regulatory protocols and standards from public agencies including OSHA, BAAQMD, DTSC and RWQCB such that implementation of Mitigation Measures 4.Ja through e and 4.J-2 would be effective in reducing potential health risks from hazardous building materials or residual contamination to less than significant levels. Regardless, the City will coordinate with the Alameda Point Collaborative on abatement of any hazardous building materials that remain on the site for potential job opportunities for APC residents. The City will also include the Alameda Point Collaborative in the review process for the Site Management Plan and other City reports and programs, along with the regulatory agency review process to ensure that public safety is protected.
- 11-13 The request is noted and the following responses incorporate the requested analysis (responses to Comments 11-14 through 11-19).
- 11-14 In response to this comment, the following text is added under the No Project/No New Development Alternative on page 5-5 of the Draft EIR:

This alternative would result in further deterioration of infrastructure services on residents resulting in increased displacement risks to residents due to the lack of reliable infrastructure services and exposure to flood hazards. This alternative

would not achieve the goal of rebuilding and maintain long-term operations of supportive housing and is unlikely to achieve the first source hiring goals.

- 11-15 The following text is added under the Preservation/Less Development Alternative on page 5-6 of the Draft EIR:

This alternative would attract limited investment and inadequate resources to rebuild housing and infrastructure. Residents would continue to be exposed to flood hazards and deteriorating, unreliable infrastructure, thereby increasing displacement risks for residents. This alternative does not achieve the objective of rebuilding and maintaining long-term operation of supportive housing.

- 11-16 The following text is added under the Existing General Plan Alternative: More Housing and Less Jobs on page 5-8 of the Draft EIR:

This alternative is unlikely to achieve the project objectives of job creation, economic development and re-use of historic buildings. Buildout of a greater number of residential units in the Main Street Neighborhood is more likely to achieve rebuilding of supportive housing, but less likely to achieve first source hiring goals.

With limited commercial development, preservation and adaptive reuse of existing historic buildings will not be achieved, thereby limiting re-investment in the district. This alternative would perform better at achieving the project objective of rebuilding and long-term operations of supportive housing but is unlikely to achieve first source hiring goals.

- 11-17 The following text is added under the Multifamily Alternative on page 5-8 of the Draft EIR:

This alternative would result in land areas remaining undeveloped and less infrastructure investment because it would not include new single-family residential uses. This alternative may not achieve the project objective of rebuilding and long-term operation of supportive housing.

- 11-18 The following text is added under the Transit-Oriented Mixed-Use Alternative on page 5-9 of the Draft EIR:

This alternative would provide higher levels of development and infrastructure investment, thus making it easier to achieve the project objectives of rebuilding and maintaining long-term operation of supportive housing and achieving first source hiring goals. This alternative assumes that the real estate market can accomplish project objectives even with the imposition of Navy fees for housing above the no cost conveyance limits of 1,425 units.

11-19 The following text is added under the High-Density Alternative on page 5-10 of the Draft EIR:

This alternative would provide higher levels of development and infrastructure investment, thus making it easier to achieve the project objectives of rebuilding and maintaining long-term operation of supportive housing and achieving first source hiring goals. This alternative assumes that the real estate market can accomplish project goals even with the imposition of Navy fees for housing above the no cost conveyance limits of 1,425 units.

Bayview Estates Homeowners Association

P.O. Box 1775
Alameda, CA 94501-1775

October 18, 2013

Mr. Andrew Thomas
City Planner
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Dear Andrew:

On October 9th a group of concerned neighbors and four of five Board Members of the Bayview Estates Homeowners Association met with you along Bayview Drive. We appreciate your time and clarifications. On behalf of the Board we are writing to express our concerns about the Draft Environmental Impact Report (EIR) which focuses on potential impacts of future Alameda Point development.

According to the Draft, Bayview Drive could be an alternative feeder/overflow route for Otis Drive and Bayfarm Bridge traffic. Due to the projected increase in traffic in the area, the EIR has proposed several mitigation concepts designed to accommodate an increase, one which proposes removing six parking spaces along Bayview Drive near the Ravens Cove development.

The Board position is, that despite the apparent infeasibility of this option (pages 62-63 Traffic), any increase in traffic is opposed by the neighborhood and the Board. Please note that we have worked closely with the City over the years to mitigate increasing cut-through traffic and speeding on Bayview Drive as evidenced by the installation of traffic calming devices. Specifically, we have worked with Public Works to:

- a) Install speed humps on Bayview Drive to slow traffic and discourage cars from using our residential street as a cut-through route between the Bay Farm Bridge and South Shore Center; and
- b) Improved pedestrian access and the cross-walk at Court Street and Bayview Drive

12-1

Other elements that were initially called for but NOT installed, including Bulb-Outs at the Bayview/Broadway intersection and at the Court Street/Bayview intersection, a cross walk and caution sign installed mid-street at the Coastal Access easement mid-way along Bayview Drive, and stripping in the median of Bayview Drive to highlight visual cues to help reduce speeding. We would like to propose that all of these items now be considered for installation.

We urge the Planning Department to amend the draft EIR to reflect our desire to lower traffic levels on Bayview Drive, and mitigate traffic flows that are contrary to that goal. We would like to continue to work with the City to expand traffic calming, recognizing the inevitability of future development in Alameda.

Andrew, we look forward to working with you and other City departments to modify the draft EIR to more closely match our utilization goals for Bayview Drive.

Sincerely,

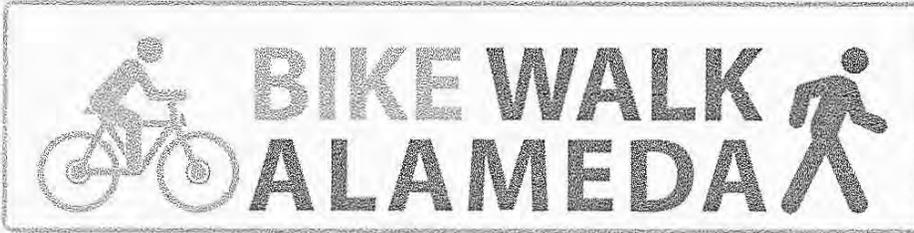
Michael Karp, President
Zachary Davis, Vice President
Olivia Rebanal, Treasurer
Susan Davis, Editor
Susie DeFranco, Secretary

Letter 12. Bayview Estates Homeowners Association (Michael Karp, President)

12-1 In response to the comments received, the City conducted an onsite re-evaluation of the conditions on Bayview Drive and a review of Mitigation Measure 4.C-5f. As a result of this re-evaluation, Mitigation Measure 4.C-5f is revised to read as follows:

“The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b, page 4.C-63 of the Draft EIR) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements:

- ~~Add a northbound right turn lane on High Street to provide a shared through-left and right turn lane on the north bound approach,~~
- ~~Add an overlap phase for the northbound High Street right turn movement and prohibit the conflicting westbound Otis Drive U turn movement; and~~
- Optimize the signal timing at High and Otis for both peak hours, and
- Install traffic calming strategies on Bayview Drive to include improvements, such as: restriping Bayview Drive to create narrower driving lanes to reduce speeding, installing a cross walk and caution sign at the location of the public coastal access easement, and/or construction of sidewalk bulb-outs to improve pedestrian safety at the intersections of Bayview/Court Street and Bayview/Broadway.”



www.bikewalkalameda.org

(510)595-4690

PO BOX 2732

ALAMEDA, CA 94501

October 17, 2013

Andrew Thomas
City Planner
2363 Santa Clara Avenue
Alameda, CA 94501

re: Alameda Point EIR

Mr. Thomas,

Bike Walk Alameda has reviewed the EIR and would like you to consider the following biking and walking issues.

1. Development at Alameda Point, provides opportunities to follow through on the recommendations of the **Estuary Crossing Study**. Given that increased traffic congestion is the key issue around this development, every way to enhance alternative transit -- bicycle, pedestrian and transit networks -- between Alameda and Oakland should be explored. A few years ago, the city funded the Estuary Crossing Study to look at this very issue. There were three preferred recommendations -- short-term (Tube improvements), medium-term (water shuttle), and long-term (a bridge with transit lanes). The long-term recommendation was deemed too ambitious at that time. Now, however, seems like the perfect time to revisit it. Not only would a bridge address the "significant and unavoidable" impacts of this development, but it would serve as a lifeline corridor to the mainland in the event of a disaster.

13-1

One of the key issues around the bridge was the height it would have to be to accommodate the large Coast Guard cutters stationed at Coast Guard Island. Has the idea of mooring the Coast Guard cutters at Seaplane Lagoon been considered? Not only would that make the engineering of the bridge much simpler, but perhaps this location would be more convenient for the Coast Guard, which needs to be able to get their cutters to the Bay quickly when needed.

13-2

2. *Master Infrastructure Plan Part I, item IV/C./2./b. (page 68): Shuttle service will be for residents and employers at Alameda Point.*

All transportation services and programs should serve the broader public, as well as residents and employers? The AP shuttles should be coordinated with other programs in Alameda (Alameda Landing's TDM program, for example) to ensure it's addressing and meeting the island's traffic mitigation goals.

13-3

What are the standards, public input, and on-going public oversight of the TDM?

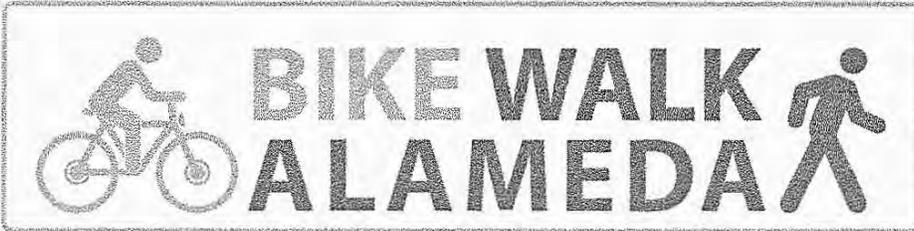
3. *Master Infrastructure Plan Part I, item IV/C./2./d. (page 71): There will only be one ferry terminal for Alameda Point -- either the existing one at Main Street or the one to be built at Seaplane Lagoon.*

We strongly support the enhancement of transit connections between Alameda and Oakland, not just between Alameda and San Francisco. Losing the only ferry terminal on the estuary would be unwise. We favor improving and increasing transportation options and networks. The existing ferry service is not designed with the Oakland-Alameda connection in mind, but can -- and should -- be modified as Alameda Point builds out.

13-4

A **water shuttle** service is the medium-term recommendation in the Estuary Crossing Study, and there is a water shuttle planned for Alameda Landing when a certain occupancy target is met. Alameda Point should contribute and support the AL water shuttle.

