M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 22, 2012

Reference No.: 2.2c.(4)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2012 OAKLAND ARMY BASE: OUTER HARBOR INTERMODAL TERMINAL PROJECT (RESOLUTION E-12-56)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR) , Addendum, Findings of Fact, and Statement of Overriding Considerations for the 2012 Oakland Army Base: Outer Harbor Intermodal Terminal Project (project) in Alameda County and approve the project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR, Addendum, Findings of Fact, and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND:

The City of Oakland (City) is the CEQA lead agency for the 2012 Oakland Army Base: Outer Harbor Intermodal Terminal Project. The project is located in the City of Oakland. The Oakland Army Base (OAB) served as a U.S. Army facility until it closed in 1999. In 2000, the Oakland City Council designated the base and surrounding properties as a Redevelopment Area covering over 1,800 acres, including the former OAB, 16th/Wood area, and Maritime areas of the Port of Oakland (Port). The OAB Area Redevelopment Plan Environmental Impact Report (2002 FEIR) was certified by the City of Oakland on July 29, 2002. The City and the Port are proposing to develop a portion of the Redevelopment Area, generally encompassing the former OAB (approximately 360.5 acres), primarily for transportation and logistics purposes, including railroad and street infrastructure and other trade and logistics improvements (2012 OAB Project). The 2012 OAB Project Initial Study/Addendum evaluated all of the project's potentially significant environmental effects and concluded that the project would not result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the prior CEQA reviews, therefore the City concluded a subsequent and supplemental EIR is not required.

The project which the 2002 FEIR and 2012 Addendum covers will result in significant unavoidable impacts to transportation and traffic, cultural resources, aesthetics, biological resources, historical resources, and air quality. Specifically, the project would cause some roadway segments on the Metropolitan Transportation System (MTS) to operate at level of service (LOS) F and increase the volume/capacity ratio by more than three percent on segments that would otherwise operate at LOS F without redevelopment; increased congestion at the MTS exceeding the cumulatively significant threshold; cumulative impacts from inadequate truck-related parking related to construction equipment could increase levels of criteria pollutants and diesel emissions; increased emissions from passenger vehicles and delivery trucks; cumulative loss of Bay Area military historic resources; potential substantial increase in the risk of establishment of invasive species in the San Francisco Bay; and removal of visually striking warehouse structures visible from I-80. Mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible.

The City adopted the 2012 Addendum to the 2002 FEIR, Findings of Fact and a Statement of Overriding Considerations for the 2012 OAB project on June 21, 2012. The city found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, helping to implement the Oakland Army Base Redevelopment Plan objectives of alleviating economic and social degradation due to the closure of the Oakland Army Base; eliminating blighting influences; creating a vibrant and balanced land use pattern; strengthening the economic base; allowing for sustainable job creation; expanding, improving, and preserving low/moderate income housing; accommodating the Port's share of regional maritime cargo throughput through the year 2020; providing sufficient capacity so the Port of Oakland can substitute for other West Coast gateway ports in the event of natural disaster or other emergency; and helping to keep the Port competitive with other West Coast ports. The City established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

On July 19, 2012 the City considered an Initial Study/Addendum when it approved projects related to the Oakland Army Base. On July 27, 2012 the City provided written confirmation that the preferred alternative set forth in the 2002 FEIR and the 2012 Addendum is consistent with the project programmed by the Commission in the Trade Corridors Improvement Fund. The City also provided written confirmation of its commitment to all of the standard conditions of approval and mitigation measures stipulated in the 2012 OARB Project Initial Study/Addendum (which carried forward and updated applicable measures from the 2002 OARB Redevelopment Plan FEIR), and the 2012 Standard Conditions of Approval and Mitigation Monitoring Program.

The project has a fully funded development plan; however, it does not include all the improvements proposed in the addendum. The additional improvements will be subject to future funding availability and market conditions. The project will be funded and built in phases. The project programmed in the TCIF is estimated to cost $499.2 million and is funded with $242.1 million TCIF funds, $242.1 million Local funds, and $15 million Federal funds. Construction is estimated to begin in fiscal year 2012/13.

Attachment
- Resolution E-12-56

- Findings of Fact and Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding
04 – Alameda County
Resolution E-12-56

1.1 **WHEREAS,** the City of Oakland (City) has completed a Final Environmental Impact Report and 2012 Addendum pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:

- 2012 Oakland Army Base: Outer Harbor Intermodal Terminal Project

1.2 **WHEREAS,** the City has certified that the Final Environmental Impact Report and 2012 Addendum has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and

1.3 **WHEREAS,** the project will redevelop the former Oakland Army Base; and

1.4 **WHEREAS,** the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report and 2012 Addendum; and

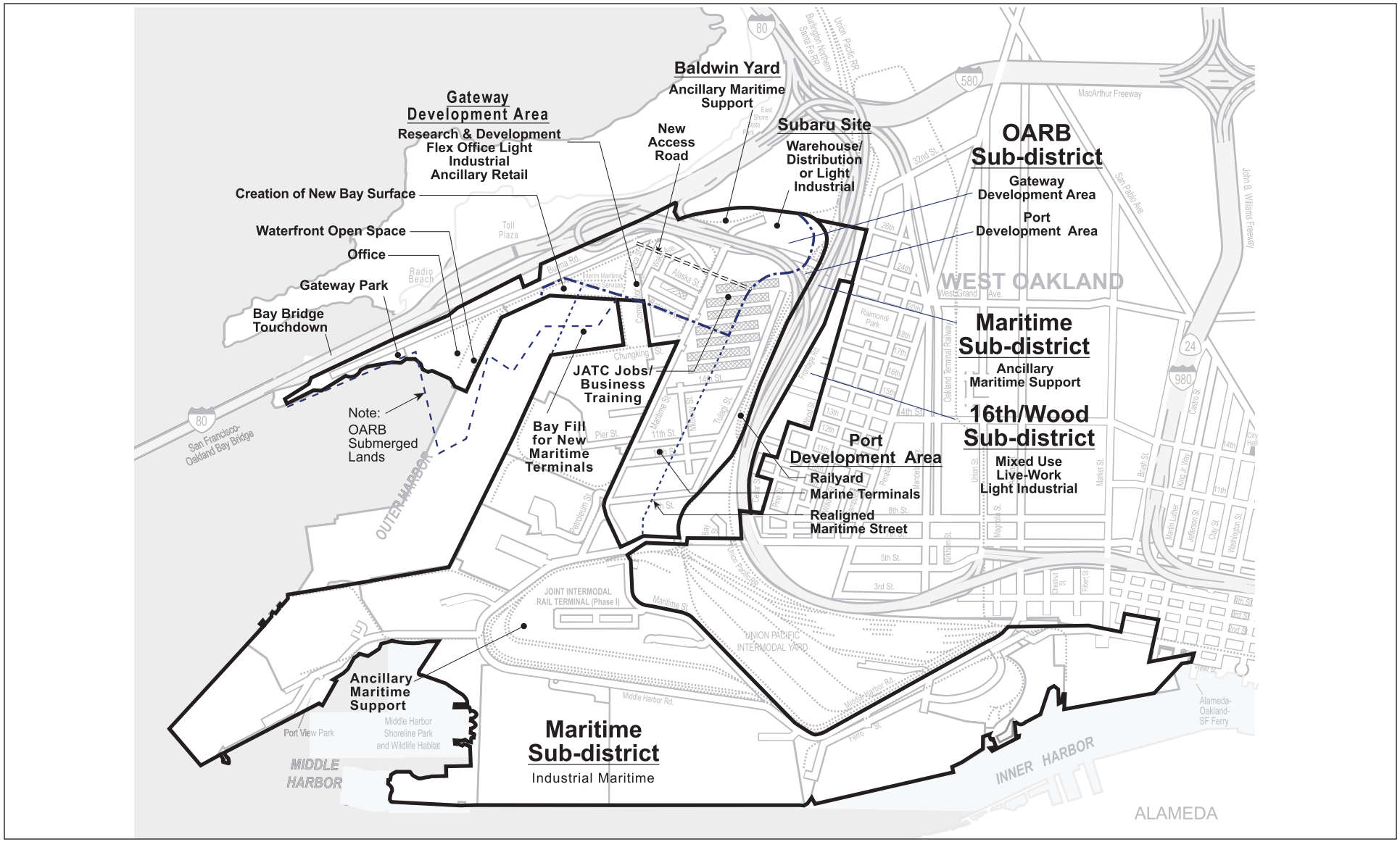
1.5 **WHEREAS,** Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related transportation and traffic, cultural resources, aesthetics, biological resources, historical resources, and air quality make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and

1.6 **WHEREAS,** the City adopted a Statement of Overriding Considerations for the project; and

1.7 **WHEREAS,** the City adopted a Mitigation Monitoring Program for the project; and

1.8 **WHEREAS,** the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.