13-5



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(510)595-4690

PO BOX 2732

ALAMEDA, CA 94501

4. The mitigations proposed need to analyze their impact on the thresholds of significance for each mode. Most of the auto mitigations are proposed on bike priority streets and little to no analysis is made for degradation in bicycle service, if the mitigation were made. Where there is analysis, the conclusion is wrong. The mitigation in some cases would preclude the city from acting on long term bicycle plans. 13-6

Mitigation issues:

Auto Analysis

The following auto mitigation are proposed for bike priority streets that have proposed bike infrastructure in the Bicycle Master Plan. We do not believe that the impacts to bicycle travel are 'less than Significant' as the EIR states. 13-7

Park and Clement 4.C-5a: Clement is a bike priority street and part of the Cross Alameda Trail. If travel lanes are added for the mitigation, how would they impact the proposed bike lanes on Clement? 13-8

Broadway/Otis 4.C-5c

Broadway and Otis at Broadway are bike priority streets. Adding a left turn lane impacts the LOS of bike travel on Broadway. What is the evidence that this mitigation is 'less than significant for bicycle travel'? 13-9

Tilden/Blanding/Fernside 4.C-5d All three of these streets are bike priority streets. Adding a left turn lane could impact the LOS of bike travel along Fernside and Blanding. 13-10

(Island Drive/Otis Drive and Doolittle Drive) 4.C-5g: Doolittle has bike lanes. Would the addition of a westbound turn lane impact LOS of bikes? 13-11

Mitigation Measure 4.C-5i (Park/Blanding). Blanding is a bike priority street with class II facilities planned. What is the impact of the proposed mitigations on the long term bike facility plans 13-12

Bicycle Analysis

Mitigation Measure 4.C-5iv (Oak Street Bike): We would like to propose a stronger mitigation for the 'significant and unavoidable' impact on this main bike access to the Park Street Corridor. Park Street is a significant destination for all Alamedans with the civic corridor, entertainment, restaurants and high school. Oak Street is the only north/south bike way that serves the district. Significant mitigations should be proposed on this corridor. 13-13

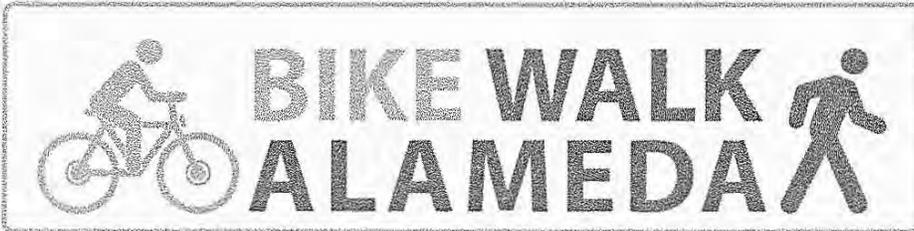
a. "... fund a fair share contribution to design standards for bicycle boulevard treatments in Alameda as described by the Bicycle Master Plan (BMP) and implement them on Oak Street.

The BMP defines a bicycle boulevard, but no standards have been created for Alameda. "treatments such as traffic calming and traffic reduction, signage and pavement markings, and intersection crossing treatments. Traffic calming features are utilized to facilitate bicycle travel while not encouraging additional motor vehicle traffic on the street." The completion of standards and implementation of treatments along Oak Street would be an appropriate level of mitigation.

b. Use the latest tools, including green paint, and bike signals to prioritize biking along the two lane corridor.

5. TDM program recommendations.

TDM coordination: There should be coordination between the Alameda Landing, Alameda Point and other TDM programs, so that there will not be duplication in the programs and wasted funds. 13-14



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(510)595-4690

PO BOX 2732

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Public Input: The public should have the opportunity through public meetings, such as the TC, planning board and city council to give regular input on TDM programs and changes that can be made.

Public Benefit: Are there clearly defined goals of who has access to the programs? In order to benefit all Alamedans, access to the transportation programs should have a benefit for everyone. For example, bike sharing or shuttles should be available for everyone. This is especially important since not all of the new employees and residents would be taking the transit, but all Alamedans will be affected by their traffic and should have access to the programs that might improve transportation choices.

↑
13-14
cont.

6. **Stargell to Alameda Point** should be a Class 2A bike facility leading to the proposed class 2A facility on Main Street.

13-15

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucy Gigli".

Lucy Gigli, President BikeAlameda

Letter 13. Bike Walk Alameda (Lucy Gigli, President)

- 13-1 The comment addresses the proposed development transportation strategy and not the adequacy of the environmental analysis. Numerous studies examining the feasibility of constructing a new bridge over or a new tunnel under the estuary have been completed over the 17 years since the Navy decommissioned the Naval Air Station. All of these studies, including the most recent *Estuary Crossing Study Feasibility Report* prepared in May 2009 by City of Alameda found that such crossings are not financially feasible.
- 13-2 The comment addresses the proposed development transportation strategy and not the adequacy of the environmental analysis. The comment is noted.
- 13-3 The comment addresses the proposed transportation strategy and not the adequacy of the environmental analysis. The TDM program is currently being prepared by the City and a number of hearings have already been held on the content of the TDM program before the Transportation Commission and Planning Board. There will continue to be public hearings about the TDM program for Alameda Point over the next several months. Decisions about public access to, and project funding of, transportation services to and from Alameda Point will be made during both the preparation and implementation of the TDM program.
- 13-4 The comment addresses the proposed development transportation strategy and not the adequacy of the environmental analysis. The proposed project does not require the removal of the existing ferry terminal if the service moves to the Seaplane Lagoon.
- 13-5 The comment addresses the proposed transportation strategy and not the adequacy of the environmental analysis. The TDM program may include water taxis to supplement, compliment and expand AC Transit, BART and WETA services. The proposed project does not preclude a water shuttle.
- 13-6 The transportation analysis included an evaluation of the proposed project on four modes of transportation: bicycle, pedestrian, transit, and automobile. The analysis was conducted in accordance with the thresholds of significance prepared and recommended by the City of Alameda Transportation Commission. The specific threshold for each mode of travel is described on page 4.C-17 under Significance Criteria.

The significance criteria used in this EIR were developed and recommended by the City of Alameda Transportation Commission on April 22, 2009 to implement General Plan Policy 4.4.2.d (see page 4.C-16 of the Draft EIR). General Plan Policy 4.4.2.d reads:

Policy 4.4.2.d: All EIRs must include analysis of the effects of the project on the city's transit, pedestrian and bicycling environment, including adjacent neighborhoods and the overall City network.

Accordingly, the analysis addresses impacts to all modes of travel. When mitigation is proposed to mitigate an impact to a specific mode, the analysis also considered the impact of the mitigation on the other modes of travel. If the analysis revealed that the mitigation resulted in a secondary impact to another mode of transportation, then the analysis considered which mode has the highest priority at the particular location. The determination of priorities was conducted pursuant to the guidelines prepared by the Transportation Commission and the classification of the transportation facility in the City of Alameda General Plan Transportation Element. If the mitigation resulted in an impact to a higher priority mode, then the mitigation was either modified to avoid the impact or the mitigation was not recommended.

After each impact disclosed in the Draft EIR, the Draft EIR identifies which mode will be impacted by the project or by the proposed mitigation. In some cases, it was necessary to adopt mitigation for a high priority mode, and the mitigation resulted in a significant and unavoidable impact to a lower priority mode. In other cases, it was necessary to disclose a significant and unavoidable impact to a mode caused by the project, because the mitigation would have resulted in an impact to a higher priority mode. In all cases, these primary and secondary impacts were described in the text and disclosed in the impact statements for each location.

Also, please also see response to Comment 34-1 revisions to text regarding revisions to certain mitigations for conformance with the General Plan.

- 13-7 The bicycle impacts and the “less than significant” impact conclusions were determined by applying the thresholds of significance and analysis methodologies established by the City of Alameda Transportation Commission. Specifically, for Bicycle LOS, the methodology applies a segment-based analysis that is based on the traffic volume, lane width, and speed of traffic. Where the analysis intersection included bike priority streets (with either existing or proposed marked bike lanes, “sharrows,” or signed bike routes), the bike facility was considered in the impact and mitigation discussion.
- 13-8 While travel lanes were considered on Clement Avenue approach as a possible mitigation, the consideration of impacts to pedestrians and consistency with the General Plan necessitated a lesser improvement that does not include adding travel lanes to Clement Avenue. Also see response to Comment 13-7.
- 13-9 See response to Comment 13-7. Also, see revised Mitigation Measure 4.C-5c, presented in response to Comment 34-1, which no longer includes adding turn lanes.
- 13-10 See response to Comment 13-7. Also, see revised Mitigation Measure 4.C-5d, presented in response to Comment 34-1, which no longer includes adding turn lanes.
- 13-11 See revised Mitigation Measure 4.C-5g, presented in response to Comment 34-1, which no longer includes adding turn lanes.

- 13-12 See response to Comment 13-7. Also, see revised Mitigation Measure 4.C-5i, presented in response to Comment 34-1, which no longer includes adding turn lanes.
- 13-13 As described in Mitigation Measure 4.C-5ziv, on page 4.C-81 of the Draft EIR, the project would be required to fund a fair share contribution to implement the completion of a bicycle boulevard with appropriate signage and striping along Oak Street from Blanding Avenue to Encinal Avenue to advise motorists and bicyclists to share the street. Design standards for bicycle boulevards would follow standard practices, such as those published by the Initiative for Bicycle and Pedestrian Innovation (IBPI) at Portland State University entitled the “Fundamentals of Bicycle Boulevard Planning & Design Guidebook.”¹⁶
- 13-14 The proposed TDM program would be funded, implemented, and directed by, the property owners, residents and tenants of Alameda Point. The management of the TDM program will be accountable for the TDM program’s success. As such, the coordination between the two TDM programs will be done at the discretion of the programs. See response to Comment 13-3 regarding public process and preparation of the TDM program.
- 13-15 The comment’s preference for a Class II bicycle lane over a Class I bicycle path, either of which would fulfill the requirements of Mitigation Measure 4.C-2m, is noted. The comment does not address the environmental adequacy of the Draft EIR.

¹⁶ Initiative for Bicycle and Pedestrian Innovation Center for Transportation Studies Center for Urban Studies
Portland State University, Portland, Oregon. July, 2009.



LEGAL RESEARCH ON NATURE IN CITIES
AND THE NATURE OF CITIES

October 3, 2013

Andrew Thomas
City Planner, City of Alameda
2363 Santa Clara Avenue
Alameda, California 94501

Re: Comments on Draft CEQA Draft Environmental Impact Report (DEIR) for City of Alameda’s Alameda Point Reuse Plan: Seaplane Lagoon Setbacks and Adjacent Land Use

Dear Mr. Thomas:

Since 2010, the Center on Urban Environmental Law (CUEL) at Golden Gate University School of Law has undertaken independent research and analysis regarding open space, parkland, habitat and land use issues at the former Alameda Naval Air Station (NAS). The comments below pertain specifically to aspects of the Alameda Point Reuse Plan Draft CEQA EIR (DEIR) that relate to proposed land uses along Seaplane Lagoon.

In previous submissions to the City of Alameda, CUEL has noted the remarkable open space opportunities presented by the reuse of the Alameda NAS. In particular, in August 2011 CUEL published its *Flight Park Booklet* which presented full-color renditions (prepared by Professor Stephanie Landregan and her colleagues at the UCLA Landscape Architecture Department) of how to take full advantage of the scenic and habitat resources of Seaplane Lagoon, and how to integrate these resources into the open space and habitat and scenery on the adjacent portions of Alameda Point owned by the federal government. Full advantage in this context means preserving and highlighting the uniquely spectacular elements of the location to ensure that Alameda Point is a place that people want to live, visit and work (which is the key to the economic success of any reuse effort). A copy of the *Flight Park Booklet* is attached to this letter.

In evaluating the DEIR for the Alameda Point Reuse Plan against the open space, scenic and habitat opportunities identified in CUEL’s *Flight Park Booklet*, there

14-1
14-2

CO-DIRECTORS
ALAN RAMO
415.442.6654
aramo@ggu.edu

PAUL KIBEL
415.442.6685
pkibel@ggu.edu

ADVISORY COUNCIL

- UWE BRANDES
- BICKY CORMAN
- DANIEL COOPER
- WHITNEY DOTSON
- TIM EICHENBERG
- LARRY FAHN
- CAROLINE FARRELL
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- BETTINA RING
- ERIC SCHAEFFER
- MITCHELL SHAPSON
- PHIL STEVENS

are certain aspects of the DEIR's Seaplane Lagoon proposals and analysis that merit praise yet other aspects in which the DEIR has fallen short of the mark.

↑ 14-2
| cont.