2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, 2012 Addendum, Findings of Fact, and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.


Baldwin Yard
Ancillary Maritime Support
Gateway Development Area
Research & Development
Flex Office Light Industrial
Ancillary Retail
New Access Road
Subaru Site
Warehouse/ Distribution or Light Industrial
OARB Sub-district
Gateway Development Area
Port Development Area
Creation of New Bay Surface
Waterfront Open Space
Office
Gateway Park
Bay Bridge Touchdown
WEST OAKLAND
Maritime Sub-district
Ancillary Maritime Support
16th/Wood Sub-district
Mixed Use
Live-Work
Light Industrial
JATC Jobs/ Business Training
Note: OARB Submerged Lands
Bay Fill for New Maritime Terminals
Port Development Area
Railyard
Marine Terminals
Realigned Maritime Street
OUTER HARBOR
San Francisco-Oakland Bay Bridge
JOINT INTERMODAL RAIL TERMINAL (Phase I)
UNION PACIFIC INTERMODAL YARD
Ancillary Maritime Support
Port View Park
Middle Harbor Shoreline Park and Wildlife Habitat
MIDDLE HARBOR
Maritime Sub-district
Industrial Maritime
INNER HARBOR
ALAMEDA
Alameda-Oakland-SF Ferry
MacArthur Freeway
Union Pacific RR
Burlington Northern Santa Fe RR
Oakland Terminal Railway
John B. Williams Freeway
San Pablo Ave.
Toll Plaza
Radio Beach
Raimondi Park
Middle Harbor Rd.
Maritime St.
Pier St.
Chungking St.
Alaska St.
Burma Rd.
Petroleum St.
Tulagi St.
Peralta St.
Pacific St.
Union St.
Magnolia St.
Market St.
Brush St.
Cesar Chavez St.
Martin Luther King Jr. Way
Jefferson St.
Clay St.
Washington St.
Chestnut St.
Filbert St.
Adeline St.
Ashby Ave.
West Grand Ave.
Ferro St.
Water St.
Bay St.
Ave. St.
Kirkham St.
Mandela Pkwy.
Wood St.
Poplar St.
Hollis St.
Peralta St.
Pine St.
Alameda St.
Chase St.
Stanford St.
Hollis St.
Horton St.
Frontage Rd.
Union Pacific RR
Burlington Northern Santa Fe RR
East Shore State Park
Toll Plaza
Interim Maritime Services
Alaska St.
Burma Rd.
Chungking St.
Pier St.
Maritime St.
Middle Harbor Rd.
Petroleum St.
Tulagi St.
Peralta St.
Pacific St.
Union St.
Magnolia St.
Market St.
Brush St.
Cesar Chavez St.
Martin Luther King Jr. Way
Jefferson St.
Clay St.
Washington St.
Chestnut St.
Filbert St.
Adeline St.
Ashby Ave.
West Grand Ave.
Ferro St.
Water St.
Bay St.
Ave. St.
Kirkham St.
Mandela Pkwy.
Wood St.
Poplar St.
Hollis

CITY CEQA Findings:

Findings Pursuant to the California Environmental Quality Act

In certifying the Final EIR for the OARB Area Redevelopment Plan, the City of Oakland must make the following findings based on this staff report, the Draft EIR, the Final EIR, and the administrative record as a whole. Now, therefore, based on its review and consideration of the foregoing items, the City of Oakland makes the specific findings as follows:

General CEQA Findings

1. That the Draft EIR, prepared by the City of Oakland as the Lead Agency with the Oakland Base Reuse Authority acting as responsible agency, was properly circulated for public review and comment for 45 days, and that the Final EIR was properly circulated, independently reviewed and, on July 31, 2002 was certified by the City of Oakland Planning Commission and the Oakland Base Reuse Authority, and no one appealed the decision or brought suit to challenge the certification or the adequacy of the EIR.

2. That the Final EIR as certified by the City of Oakland Planning Commission and the Oakland Base Reuse Authority also reflects the independent judgement of the Oakland City Council; The City Council's independent judgment is based on review and consideration of the information contained in the FEIR and on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the Final EIR and the administrative record as a whole); that the City of Oakland recognizes that the Final EIR contains certain additions, clarifications, modifications or other revisions (as the result of the public review and comments on the Draft EIR, public agency responses to those comments, refinements to the project description, and modifications to mitigation measures made by the Planning Commission prior to their certification of the Final EIR), but that such work does not present significant new information requiring re-circulation of the Draft EIR; that such information, revisions and additional data do not include any new significant environmental impacts that would result from the project or from a new mitigation measure and that they do not reflect any substantial increase in the severity of any environmental impact, nor do they propose any additional feasible project alternative or mitigation measure that is materially different from others previously analyzed that would clearly lessen the significant environmental impacts of the project that has <u>not</u> been adopted; that the DEIR is legally adequate and that meaningful public review and comment was provided; that the City of Oakland hereby adopts the Final EIR and its findings and conclusions as its source of environmental information; and that the Final EIR is legally adequate and was completed in compliance with CEQA and the City Environmental Review Regulations .

3. That the Final EIR identifies all potential significant adverse environmental impacts and feasible mitigation measures that would reduce these impacts to a less-than-significant level; that all of the mitigation measures identified in the Draft EIR, as revised or modified in the Final EIR (including those mitigation measures modified by the Planning Commission on July 31, 2002), and listed in the Mitigation Monitoring Program as within the City of Oakland jurisdiction will be adopted and implemented; and that eight project-specific impacts and six cumulative impacts were identified that could not be mitigated to a less-than-significant levels. For these impacts, a statement of overriding considerations will need to be adopted pursuant to CEQA Guidelines Section 15093, as detailed below.

30, 30.1 ORA

ORA/COUNCIL

OCT 2 9 2002

4 That the accompanying resolution complies with CEQA and that this resolution was presented to the Oakland City Council, which reviewed and considered the information contained therein prior to adopting the resolution.

Environmental Impacts

5. That the Draft and Final EIR analyzed project and cumulative environmental impacts of the Redevelopment Plan and Reuse Plan under fifteen environmental factors, including: plans and policies; land use; transportation and traffic; air quality; noise; cultural resources; hazardous materials; population, housing and employment; public services and utilities; recreation and public access; aesthetics, biological resources; geology, seismicity and soils, groundwater and surface water. The Draft and Final EIR also considered significant irreversible environmental changes and growth inducing impacts. Impacts in these areas and the significance of such impacts are noted in the Draft and Final EIR.

6. That the EIR evaluated the proposed redevelopment and found that redevelopment would result in certain less then significant impacts under all the environmental factors evaluated for this EIR. All the reasons stated in the Draft EIR, as well as the responses to comments in the Final EIR, as to why these certain impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.

7. That the EIR also recommends mitigation measures that, if implemented, would avoid or reduce a total of sixty-five (65) identified significant effects related to the OARB Area Redevelopment Plan to less-than-significant levels. Each of these 65 potentially significant effects and the mitigation measures that are recommended to address them are included in the attached Summary Table (Attachment A, Summary of Significant Environmental Impacts and Mitigation Measures). Those measures that fall within the jurisdiction of the City of Oakland are included within the Mitigation Monitoring Program. The identified mitigation measures contained in the Final EIR (including those mitigation measures modified by the Planning Commission on July 31, 2002) would, for the reasons stated in the DEIR and/or FEIR, reduce these impacts to less than significant levels. The detailed reasons and analysis contained in the Draft and Final EIR are hereby adopted and incorporated by reference as if fully set forth herein.

8. Also, as detailed below, the EIR identified eight redevelopment-specific impacts and six cumulative impacts that could not be mitigated to a less-than-significant level, and are significant unavoidable impacts. It is important to note that the EIR proposes feasible mitigation measures that would reduce the impacts, although not to a less-than-significant level. The impacts are described below.

   All of these impacts are overridden by project benefits as set forth in the statement of overriding considerations (see Finding number 10 below). The impacts analyzed in the EIR are based on the total effects of the Redevelopment Plan, which includes the Oakland Army Base Reuse Plan.