In terms of west shore of Seaplane Lagoon, the DEIR proposes what is referred to as "De-Pave Park" along this shore's entire length. As depicted in the DEIR, De-Pave Park would involve removing the current pavement along about a 150-200 foot strip along the waterfront and replacing the pavement with some combination of grasses/plants and recreational trails. Although the specifics of this De-Pave Park remain unclear at this point, CUEL supports the DEIR's proposal to create a new band of naturalistic greenspace to connect Seaplane Lagoon to the adjacent undeveloped federal lands (which would help establish the unimpaired viewsheds and contiguous habitat corridors recommended in the *Flight Park Booklet*).

| 14-3

In terms of the north shore of Seaplane Lagoon, the DEIR has proposed what is referred to as the "Waterfront Park & Promenade." As depicted in the DEIR, it appears that Waterfront Park & Promenade will encompass an area 100-feet from the waterline, presumably to avoid conflict with BCDC (San Francisco Bay Conservation and Development Commission) requirements that new development provide public access to the "maximum extent feasible" within 100 feet of San Francisco Bay. The drawings in the DEIR suggest that the Waterfront Park & Promenade will involve some type of lawn and walking paths, but additional specifics about this area are not provided. CUEL has two comments in regard the proposed Waterfront Park & Promenade along the north shore of Seaplane Lagoon.

| 14-4

First, CUEL notes that the proposal for Waterfront Park & Promenade (which calls for some type of park/greenspace) is an improvement on many earlier land use proposals for Seaplane Lagoon's north shore, which had suggested only a narrow paved area or waterfront boardwalk in this area. These earlier proposals suggested a de-naturalized and cramped waterfront public access akin to Fisherman's Wharf in San Francisco and most of Jack London Square in Oakland, approaches fundamentally at odds with more progressive economic, ecological and scenic thinking discussed in the *Flight Park Booklet*.

| 14-5

Second, the *Flight Park Booklet* had suggested the benefits of using the area adjacent to Seaplane Lagoon's north shore to create viewsheds and habitat corridors that linked to the naturalist federal Alameda Point lands to the west. More specifically, the *Flight Park Booklet* called for a broad swath of wild grasslands set 500-feet back from the lagoon, with discrete/minimal trails (see page 4 of the attached copy of the *Flight Park Booklet*). As currently depicted in the DEIR, it appears the Waterfront Park & Promenade will only extend 100 feet back from the Seaplane Lagoon, and will be more in the tradition of a manicured lawn park criss-crossed with paved walkways rather than a naturalist landscape. The narrowness of the setback will greatly reduce the viewshed/scenic benefits of this open space area, and the use of manicured lawns rather than wild grasslands

| 14-6
↓

will reduce both the beauty and habitat benefits of the area.

↑ 14-6
| cont.

In connection with the second point above, CUEL recommends that the EIR be revised to include consideration of an alternative configuration of Waterfront Park & Promenade that involves a more expansive setback from Seaplane Lagoon (e.g. 250-500 feet) and that calls for parkland that is focused on wild grasslands with minimal recreational access rather than manicured laws with extensive recreational access. Consideration of this alternative in the EIR would allow the public, environmental stakeholders and public officials to better appreciate the scenic and habitat benefits of what was proposed for Seaplane Lagoon’s north shore in the *Flight Park Booklet*, and how alternative land use approaches for this area could contribute to the type of spectacular “place-making” that will make the residential/commercials aspects of Alameda Point an economic success.

| 14-7

Thank you for your consideration of CUEL’s comments.

Yours,

Paul Stanton Kibel

Paul Stanton Kibel
Associate Professor and CUEL Co-Director

Attachments: August 2011 CUEL *Flight Park Booklet*

Cc: John Russo, City Manager, City of Alameda
Jennifer Ott, City of Alameda Planning Department
Jamie Michaels, SF Bay Conservation and Development Commission
John West, Regional Water Quality Control Board
Alameda Point Environmental Report
Golden Gate Audubon Society/Friends of the Alameda Wildlife Refuge



PAST



PRESENT

FLIGHT PARK AT ALAMEDA POINT

SEPTEMBER 1, 2011



NATURAL RESOURCE PLANNING AND DESIGN



SEPTEMBER 1, 2011

NATURAL RESOURCE PLANNING AND DESIGN

STEPHANIE V. LANDREGAN, FASLA PRINCIPAL

THE FOLLOWING INDIVIDUALS HAVE GENEROUSLY PROVIDED PERMISSION TO USE THEIR PHOTOS:

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PLAN AND BIRDSEYE VIEW: ROXANNE SPEAR

VIGNETTES: ROXANNE SPEAR AND JANET WOLSBORN

THIS BOOK MAY BE REPRODUCED ONLY WITH PERMISSION OF GOLDEN GATE UNIVERSITY SCHOOL OF LAW AND STEPHANIE V. LANDREGAN, FASLA.



The Greenspace Opportunity at Alameda Point

There are sound reasons why Golden Gate University's Center on Urban Environmental Law (CUEL) selected Alameda Point as the initial focus of its greenspace program.

In one of the most urbanized locales in the nation, Alameda Point constitutes more than 500-acres of unbuilt land surrounded by San Francisco Bay waters. It contains extensive saltwater and freshwater wetlands, supports a colony of the threatened California Least Tern, and offers spectacular unimpaired views of the San Francisco skyline. Establishing a large-scale natural park at the core of a re-envisioned Alameda Point holds the prospect of improved property values on nearby lands, the availability of wetlands mitigation funds to fund the park, and the reduced long-term maintenance costs associated with a more naturally sustained landscape.

On both economic and environmental grounds, CUEL recognized Alameda Point as a once-in-a-generation urban greenspace opportunity. The realization of this opportunity, however, is complicated by the jurisdictional division that occurred when the Alameda Naval Air Station (NAS) located at Alameda Point closed in the 1990s. With this closure, the unbuilt portions of the Alameda Naval Air Station containing the jet fighter tarmac were retained by the Navy while the more built portions of the NAS were transferred to the City of Alameda. Since then, the federal and City of Alameda land use planning processes have proceeded on separate tracks.

For the federal portions of Alameda Point, the Navy is moving ahead with plans for toxic cleanup and wetlands restoration, the United States Fish and Wildlife Service has a long-standing proposal to create a national wildlife refuge, and in recent years the Veterans Administration has expressed interest in constructing new facilities. For the City of Alameda portions of Alameda Point, a public consultation and environmental impact assessment process is now underway (known as *Going Forward*) to determine the nature and location of development. While the *Going Forward* process is proceeding, Lawrence Berkeley Laboratory (associated with the University of California at Berkeley) has approached the City of Alameda with a proposal for a new Alameda Point research facility.

CUEL, in collaboration with the Professor Stephanie Landregan and her colleagues at the UCLA Landscape Architecture Department, is working to articulate a broader greenspace vision for Alameda Point and to identify the regulatory and financing solutions to make this vision a reality.

The Hannover Principles and Imagining *Flight Park*

The challenge ahead will be to integrate and align the federal and City of Alameda land use planning processes for Alameda Point. The Hannover Principles for Design in Sustainability (adopted in 2000 in conjunction with the World Fair held in Hannover, Germany) provide a template to meet this challenge.

The Hannover Principles call for open space/habitat designation and planning that "respects natural borders" more than the jurisdictional borders of particular agencies. For greenspace at Alameda Point, this means planning across federal and City of Alameda boundary lines to maximize habitat benefits and to preserve viewsheds. This also means siting any new structures at Alameda Point, such as the new Veterans Administration facility being considered, within or adjacent to existing development to avoid the vehicular traffic and fragmentation of scenic vistas and wildlife corridors that would result from locating such structures in the more open expanses.

The Hannover Principles also caution against "overplanning" greenspace such that ecosystems and habitats are not provided with sufficient latitude to balance themselves out over time. In a section titled *Humility in Design*, the Hannover Principles advocate that we "leave space for the design to evolve on its own." For greenspace at Alameda Point, this points to large swaths of contiguous open space (on both the federal and City of Alameda portions) with wildness and habitat the high priorities. In terms of those areas within the City of Alameda *Going Forward* planning process, envision a 500-foot wide bank of grasslands and dunes along the Seaplane Lagoon's north shore. Imagine a several hundred-acre expanse of interconnected wetlands as the centerpiece of the Northwest Territories (along the entrance to the Oakland-Alameda Estuary).

As shorthand for this notion of developing integrated greenspace along the lines suggested by the Hannover Principles, CUEL has employed the term *Flight Park*. This term evokes and honors the prior Navy uses of the site as an air station as well as the extensive bird and waterfowl on the site. In using the term *Flight Park* CUEL is not suggesting that there necessarily needs to be "one" park at Alameda Point under the jurisdiction of a "single" entity. Rather, the concept of *Flight Park* is employed as a device to allow everyone involved - City of Alameda staff, federal planning staff, adjacent communities, park agency staff, wildlife advocates - to think about the greenspace opportunities (both environmental and economic) at Alameda Point in a broader way. This broader perspective can help inform the planning process for both the City of Alameda and federal agencies.



Wetlands Make *Flight Park* Economically Feasible

When considering the critical question of how to fund the creation and maintenance of greenspace at Alameda Point, the most cost-effective way to address these fiscal concerns is to think big rather than small. That is, the establishment of a large-scale contiguous naturalist landscape (with wetlands throughout) at Alameda Point is a far more viable economic prospect than the establishment of a collection of several isolated small-scale non-naturalist manicured parks.

First, to the extent wetlands were a dominant element of the greenspace at Alameda Point, a Flight Park Wetlands Mitigation Bank could be established to secure investments for the construction and enhancement of these wetland resources. There are a variety of activities/projects in the Bay Area with adverse potential impacts on wetlands (both saltwater and freshwater), such as those frequently undertaken along the shoreline by the Port of Oakland. Those involved in undertaking and approving such activities/projects are often in search of wetlands enhancement and wetlands creation projects along or near San Francisco Bay which can be funded to mitigate/offset such impacts. As such, there is already a strong market for the type of wetlands focused greenspace proposed for *Flight Park*.

Second, in the case of a large acreage naturalist greenspace (such as envisioned for *Flight Park*), the East Bay Regional Park District (EBRPD) may be interested in adding portions of Alameda Point to its existing system of public parklands. In fact, the EBRPD has several million dollars in recent bond money allocated for Alameda Point, and representatives from the EBRPD have indicated that they would be interested in creating new parkland at Alameda Point "if" it is a large acreage naturalist park.

Third, as reflected in the *Humility in Design* concept set forth in the Hannover Principles, large-scale naturally balanced landscapes (such as *Flight Park's* proposal for wetlands hydrologically connected the Bay and expansive dune grasslands with native plants) tend to maintain themselves much more readily and at much less expense than the restrictive micro-designed landscapes generally associated with small isolated municipal parks.

Fourth and finally, large-scale naturalist greenspace (such as *Flight Park*) increases the desirability and value of adjacent and nearby properties, thereby contributing to municipal property tax revenues and the economic success of commercial development in close proximity to such greenspace. As Professor John Crompton noted in his article *The Impacts of Parks and Open Space on Property Values*, "a strategy of conserving parks and open space is not contrary to a community's economic health, but rather is an integral part of it."