Significant Unavoidable Impacts

Impact 4.3-2: Redevelopment would cause some roadway segments on the MTS to operate at LOS "F" and increase the V/C ratio by more than three percent on segments that would otherwise operate at LOS F without redevelopment.

Cumulative Impact 5.3-2: Increased congestion on the MTS exceeding the cumulatively significant threshold.

Redevelopment activities would generate approximately 44,600 daily automobile trips.[1] These trips would add substantial traffic to roadway segments on the MTS. Redevelopment would cause the following freeway segments on the MTS to operate at LOS F, or increase the volume-to-capacity (V/C) ratio by more than three (3) percent for segments that would operate at LOS F without redevelopment:

- I-80 east of the I-80/I-580 split,
- I-880 connector to I-80 east,
- I-880 from 7th Street to the segment south of I-238,
- I-580 east and west of I-980/SR-24, and,
- SR-24 east of I-580

The impact is considered significant. Similarly, redevelopment in combination with past, other current, and probable future projects, would cause these roadway segments on the MTS to operate at a LOS F, and increase the V/C ratio by more than three percent on segments that would operate at LOS F without redevelopment. This is a cumulatively considerable impact of redevelopment.

Mitigation Measure 4.3-4 as recommended in the EIR requires the City and Port to jointly create and maintain a Transit Access Plan(s) for the redevelopment project area designed to reduce demand for single-occupant, peak hour trips, and to increase access to transit opportunities. Major project area developers shall fund on a fair share basis the plan(s). Although this mitigation would reduce traffic demand on the MTS, the residual impact to already congested freeway segments would remain significant for the project alone and cumulatively, and the impact is considered unavoidable. No feasible mitigation measures have been identified that would reduce freeway impacts to a level that is less than significant. Increasing freeway capacity by adding lanes would not be feasible because of high cost, negative impacts to air quality, and other factors, as explained in the Final EIR. Moreover, adding lanes is inconsistent with the policies of the responsible regional agencies.

Cumulative Impact 5.3-1: Increased congestion at intersections exceeding the cumulatively significant threshold.

Redevelopment, in combination with past, other current, and probable future projects would cause the level of service (LOS) at the West Grand Avenue/Maritime Street intersection to degrade to worse than LOS D during the a.m. and p.m. peak hours. Implementation of intersection improvements identified in Mitigation Measure 4.3-1 would reduce cumulative impacts at the Maritime Street/West Grand Avenue intersection during the a.m. peak hour, but would not reduce cumulative impacts during the p.m. peak hour to a level that is less than significant. No feasible mitigation measures have been identified that would reduce cumulative impacts to a level that is less than significant.

As noted in the Final EIR, the intersection is located under the elevated portion of the I-80 West/I-880 freeway connection. The reduction of cumulative impacts to less than significant levels would require additional lanes at the intersection. Adding more lanes than shown in Mitigation Measure 4.3-1 at the

[1] All trips are reported as the equivalent number of passenger car trips. Each truck trip generated by redevelopment is considered as the equivalent of two passenger car trips. The total number of daily truck trips generated by redevelopment would be 3,029 – the equivalent of 6,058 automobile trips.

intersection would require major modifications to the elevated freeway. Major modifications of the elevated freeway were not considered feasible based on technical, environmental, and economic criteria (see discussion at page 3-26 to 3-27 of the Final EIR). Therefore, residual cumulative impacts at the Maritime Street/West Grand Avenue intersection would be significant and unavoidable.

Cumulative Impact 5.3-5: Inadequate truck-related parking.

Approximately 105 acres have been reserved exclusively for ancillary maritime support (AMS) uses in the Reuse Plan (the Port has allocated 90 acres and the City has allocated an additional 15 acres). Such support is essential to efficient Port operation. The Port has commissioned a study (Tioga Group 2001) to explore ways to accommodate truck services that must be located near the Port, while assuring that the adjacent communities are relieved of unnecessary truck traffic. The estimates from this study for truck service needs indicate that the demand for such services is greater than the 105 acres dedicated under the redevelopment program, growing proportionately with cargo volume and reaching a minimum of approximately 178 acres in year 2020. The 105 permanent acres currently planned for such uses will accommodate much, but not all demand under efficient operating conditions. Although interim space available during terminal development will help accommodate most Port services to approximately 2010, starting in about 2010 it is projected that there will be a shortfall in available land. The EIR recommends Mitigation 5.3-7, which would require the City and Port to cooperatively develop a program to reduce cumulative truck parking and other AMS impacts. This program presents a menu of strategies such as pursuing land swaps, promoting intensive land use, extending terminal gate hours. However, implementation of such a program may take many years, and the success of the program cannot be ascertained at this time. Therefore, this cumulative impact remains significant and unavoidable.