The National Park Service (NPS) reached the same conclusion as Crompton in its resource book *Economic Impacts of Protecting Rivers, Trails and Greenway Corridors*. The NPS book reported: "Rivers, trails and greenway corridors are traditionally recognized for their environmental protection, recreation values and aesthetic appearance. These corridors also have the potential to create jobs, enhance property values, expand local businesses, attract new or relocating businesses, increase local tax revenues, decrease local government expenditures and promote a local community." The NPS book went on to clarify, however, that "Many studies have found that the potential for increase in property value depends upon the characteristics of the open space and the orientation of the surrounding properties. Property values increases are likely to be highest near those greenways which highlight open space rather than highly developed facilities and which have limited vehicular access." The publication further noted that greenspace with highly developed facilities and extensive vehicular access (the type of parks initially proposed for the City of Alameda portions of Alameda Point) often led to a decrease in nearby property values, as such areas often become associated with "nuisance factors" (criminal/gang activity, drug usage and dealing, graffiti, etc).

A report by the natural resource economics firm of Robert Hrubes & Associates titled *Overview of Potential Economic Benefits of the Proposed Alameda National Wildlife Refuge* made similar findings, noting that benefits of the proposed refuge "can be captured in higher land values due to the proximity to an open space area that, because it is undeveloped, provides attractive viewsheds of the bay waters and San Francisco skyline." This report also noted that "Businesses may be more willing to relocate to other portions of the present [Naval] air station because of the undisturbed views of the Bay and San Francisco skyline afforded by the refuge."

The observations in the Crompton article, NPS book and Hrubes & Associates report all bear directly on the City of Alameda *Going Forward* planning process. In the areas near the Seaplane Lagoon, there are now proposals under consideration for Lawrence Berkeley Laboratory to build a new facility and for the creation of a Seaplane Village of restaurants and shops. *Flight Park's* proposal for a 500-foot wide swath of dune grassland along Seaplane Lagoon's northern edge will create the grand vistas and spectacular natural landscapes that will make Lawrence Berkeley Laboratory a place people want to work at and Seaplane Village a place people want to visit. *Flight Park* also contains the particular parkland characteristics noted in the NPS book – an emphasis on open space rather than highly developed park facilities – that tend to increase rather than decrease surrounding property values.

With *Flight Park*, natural habitat becomes the core fiscal and economic strategy for Alameda Point.

Professor Paul Stanton Kibel
 Co-Director, Center on Urban Environmental Law (CUEL)
 Golden Gate University School of Law





FLIGHT PARK AT ALAMEDA POINT
 PROPOSED PARK AND WETLANDS

LEGEND

- 1 FLIGHT PARK
- 2 MITIGATION WETLANDS
- 3 HISTORIC REMNANT AIRSTRIPS "EXHIBITION RUNWAY"
- 4 POSSIBLE VETERANS ADMINISTRATION FACILITY
- 5 LEAST TERN BEACH
- 6 ECO HOTEL
- 7 CONTROL TOWER MUSEUM AND NATURE CENTER
- 8 PROMENADE GRASSLANDS
- 9 SEAPLANE LAGOON VILLAGE (SHOPS/RESTAURANTS)
- 10 LAWRENCE BERKELEY NATIONAL LABORATORIES CAMPUS
- 11 RESTORED WETLANDS AND GRASSLANDS AND SITE OF PROPOSED NATIONAL WILDLIFE REFUGE



A BIRD'S EYE VIEW OF SEAPLANE LAGOON GRASSLANDS PROMENADE.

VIGNETTE LOCATION





B VIEW ALONG SEAPLANE LAGOON BOARDWALK TOWARD LAWRENCE BERKELEY NATIONAL LABORATORY CAMPUS AND OF THE PROPOSED SEAPLANE VILLAGE (SHOPS/RESTAURANTS)

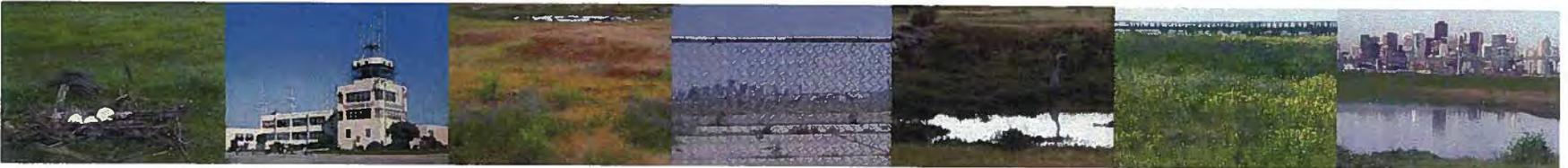
VIGNETTE LOCATION





© ENTRY TO LEAST TERN WILDLIFE REFUGE

VIGNETTE LOCATION





D LEAST TERN BEACH VIEWING PLATFORM ACROSS THE BAY LOOKING SOUTHEAST TOWARD SAN FRANCISCO

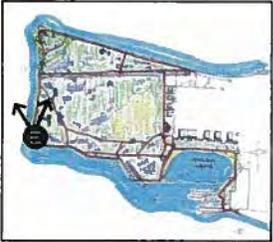
VIGNETTE LOCATION

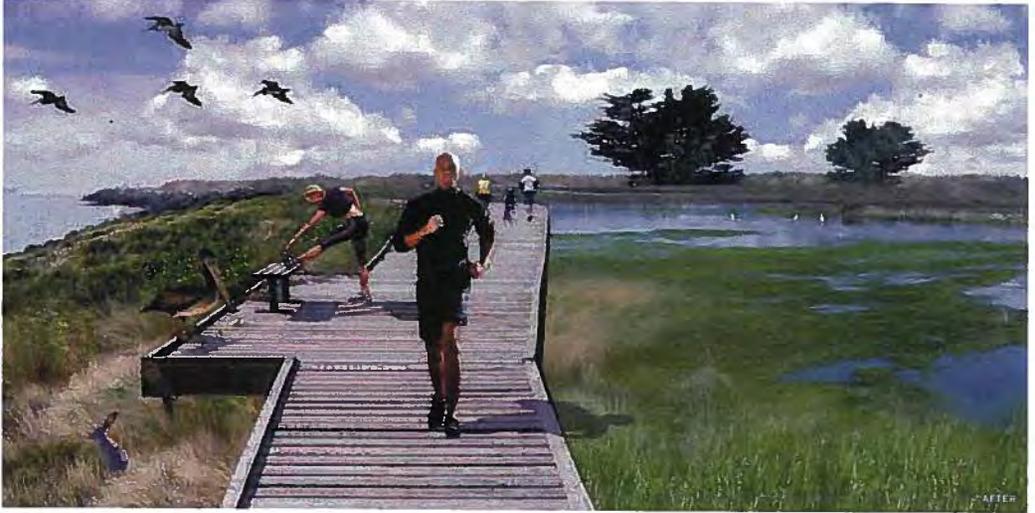




E VIEW ALONG SOUTHWEST PERIMETER BOARDWALK IN NATIONAL WILDLIFE REFUGE

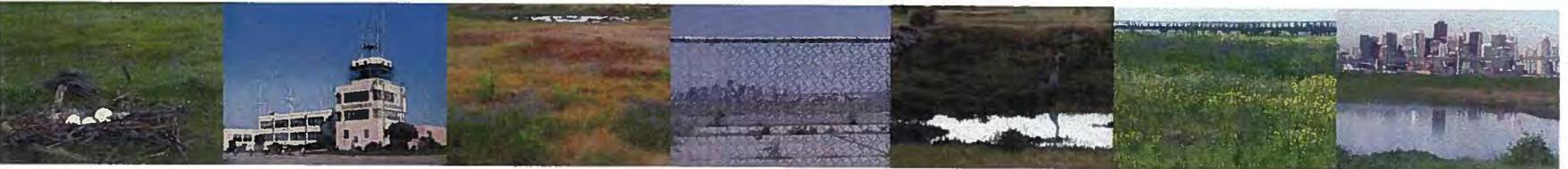
VIGNETTE LOCATION

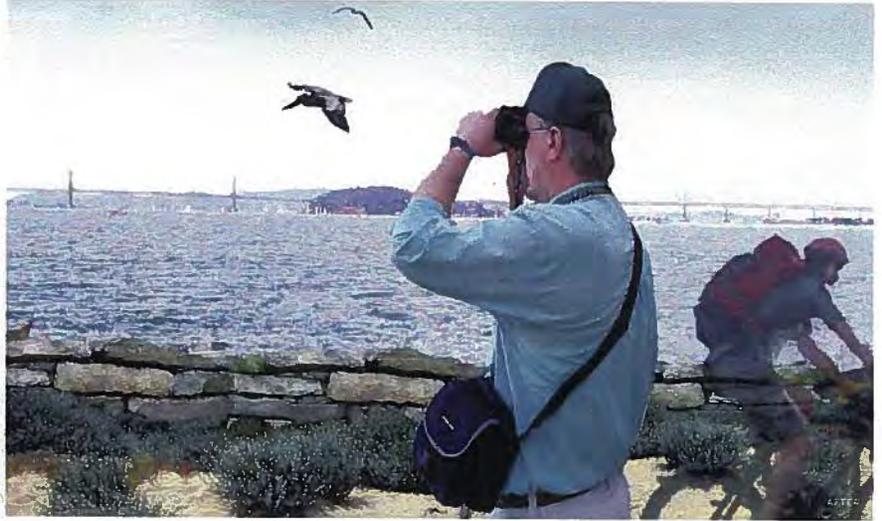




F SOUTHERN PERIMETER BOARDWALK THROUGH FLIGHT PARK

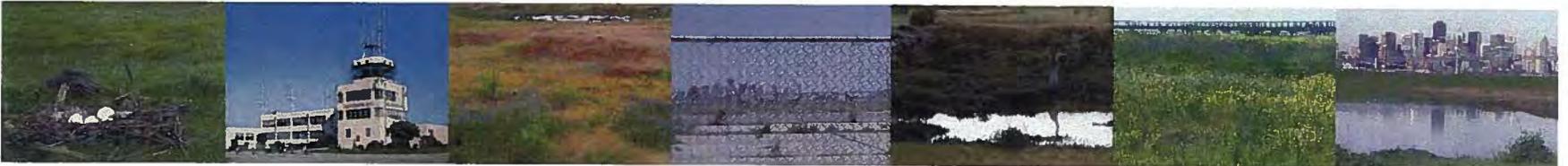
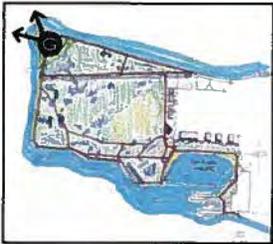
VIGNETTE LOCATION





© VIEW FROM FLIGHT PARK POINT TO TREASURE ISLAND

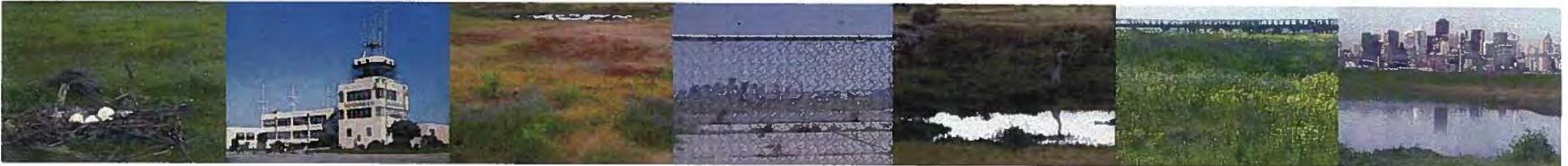
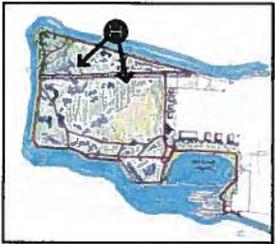
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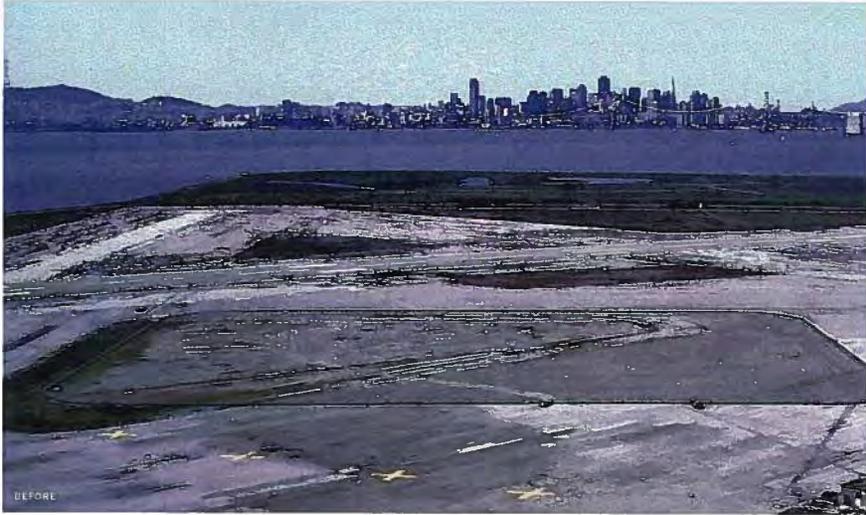




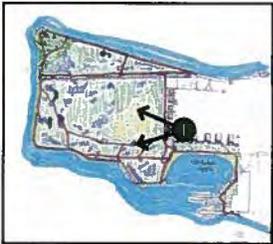
VIEW ACROSS OAKLAND INNER HARBOR TO NORTHWEST TERRITORIES FLIGHT PARK AT ALAMEDA POINT

VIGNETTE LOCATION



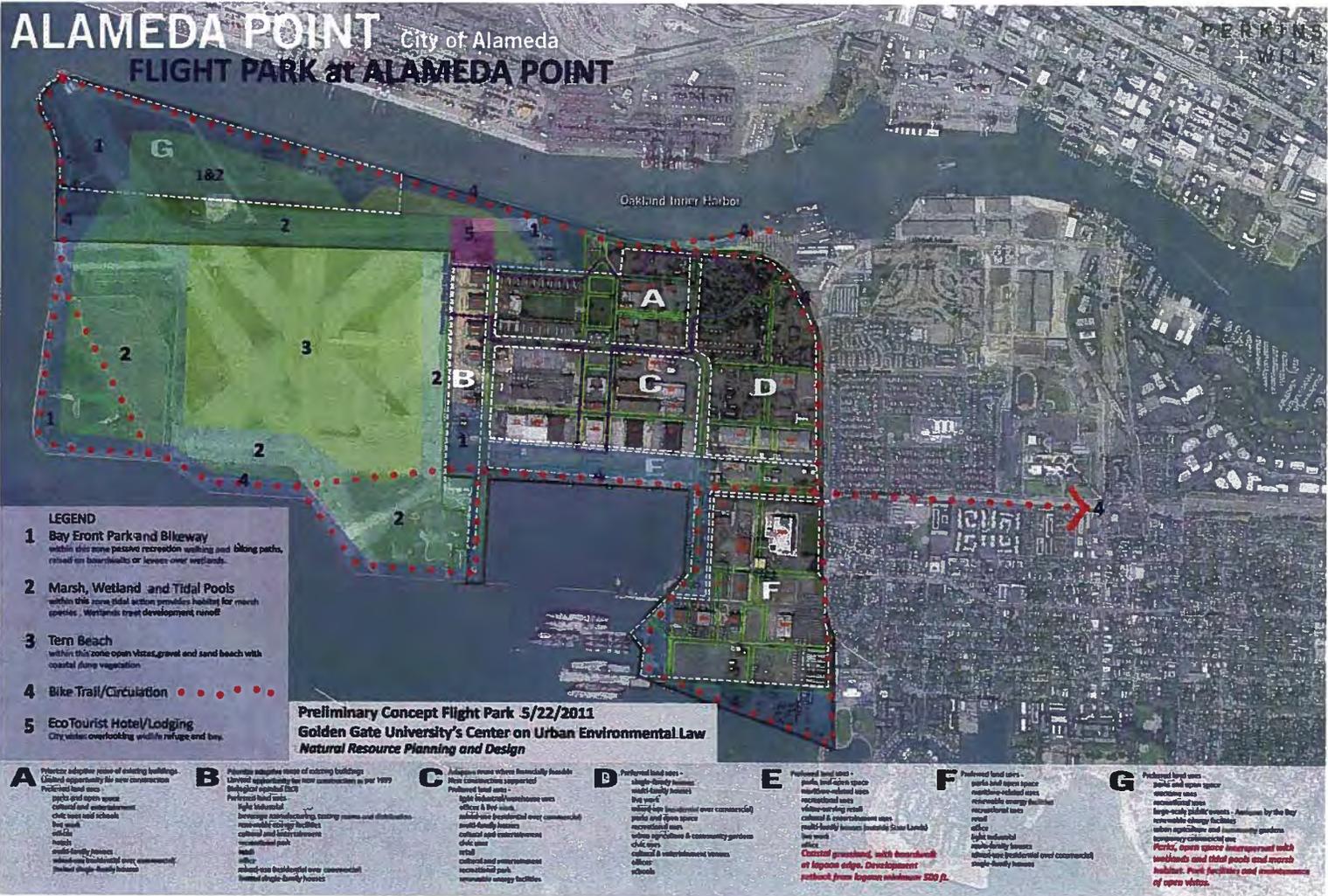


VIGNETTE LOCATION



1 VIEW FROM ECO HOTEL TO SAN FRANCISCO ACROSS NATIONAL WILDLIFE REFUGE





Letter 14. Center on Urban Environmental Law (Paul Stanton Kibel, Associate Professor and CUEL Co-Director)

- 14-1 The comment does not address the adequacy of the environmental analysis. The City acknowledges receipt of the *Flight Park Booklet* and is using it as a resource as it prepares the Town Center and Waterfront Precise Plan.
- 14-2 The comment does not address the adequacy of the environmental analysis. The City appreciates the positive comment on the plan.
- 14-3 Comment noted. The comment does not address the adequacy of the environmental analysis.
- 14-4 Comment noted. The comment does not address the adequacy of the environmental analysis.
- 14-5 As described on page 3-4 of the Draft EIR, one of the project objectives is to enhance views of water and public access to the waterfront in all development and creatively encourage the usage of the waterfront, by providing a waterfront promenade, public art, open space, and other public amenities.
- 14-6 Comment noted. The comment does not address the adequacy of the environmental analysis.
- 14-7 As explained on page 5-1 of Chapter 5, Alternatives, of the Draft EIR, the range of alternatives should include those that would avoid or substantially lessen any of the significant effects of the project (CEQA *Guidelines* Section 15126.6(a)-(c)). Because the Draft EIR concluded that the proposed project would have a less than significant impact related to views from the waterfront, no mitigation measure or alternative related to views from the waterfront is required. Although the comment does not cause the need for additional environmental analysis, the comment does raise planning, design, and cost issues relative to the design of the public open spaces that will need to be considered in the design of the future public open spaces. The City of Alameda appreciates the comments and suggestions provided.



October 21, 2013

Via Email and US Mail

Andrew Thomas, Planning Services Manager
City of Alameda
Community Development Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501
Email: athomas@ci.alameda.ca.us

RE: Comments for the City of Alameda's Alameda Point Project Draft Environmental Impact Report (SCH No. 2013012043).

Dear Mr. Thomas:

I am writing on behalf of the Golden Gate Audubon Society to provide comments for the City of Alameda's Draft Environmental Impact Report (DEIR) for Alameda Point. GGAS appreciates the effort put into the DEIR, but has concerns about its adequacy with regard to Biological Resources, especially cumulative impacts on wildlife when considered with the planned redevelopment and management of the lands that will remain under federal jurisdiction.

Since 1917, Golden Gate Audubon has worked to protect birds and their habitats in the Bay Area. We have been directly involved with research and protection of the endangered California Least Terns that nest at the former Alameda Naval Air Station (ANAS). Many of our members live in Alameda and many of our members use and enjoy Alameda's open space and natural resources. Therefore, we have great interest in the protection of the terns and other wildlife at Alameda Point.

15-1

Golden Gate Audubon appreciates the efforts of the City of Alameda to communicate with us and other stakeholders regarding development at Alameda Point. Overall, Golden Gate Audubon is supportive of redevelopment of the site. We continue to emphasize that redevelopment can and should be congruous with the conservation of the endangered tern colony and the maintenance of wildlife and open space values at Alameda Point, especially in Seaplane Lagoon, on the area known as the Alameda Wildlife Reserve (formerly the airstrip for ANAS), the Northwest Territories, and the surrounding waters.

15-2

The City of Alameda has long expressed support for the conservation of the California least terns at Alameda Point. (*See, e.g.*, City of Alameda General Plan, Policies 9.3kk and 9.3mm) We urge the City to continue to uphold this tradition of conservation leadership as it plans for and implements the next phases of redevelopment and growth at Alameda Point.

15-3

I. COMMENTS

A. The Maps in the Project Description Should Be Amended to Reflect that the Northwest Territories Will Be Managed as a Regional Park.

Golden Gate Audubon appreciates that the Project Description map (Figure 3-1) designates the former ANAS tarmac as a "nature reserve." This reinforces the intent that the portion of the area that will not be developed as part of the Dept. of Veterans Affairs (VA) facility will be managed as a natural area to the benefit of the endangered California Least Terns and other wildlife.

15-4

Golden Gate Audubon further appreciates that the portion of the Northwest Territories that will not be developed by the VA is designated as green space. However, the map is not explicit that the area will be kept for open space (it is colored green, but not labeled). (DEIR, at 3-2, Fig. 3-1) This is a similar omission from other maps. Figure 3-3 does identify the remaining NWT area as "Regional Park". (*Id.* at 3-11) We note that the NWT park land is more fully described in the section covering "Primary Open Space". (*Id.* at 3-19) GGAS requests that the map on Figures 3-1, 3-6, and 3-7 be amended to reflect that it will be formally designated as open and green space, preferably as a regional park.

15-5

GGAS believes that the designation on the color maps (e.g., Figs. 3-1, 3-6, 3-7) is important because it normalizes the expectation among the community and decision-makers that the NWT portion not developed by the VA will be a regional park. The development of the park, preferably a naturalistic, wetland-oriented park, is a major part of the US Fish & Wildlife Service's assessment in its 2012 Biological Opinion for the Navy-VA transfer and redevelopment. The DEIR should reflect that fact.

15-6

Finally, as has been previously expressed on a multiple occasions, GGAS strongly encourages the City of Alameda to resolve differences with the East Bay Regional Park District regarding the NWT and to invite the District to manager the park. The District has the resources and expertise to manage such a large park and to ensure it is managed in concert with the strictures of the Biological Opinion.

15-7

B. Impacts to Biological Resources Must Be Better Described and Further Reduced.

1. Impacts to and Mitigation Measures for Eelgrass Must Be Better Described.

The DEIR acknowledges that activities will have significant negative impacts on eelgrass. (DEIR, at 4.E-63, Impact 4.E-2) As the DEIR acknowledges, eelgrass is extremely important to several species of fish and other marine animals in San Francisco Bay, and it has been significantly reduced from its historic range. GGAS is particularly concerned about the state of eelgrass as a spawning ground for fish and, necessarily, as a provider of forage for birds.

15-8

While MM 4.E-2a appears to be well-founded, in at least as it depends on guidance from the National Marine Fisheries Services and established plans, GGAS is concerned about how the compliance process—particularly the requirement for compensatory mitigation—will be managed by the City. GGAS requests that, at a minimum, the Response-to-Comments provided with the FEIR detail how the City will ensure compliance with this Mitigation Measure.

15-9

MM 4-2b is a source of concern because while educating boaters is important, the education materials are ultimately of little use if there is not an enforcement mechanism to ensure that boaters behave appropriately and minimize impacts. Therefore, GGAS requests that MM 4.E-2b be amended to include some kind of enforcement mechanism (i.e. a commitment to patrol and issue citations), at least for a set amount time or during times of the year when eelgrass and other resources are most sensitive.

15-10

MM 4.E-2c is a good start for ensuring that the project applicant minimizes invasive taxa. However, the MM should be amended to require submission and approval of a budget that provides for a specific financial commitment for implementation of the invasive species control plan. Moreover, the City should set forth a more comprehensive long-term plan for invasive species control in its waters should project applicants fail to meet the requirements of this MM.

15-11

Finally, GGAS is not convinced that the three mitigation measures do render the impact "Less than Significant." Mitigating impacts to eelgrass, especially the kinds of direct impacts sought to be mitigated by MM 4.E-2a, are especially tricky. GGAS is not confident that even if a 3.01:1 mitigation ratio is implement, the impact will be mitigated to a less than significant level. GGAS believes that this will still likely be a Significant Impact and that a Statement of Overriding Considerations should be issued.

15-12

2. Impacts to Wetlands Should Be Mitigated for at a Higher Mitigation Ratio.

Mitigation Measure 4.E-3c states that where direct impacts to jurisdictional waters occur and other mitigation measures are deemed inadequate, compensation shall be provided at 1:1 ratio. (DEIR, at 4.E-70) Because of the uncertainty of compensatory mitigation (i.e., areas in a mitigation bank may be of lesser quality, restored areas may not be self-sustaining, etc.), a higher mitigation measure is more appropriate. (See Ambrose, R. 2004. *Wetland Mitigation in the United States: Assessing the Success of Mitigation Policies*. Wetland (Australia) 19: 1-27, at 23 (concluding that "higher mitigation ratios may be necessary in order to end up with no net loss of wetland functions in a region"), available at http://water.epa.gov/lawsregs/guidance/wetlands/upload/2004_10_28_wetlands_ambrose_wetlandmitigationinus.pdf)

15-13

3. Impact 4.E-4 Is a Significant Impact that Is Not Minimized to a Less than Significant Level.

Impact 4.E-4 acknowledges that the project will have a significant impact on native and migratory wildlife and the use of wildlife nursery sites. (DEIR, at 4.E-71) Disturbance from watercraft directly results in harm to birds and other wildlife, including disturbance during resting and foraging, stress and area-avoidance, and unnecessarily activity (swimming, diving, or flying), which can drain precious energy reserves, reducing the fitness of an animal or its young. The DEIR does a fairly good job of assessing these potential impacts. (See *id.* at 4.E-72)

15-14

Mitigation Measure 4.E-4a is inadequate because it fails to explain why the marina and ferry access corridor (500 foot) is appropriately-sized. If a narrower corridor could be implemented, GGAS urges the City to consider it (or at least to explain and substantiate reasons for rejecting it). Moreover, the MM should include enforcement provisions to ensure that boaters (1)

15-15

remain in the access corridor and (2) maintain a speed of no more than 10 mph. The DEIR does not provide any substantial evidence that MM 4.E-4a will be met without an enforcement mechanism.¹

↑ 15-15
| cont.

4. The City Should Adopt Standards for Bird-Safe Buildings and a "Lights Out for Birds" Policy to Reduce Impacts from Lights and Risks to Birds from Collisions with Buildings and Other Structures.

The DEIR provides a good description of the potential risks to birds due to lights and collision risks in urban environments. The build-out of the former NAS will increase the number and height of some buildings and likely result in a net increase in illumination (due to increased night-time activity and modernized lighting systems).

| 15-16

As part of its proposed Mitigation Measures, the City should adopt a set of Bird-Safe Building Guidelines similar to those adopted by the City of San Francisco in 2011 and the City of Oakland in 2012.^{2,3} While MM 4.E-4b provides for some similar requirements, it lacks the comprehensive approach of similar bird-safe guidelines enacted in San Francisco and Oakland. Arguably, the mitigation measure does not mitigate the potential impact to the fullest feasible extent because it falls short of the benchmarks set by other, similar plans.

| 15-17

Likewise, the DEIR would be strengthened if it included a statement that the City of Alameda would participate in a *Lights Out for Birds* program similar to that in San Francisco.^{4,5} A "Lights Out for Birds" program encourages business and home owners to turn off unnecessary lights during the bird migration periods (March-May and August-November). More information is available at <http://bird-friendly.audubon.org/lights-out-0>.

| 15-18

Finally, the DEIR relies heavily on mitigation measures set forth in the 2012 Biological Opinion covering the Navy-VA transfer and activities. GGAS reminds the City that the BO was intended only to cover the endangered Least Terns and provided mitigation measures intended to avoid a jeopardy finding (i.e., a finding that the VA proposal would jeopardize the continued survival of the California Least Tern species).

| 15-19

The standard for CEQA is much lower, as far as "significant impacts" are concerned. The DEIR seems to conflate the two standards. The DEIR needs to be amended to clearly articulate whether lighting (and other potential impacts) will result in significant negative impacts and whether specific mitigation measures—not just those required by the BO—will reduce those impacts to less than significant levels.

| 15-20

¹ The lack of enforcement begs a question similar to one legal academics pose about "international law": is a code or rule for behavior "law" if it cannot be enforced. (See D'Amato, A. 1985. *Is International Law Really "Law"?*, 79 NW. U. L. REV 1293, 1293)

² See San Francisco Planning Department, *Standards for Bird-safe Buildings*, available at <http://www.sf-planning.org/index.aspx?page=2506>.

³ See *Cities Adopt Bird-friendly Building Codes*, available at <http://www.theepochtimes.com/n3/219515-cities-adopt-bird-friendly-building-codes/?photo=2>.

⁴ *Lights Out in SF Buildings to Save Birds*, 2013, available at <http://www.nbcbayarea.com/news/local/Lights-Out-In-SF-Buildings-To-Save-Birds-221557251.html>

⁵ Kwong, J. 2013. *San Francisco Municipal Buildings Going Dark to Save Birds*, available at <http://www.sfoxaminer.com/sanfrancisco/san-francisco-municipal-buildings-going-dark-to-save-the-birds/Content?oid=2561251>

5. The DEIR Must Be Amended to Improve Protections for Nesting Birds.

Mitigation Measure 4.E-4c fails to include adequate terms to protect nesting birds and reduce potential impacts to less than significant levels. First, the MM requires surveys to be conducted no more than two weeks prior to construction—however, many species can initiate nesting and lay eggs within that window of time. The MM should be amended to reduce this risk by requiring surveys be conducted by a qualified biologist no more than one week (seven days) prior to the initiation of construction.

15-21

The Mitigation Measure also fails to identify a buffer zone to avoid disturbance to nesting birds. The DEIR should be amended to require a minimum of 100 meters around an existing nest, unless a qualified biologist can demonstrate that a less buffer is necessary. At a minimum, the DEIR should be amended to identify a minimum buffer zone and set forth evidence to support it.

15-22

GGAS also believes that the DEIR would be improved if it included a more comprehensive catalog of species that occur at Alameda Point. It is our understanding that such data were provided to the City by Leora Feeney, a long-time Alameda resident and expert ornithologist. Ms. Feeney and others have catalogued at least 185 bird species that occur at Alameda Point. At a minimum, such information should be considered in the environmental review process.

15-23

6. The DEIR Should Be Amended to Include a Pest Management Plan that Avoids the Use of Unnecessary and Highly Toxic Rodenticides.

Rodenticides are a major source of injury and mortality for raptors.⁶ Many of the rodenticides that harm raptors have also been found by the US EPA to pose an unreasonable risk to human health and the environment and the EPA is going through the regulatory process to ban or further regulate such poisons.⁷

15-24

At a minimum, the DEIR should include a Mitigation Measure that sets forth action items for reducing rodenticide exposure to raptors. GGAS recommends that the City consider the "Don't Take the Bait" campaign adopted by the City of San Francisco. (Available at <http://www.sfapproved.org/rodents>). The campaign urges a voluntary ban on the most toxic rodenticides and urges retailers and city residents to avoid their use. For serious pest management issues, professionals should be retained who can assure that the toxics are not unnecessarily spread into the environment. Similar programs have been adopted by several Bay Area cities. For a more comprehensive discussion on this topic and additional resources, please visit <http://www.raptorsarethesolution.org/>.

15-25

7. The DEIR Should Include a Mitigation Measure Banning the Maintenance of Feral Cat Colonies in the Project Area.

The DEIR mentions increased predation on nesting birds, but completely fails to mention outdoor cats. (See DEIR, at 4.E-87) Outdoor cats are the single-largest human-induced cause of

15-26

⁶ California Dept. of Fish & Wildlife. 2013. *Rodenticides Can Harm Wildlife*, available at <http://www.dfg.ca.gov/education/rodenticide/>

⁷ See <http://www.sfgate.com/homeandgarden/thedirt/article/Citizens-campaign-to-ban-baits-that-kill-wildlife-3569772.php>

mortality for birds in North America, killing upwards of 3.7 billion birds each year.⁸ The DEIR is silent as to the occurrence of outdoor cats in the project area. It is highly likely that residences will attract cat owners or people that feed feral cats. Moreover, employees of local businesses may also "adopt" feral cats and create "feeding stations" where food is dumped, ostensibly to feed cats. Such feeding stations not only subsidize feral cat populations, but also subsidize other non-native and human-tolerant species, including crows, ravens, raccoons, and Norway rats, all which may have significant negative impacts on birds and other wildlife.

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15-26
cont.

The DEIR should include a Mitigation Measure which ensures that impacts from outdoor cats are reduced to the greatest extent feasible. Specific provisions of the Mitigation Measure should include (1) a ban on feral cat feeding stations (or, preferably, the feeding of any wildlife), (2) a ban on Trap-Neuter-Return policies in the project area, which are likely to further subsidize the outdoor cat population, and (3) an education program to area homeowners encouraging them to keep their cats indoors, which lead to a longer, healthy life for cats and fewer impacts to local birds, small mammals, and other wildlife.^{9, 10}

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15-27

8. The DEIR's Analysis of Cumulative Impacts to Biological Resources Should Be Revised to Be More Comprehensive and Accurate.

GGAS points out that the DEIR erroneously states that the measures in the 2012 Biological Opinion were created to "ensure that the cumulative development of land now owned by the VA and the City would not result in impacts on the California least tern". (DEIR, at 4.E-93). That is simply not true.

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15-28

The purpose of the Biological Opinion was to reduce the likelihood of jeopardy to the continued existence of the California Least Tern as a species. Through communication with USFWS personnel, GGAS understands that some impacts to the California Least Terns are expected as a result of the VA project and, in all likelihood, the City's redevelopment activities.

Therefore, the entire Cumulative Impacts section needs to be rewritten. If the DEIR is going to assume that the measures set forth in the BO reduce cumulative impacts to less than significant levels, it needs to clearly articulate its reasoning and set forth supporting evidence. It cannot assume that mitigation measures (i.e., those in the BO), which were not drafted for CEQA purposes, meet the standard for compliance with CEQA.

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15-29

GGAS is particularly concerned with the increase in ambient light, ambient noise, and predator pressures at the tern colony. Even without the VA project and the City's redevelopment, predator control at the colony is a challenge each year. The 2012 tern breeding season was almost a complete failure due to predation pressures. While 2013 appears to have been an exceptionally good year, the successes of the colony continue to hinge on effective predator management and

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⁸ See, e.g., Eilperin, J. 2013. *Outdoor Cats Kill Up to 3.7 Billion Birds a Year, Study Says*, available at http://articles.washingtonpost.com/2013-01-31/national/36650863_1_outdoor-cats-feral-cat-george-h-fenwick; original study available at

http://www.abcbirds.org/abcprograms/policy/cats/pdf/Loss_et_al_2013.pdf

⁹ American Bird Conservancy, *Cats Indoors*, available at <http://www.abcbirds.org/abcprograms/policy/cats/index.html>.

¹⁰ People for the Ethical Treatment of Animals (PETA), *Why All Cats Should Be Kept Indoors*, available at <http://www.peta.org/living/companion-animals/indoor-cats.aspx>

ensuring that other factors (food supply, disturbance, and pollution levels) are maintained at levels that promote the terns' survivability.

↑ 15-30
| cont.

The DEIR fails to address these impacts in any meaningful way when considered cumulatively with the impacts from the VA project. Again, the VA project has not undergone CEQA review (and it will not). It is up to the City to understand the impacts of the VA project through a CEQA lens in order to understand the cumulative impacts. The failure of the DEIR to do so is perhaps its most glaring deficiency.¹¹

| 15-31

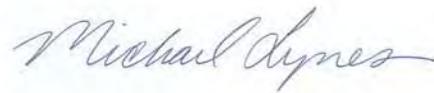
II. CONCLUSION

Thank you for this opportunity to comment on the DEIR. GGAS appreciates the effort invested by the City in this document. However, we continue to have significant concerns about the adequacy of the environmental review, especially with regard to the impacts and mitigation measures identified above. We strongly encourage the City to consider these comments and others from the community and meaningfully incorporate them into a final EIR to ensure that this process is as credible and protective of the environment as possible.

| 15-32

If you would like to discuss these comments further, please contact me at (510) 843-9912 or mlynes@goldengateaudubon.org.

Respectfully submitted,



Michael Lynes
Executive Director

¹¹ GGAS notes that it raised this issue in its Scoping Comments, however the DEIR fails to address the issue at all.

Letter 15. Golden Gate Audubon Society (Michael Lynes, Executive Director)

- 15-1 The comment does not address the adequacy of the EIR analysis. The City shares the Society's interest in protecting terns and other wildlife at Alameda Point.
- 15-2 The comment is noted and the City concurs.
- 15-3 Comment noted. The City shares the Society's support for the conservation of California least terns at Alameda Point.
- 15-4 Comment noted. Additionally, in March 2013 the City Council adopted City of Alameda Resolution No. 14780 affirming the City's support for creation of a "Nature Reserve" at Alameda Point and confirming that the land will remain as federal land over which the City has no jurisdiction.
- 15-5 The comment does not pertain to the adequacy of the environmental review. The proposed action being considered is the application of an Open Space zoning district on the lands commonly referred to as the Northwest Territories. As described in the draft zoning ordinance being considered for adoption, the use of this land under the proposed zoning would be limited to those uses that support public open space uses and natural habitat. Every park in Alameda is zoned "open space."
- 15-6 See comment 15-5. The Northwest Territories was designated for open space uses in the General Plan in 2003. The proposed zoning designation is consistent with the existing General Plan designation and is consistent with USFWS' assessment in the 2012 Biological Opinion.
- 15-7 Comment noted. The comment does not address the adequacy of the analysis.
- 15-8 The City concurs with the Society's statements concerning the ecological importance of eelgrass. Please see response to Comment 4-4, which strengthens Mitigation Measure 4.E-2a related to eelgrass. Also see response to Comment 15-12, below.
- 15-9 The City will enforce compensatory mitigation requirements through the Mitigation Monitoring and Reporting Program (MMRP), conditions of approval for future uses and improvements, and through lease provisions. Through the MMRP, City staff will track compliance with the requirements of Mitigation Measure 4.E-2a, including verification that any required compensatory mitigation is performed adequately. Please see comment 4-2 for additional information.
- 15-10 Please refer to the response to Comment 4-2 regarding the mechanisms for enforcement of measures related to eelgrass beds.

- 15-11 Like all mitigation measures prescribed by the Draft EIR, Mitigation Measure 4.E-2c will be subject to compliance monitoring by the City under the MMRP. The City has the ability to condition entitlements and development permits and to include provisions in leases for marinas or ferry terminal proposals in order to ensure that the conditions of Mitigation Measure 4.E-2c are satisfied. Pursuant to its monitoring of compliance with all adopted mitigation measures and conditions of approval, the City will review the Marine Invasive Species Control Plan to ensure that it is appropriate and will enforce the implementation of the plan through the mechanisms described in the response to Comment 4-2.
- 15-12 The City disagrees that the impact to eelgrass will be significant and unavoidable. Based on surveys of eelgrass beds conducted in the project vicinity in the past (as summarized in maps in Boyer and Wyllie-Echeverria [2010]), it is likely that impacts to eelgrass will be low, if any such impacts occur at all, because eelgrass may not be present in any waters where activities such as marina or ferry terminal development occurs. The City understands that eelgrass transplantation and restoration is challenging, and it will require that any such compensatory mitigation be performed appropriately. Enforcement of the necessary mitigation measures will occur as described in the responses to Comments 4-2 and 15-9. Therefore, implementation of Mitigation Measures 4.E-2a to 4.E-2c will reduce any impacts to eelgrass to less-than-significant levels.
- 15-13 Mitigation Measure 4.E-3c requires “a minimum” 1:1 ratio. As indicated in Mitigation Measure 4.E-3c, the applicant will need to comply with the mitigation requirements of regulatory agencies as well, so this mitigation measure defines the minimum acceptable amount. Also, Mitigation Measure 4.E-3c requires development of a wetland mitigation and monitoring plan (unless mitigation is satisfied through the purchase of credits in a mitigation bank). The City will ensure that the mitigation approach is adequate, and to enforce remedial measures if monitoring of the wetland mitigation demonstrates that success criteria have not been achieved. Thus, the City will be able to ensure that compensatory mitigation for wetland impacts is adequate.
- 15-14 The comment is acknowledged.
- 15-15 The City disagrees that Mitigation Measure 4.E-4a is inadequate. The 500-foot width in Mitigation Measure 4.E-4a is based on the width of such a corridor envisioned by the Draft Comprehensive Conservation Plan for the previously proposed Alameda National Wildlife Refuge.¹⁷ That document, prepared by the U.S. Fish and Wildlife Service (USFWS), concluded that a 500-foot wide corridor was appropriate to allow for vehicles to pass each other while protecting wildlife on the shore and on Breakwater Island. It should be noted that such a 500-foot wide corridor was not required by the USFWS, in the most recent 2012 Biological Opinion (BO) for the Navy’s conveyance and the VA’s/City’s reuse of Alameda Point. It is the City’s opinion that a 500-foot wide corridor

¹⁷ Caffrey, C., 2005. *The California Least Tern source population at the proposed Alameda National Wildlife Refuge*, Golden Gate Audubon Society, Berkeley, CA.

is necessary to allow vehicles to pass each other safely; a narrower corridor may not allow large vessels to pass each other safely. Please refer to the response to Comment 4-2 for information regarding the mechanisms by which the 500-foot wide corridor and the limit on boat speed will be enforced by the City.

- 15-16 The comment is acknowledged.
- 15-17 Mitigation Measure 4.E-4b contains substantive measures for bird-safe building design from the San Francisco and Oakland design guidelines cited in this comment. The City does not need to adopt a set of bird-safe building guidelines in order to reduce impacts of the Alameda Point Project on birds to less-than-significant levels. Mitigation Measure 4.E-4b will reduce the impacts of buildings on birds to a less-than-significant level.
- 15-18 Participation in a “Lights Out for Birds” program is not necessary to reduce impacts of the Alameda Point Project on birds to a less-than-significant level and mitigation Measure 4.E-4b contains the substantive lighting-related measures for bird-safe building design from the San Francisco and Oakland design guidelines. In addition, development within the project area is subject to the restrictions on increases in lighting described in the 2012 BO and the subsequent design guidelines (the Memorandum of Agreement)¹⁸ that the City formulated to ensure compliance with the BO’s requirements. As a result, Mitigation Measure 4.E-4b will reduce the impacts of buildings on birds to a less-than-significant level.
- 15-19 The City recognizes that the 2012 Biological Opinion provided a no-jeopardy opinion for the California least tern.¹⁹ However, it should be noted that the conservation measures and conditions of the BO that provide for the conservation of the least tern are also applicable to and will be protective of numerous other wildlife species in the project area. The City does not agree that the sole purpose of the conservation measures and conditions in the BO are to avoid a jeopardy finding, because many of the BO’s conservation measures provide protection to the least terns at Alameda Point beyond what is necessary to avoid jeopardy and therefore, benefits other species as well. The comment seems to imply that because the standard of the USFWS’s section 7 consultation was to determine whether or not the proposed project would jeopardize the continued existence of the California least tern, the standards for CEQA compliance (mitigation of impacts to less-than-significant levels) necessitate more stringent mitigation measures. The applicable conservation measures and conditions included in the BO were conservation measures incorporated into the Project Description. While one of CEQA’s mandatory findings of significance for determining whether to prepare an EIR is whether the project will “cause a fish or wildlife species population to drop below self-sustaining levels” (CEQA *Guidelines* § 15065(a)(1)), the Significance Criteria used to analyze the impacts of the proposed project on biological

¹⁸ MOA, 2012. *Memorandum of Agreement By and Between The United States of America, Acting By and Through the Department of Veterans Affairs and The City of Alameda*. August 29, 2012.

¹⁹ The 2010 BO also found that the conveyance and reuse of NAS Alameda, which includes both the Alameda Point project site and the VA project site, “may affect, but is not likely to adversely affect the snowy plover.” USFWS August 29, 2012 cover letter to 2012 BO.

resources in Section 4.E of the Draft EIR (see page 4.E-45), are based on CEQA *Guidelines* Appendix G and cover a broader range of potential impacts, all of which are analyzed in the EIR and for which mitigation measures are identified. As a result, the analysis in the EIR goes well beyond simply avoiding a jeopardy determination, and the protection that will be provided by the mitigation measures identified in the EIR goes far beyond simply avoiding jeopardy of the California least tern. Moreover, many of the mitigation measures presented in Section 4.E, *Biological Resources*, have been expanded beyond the BO conservation measures and conditions. For example, the 500-foot wide corridor for boating and the implementation of a no-wake zone outside the least tern breeding season were not required by the BO, but rather have been identified by the City to reduce impacts to other wildlife species to less-than-significant levels, as described on page 4.E-74 of the Draft EIR, Mitigation Measure 4.E-4a. Please see response to Comment 15-28.

- 15-20 Please refer to the response to Comment 15-19. The City is confident that the mitigation measures prescribed by the Draft EIR, with the minor refinements made in response to public comments, are adequate to mitigate impacts to biological resources to less-than-significant levels. Further, these mitigation measures are in addition to the BO requirements. For example, implementation of Mitigation Measure 4.E-4b, presented on page 4.E-77 of the Draft EIR, would further avoid and minimize potential impacts of night lighting and increased avian collisions on resident and migratory birds by requiring design features such as patterned or fritted glass and decreasing reflectivity of surfaces would make buildings appear less transparent. The measure also calls for limiting night lighting, which would reduce the potential for disorientation. Similarly, implementation of Mitigation Measure 4.K-4, presented on page 4.K-20 of the Draft EIR, would reduce potential impacts related to new sources of substantial light or glare which could potentially adversely affect day or nighttime views in the project area to a less than significant level.
- 15-21 In response to this comment, the second bullet under Mitigation Measure 4.E-4c has been revised as follows to provide greater assurance that new nests will not become established near Project construction areas between the timing of the pre-construction survey and commencement of construction:
- To avoid and minimize potential impacts on nesting raptors and other birds, preconstruction surveys shall be performed not more than ~~two weeks~~ one week prior to initiating vegetation removal and/or construction activities during the breeding season (i.e., February 1 through August 31).
- 15-22 The Draft EIR provides guidance regarding the typical minimum buffer zones to be implemented around active bird nests. The third bullet under Mitigation Measure 4.E-4c describes these buffers as 250 feet for raptors and 50 feet for other birds. However, site-specific conditions, including the level and type of existing disturbance (as compared to the level and type of disturbance proposed by the reuse activity), the sensitivity of the species in question, the height of the nest, the presence or absence of screening vegetation or structures, and other variables may affect the size of the buffer that is necessary to

prevent nest abandonment as a result of project activities. Accordingly, Mitigation Measure 4.E-4c appropriately indicates typical buffer zones, and indicates that the actual buffer zone around a given nest will be determined by a qualified biologist in cooperation with the USFWS and/or CDFW.

- 15-23 The City appreciates the information regarding the large number of bird species recorded at Alameda Point by Ms. Feeney. The City was aware of this information and considered the site's importance to birds in the preparation of the Draft EIR. Inclusion of the list of bird species in the Draft EIR is not necessary, however, and it would not change the analyses or conclusions of the Draft EIR.
- 15-24 Comment noted. The City understands the potential risks to wildlife posed by rodenticides.
- 15-25 The City disagrees that including a mitigation measure to reduce rodenticide exposure to raptors is necessary. There is no evidence that rodenticide use on the proposed project site will result in significant impacts, as the City employs best management practices and follows federal, state, and local regulations related to the application, storage, and disposal of products and well as training for those who handle the products. In addition, the EPA has ongoing regulatory actions to cancel and remove from the market mouse and rat poison bait products that fail to comply with EPA safety standards as found in the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) that should help in reducing the potential future impact to raptors and other animals. In its current form, FIFRA mandates that EPA regulate the use and sale of pesticides to protect human health and preserve the environment. Further, the City of Alameda has an integrated pest management policy which would apply to the project area.²⁰
- 15-26 Feral cats are discussed on page 4.E-6 as an "urban wildlife species" and on page 4.E-7 which states that they are often found in developed/landscaped areas. The Draft EIR also discusses the City's funding of the preparation and implementation of a predator management plan (on page 4.E-87 of the Draft EIR) in the project area west of Main Street, as required by the 2012 BO.²¹ The predator management plan includes measures to trap feral cats and to report observations of feral cats being fed by the public to the City. As required by the BO, the City will prohibit feral cat feeding stations and feral cat colonies on all lands conveyed by the Navy, and the City will install educational signage describing that prohibition. These measures are incorporated into the proposed project.
- 15-27 Please refer to the response to Comment 15-26. In addition, the City will include measures in the zoning for the project site banning not only feral cat feeding stations, but also the release of any cats in the project area. Such zoning restrictions will preclude Trap-Neuter-Release programs from operating legally within the project area. These measures are incorporated into the proposed project.

²⁰ City of Alameda Integrated Pest Management policy. Adopted by City Council Resolution June 15, 2010.

²¹ City of Alameda, 2012. *Alameda Point Predator Management Plan for Lands West of Main Street*, Project # 3333-03 prepared by H.T. Harvey & Associates for City of Alameda, December 5, 2012.

15-28 Please refer to the response to Comment 15-19. The conservation measures and conditions of the BO that provide for the conservation of the least tern are also applicable to and will be protective of numerous other wildlife species in the project area. The City does not agree that the sole purpose of the conservation measures and conditions in the BO are to avoid a jeopardy finding, as many of the BO's conservation measures provide protection to the least terns at Alameda Point beyond what is necessary to avoid jeopardy and therefore benefit other species as well. Taking into account the measures incorporated into the project in compliance with the BO and the mitigation measures identified in the Draft EIR, no additional measures are necessary to reduce impacts to least terns to a less-than-significant level. The Draft EIR found that even with implementation of these measures, development of the proposed project could have an effect, albeit a less-than-significant effect, on the least tern. For the sake of accuracy, the statement referred to in this comment on page 4.E-93 of the Draft EIR is revised as follows:

As described above, the proposed project includes all of the applicable measures from the U.S. Fish and Wildlife Service's (USFWS) Biological Opinion (BO), as embodied in the Navy's Declaration of Restrictions, that were developed to ensure that the cumulative development of land now owned by the VA and the City would not result in significant impacts on the California least tern (see the Regulatory Framework section above for details on each measure).

The VA project is one of the cumulative projects analyzed in the EIR, and thus the combined effect of the VA project and the Alameda Point project have been analyzed. The 2012 BO was issued for both projects, and thus addresses the effects of both projects and the conservation measures appropriate for implementation by both projects for the conservation of least terns at Alameda Point. The City reviewed the EA for the VA project in preparing the cumulative impacts analysis to ensure that the VA project's impacts were adequately considered in conjunction with those of the Alameda Point project.

15-29 As described on page 4.E-93 of the Draft EIR, the proposed project includes all of the applicable measures from the U.S. Fish and Wildlife Service's (USFWS) Biological Opinion (BO), as embodied in the Navy's Declaration of Restrictions, that were developed to ensure that the cumulative development of land now owned by the VA and the City does not have potential impacts on the least tern colony. Accordingly, the cumulative impacts assessment in the Draft EIR takes into account the impacts from, and the adopted BO conservation measures and conditions pertaining to, both the Alameda Point and VA projects. As described in the response to Comment 15-19, the BO conservation measures and conditions, which apply to both projects at Alameda Point, provide conservation value beyond simply avoiding jeopardy to the California least tern's continued existence.

The comment implies that the entire cumulative impacts assessment relies solely on the implementation of BO conservation measures and conditions to avoid significant cumulative impacts, but that is not the case. As described on page 4.E-93 of the Draft EIR, the cumulative impact assessment clearly refers to the mitigation measures addressing both projects. As described in Impact 4.E-7, with implementation of the BO's conservation measures for both the VA and Alameda Point projects in the BO, in conjunction with the mitigation measures identified in the Draft EIR for the Alameda Point project, the cumulative impact of these projects on the California least tern is less than significant.

- 15-30 Please refer to the responses to comments 15-28 and 15-29 regarding the Draft EIR's consideration of both the VA and Alameda Point projects in the cumulative impact analysis. As discussed in the Draft EIR on page 4.E-87, the City's funding of the preparation and implementation of a predator management plan in the project area west of Main Street is required by the BO. The City has already prepared that plan and has funded the plan's implementation. In addition, the City hired a lighting consultant to develop a set of lighting guidelines for projects in the redevelopment area to ensure against an increase in ambient light levels beyond those allowed by the BO. The VA and the City have agreed upon the implementation of those guidelines to ensure that any increase in lighting levels from redevelopment activities at Alameda Point do not exceed the thresholds outlined in the BO. The Draft EIR includes an extensive analysis of the effects of construction noise and boating noise and identifies Mitigation Measures 4.E-1a to 4.E-1c to address construction-phase noise impacts for in-water activities and Mitigation Measure 4.E-4a to limit boating noise by providing a speed limit for boats. Implementation of these measures will reduce project impacts on the California least tern to less-than-significant levels.
- 15-31 Please refer to the responses to Comments 15-19, 15-28, 15-29, and 15-30. The VA Project is one of the cumulative projects analyzed in the EIR, hence the combined effect of the VA Project and the Alameda Point Project have been analyzed. The 2012 BO was issued for both projects, and thus addresses the effects of both projects and the conservation measures required to be implemented by both projects for the conservation of least terns at Alameda Point. The VA project was the subject of environmental review under the National Environmental Policy Act (NEPA), the City reviewed the VA's Environmental Assessment and, as described on page 4.E-92 of the Draft EIR, the cumulative analysis included the VA project. The conservation measures and conditions of the BO applying to the VA, coupled with those applying to the City's Alameda Point Project and the mitigation measures described in the Draft EIR, are adequate to reduce impacts (both on a project-specific and cumulative level) on the California least tern colony to less-than-significant levels.
- 15-32 Comment noted. The City appreciates these comments and has considered the Society's comments carefully.

*Housing Opportunities Make Economic Sense
(H.O.M.E.S)*

October 21, 2013

Andrew Thomas, City Planner
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Draft EIR for Alameda Point

Dear Andrew Thomas:

There are several fundamental questions that I feel need clarity, so the community knows what the possibilities of change are in analyzing the "project" and the "alternatives". It may be understood what the relationship is beyond the fact the requirement that the EIR examines alternatives. 16-1

The overarching comment is that if the alternatives are truly that, and one can pick and chose one of the scenarios then it is clearly no choice. The Transit Oriented Alternative is the only one that provides even close to a balance of uses. It also is the one that will provide adequate housing to support the proposed retail (unless this area is to build on the notion of more big box store districts.) Nor will it support the traffic mitigation proposals. There simply must be an adequate population to make those ideas work. 16-2

The question is from our viewpoint - the "project" is not very feasible and can the City choose instead to make one of the Alternatives into a project to build? Could we two months later say we are actually going to build this analyzed alternative? Achieving a mixture of uses including the public amenities, such as a post office, library, religious buildings, schools, neighborhood retail require a certain amount of shoppers, which are not likely to draw from other parts of the City. 16-3

Further flaws in all of the plans is the statement that grid streets will link into the adjacent Alameda neighborhoods, yet the drawings do not illustrate these connections and the few that exit Alameda Point nearly all end at Main St. Realistically, does proposing up to 9,000 jobs with a "balance" of essentially 1,200 new homes work? Suggest a re-examination of the traffic impact premise. There are approximately 60 properties in all of Alameda currently for sale and so unlikely the rest of the island could absorb the number of workers who hopefully would desire to live here. 16-4

The following attachment will reflect other concerns and comments for consideration.

Sincerely,

Helen L. Sause
President
H.O.M.E.S.

cc: Planning board
City manager

*Housing Opportunities Make Economic Sense
(H.O.M.E.S)*

ALAMEDA POINT DRAFT EIR COMMENTARY

EIR Chapter 1 Project Overview

Comments:

- 1. Does not address the diversity to absorb amount of land available in a reasonable amount of time. The absorption of retail, business park type uses in Alameda does not reflect that the absorption of the amount of square footage proposed is achievable without some more realistic component of housing. 16-5
- 2. Analyze more carefully the number of jobs an island community can absorb without additional expansion of the housing resources. The Housing Element Sites to date do not come even close to achieving their development potential. So there must be a more realistic evaluation of this aspect of the EIR. 16-6
- 3. The transit objectives and retail absorption are unlikely to succeed with 1,200 new units. 16-7
- 4. Major concern is whether the infrastructure plan locks Alameda into a housing development decision to only 1,200 new units. If not, how is the system planned to be capable of adjustment to say more units and/or different mix of retail and/or light industrial? 16-8

Chapter 3 Transportation and Circulation

This section needed lots of analysis and fortunately Alameda has defined many policies to act as a framework. This analysis required a multi-modal and cumulative projects analysis. The mitigation measures needed to include Transportation Demand Management (TDM) plan. 16-9

Comments:

- 1. A TDM along with the Monitoring and Improvement Program are mitigation measures for almost all of the Potential Impacts. The EIR states on page 4 – 23 “The transportation modeling assumes that the share of trips made using transit will be consistent with existing transit ridership patterns in Alameda, and does not assume reduction in automobile trip generation rates to account for the potential future benefits of Transportation Demand Management (TDM) at the project site.” 16-10
 - a. Although the TDM is required, it seems that some calculation could be made on the projected outcome of the program. Please explain why the future benefits of the TDM cannot be calculated.