Impact 4.4-2: Construction equipment exhaust could increase levels of NOx, ROG, CO and PM10 (the latter primarily as diesel PM) that could exceed 15 tons per year, or result in substantial increase in diesel emissions.

All construction/remediation equipment would emit criteria pollutants, particularly ROG, NO_x CO, and PM. Most heavy equipment and some support equipment are likely to be diesel-fueled, and would emit diesel exhaust. Construction and remediation-related generation of criteria pollutants and diesel exhaust would be short-term, and, given meteorological conditions, pollutants are expected to be dispersed. However, because details of construction are not yet completely defined, the impact is considered potentially significant. The EIR recommends Mitigation Measure 4.4-2, which requires that all contractors implement exhaust control measures at all construction sites. With this mitigation the impact would be reduced, but not to a level that is less than significant. See also discussion at page 3-32 to 3-33 of the Final EIR. Thus, the residual impact is considered significant and unavoidable.

Impact 4.4-3: Increased Port maritime and rail operations, as well as trucking activities associated with all redevelopment operations would emit NOx, ROG, and PM10 in excess of 15 tons per year or 80 pounds per day, substantially increase diesel emissions, and potentially expose pollution-sensitive receptors to pollutant concentrations.

Cumulative Impact 5.4-1: Redevelopment would result in significant cumulative air quality impacts associated with emissions of NOx, ROG, CO, PM10 and diesel exhaust (almost entirely particulate matter less than 2.5 microns in diameter), the latter defined as a toxic air contaminant by the California Air Resources Board (CARB).

Maritime and rail transportation operations utilize a variety of gasoline-, diesel-, and alternatively fueled equipment. Air pollutants would be emitted from ships, trains, trucks, and cargo equipment working at

or supporting New Berth 21, as well as the increment of other additional maritime and rail operations needed to meet year 2020 throughput projections. Air pollutants would also be emitted from trucking activity throughout the OARB. The EIR considers the effect of increased shipping activities (even though nearly all ships that call at the Port of Oakland are under foreign registry and are not subject to U.S environmental regulations), additional cargo handling equipment at the marine terminals and the rail terminal, relocating the functions of the JIT to the New Intermodal Facility and increased truck transport activity. Taken together, these activities could increase exposure of pollutant-sensitive receptors in the West Oakland community to increased diesel emissions. In addition, the total increase in emissions of other criteria pollutants are considered a significant impact. With respect to cumulative impacts, Bay Area Air Quality Management District Guidelines provide that a proposed action resulting in significant impacts to air quality is also considered to have a significant cumulative impact to air quality. Thus, here, the air quality impact is also cumulatively significant.

The EIR recommends three mitigation measures. The first, Measure 4.3-3, requires the Port to develop and implement a Criteria Pollutant Reduction Program aimed at reducing or offsetting Port-related emissions from its maritime and rail operations. The program is to be sufficiently funded to reduce and/or offset redevelopment-related contributions to local West Oakland air quality to the maximum extent feasible. The second, Measure 4.3-4, requires the City and the Port to jointly create, maintain, and fund on a fair share basis, a Truck Diesel Emission Reduction Program. This program is also to be sufficiently funded to reduce and/or offset redevelopment-related contributions to local West Oakland diesel emissions to the maximum extent feasible. The third, Measure 5.4-1, requires that the City and Port encourage, lobby and participate in emissions reduction demonstration programs. All of these Mitigation Measures include emission reduction strategies that have been analyzed by the Port in its Berths 55-58 Project EIR to determine technical, economic and legal feasibility. See discussion at pages 3-32 to 3-34 and 3-37 to 3-40 in the Final EIR. With implementation of these mitigation measures the impacts would be substantially reduced, but it is not likely it would be reduced to a level that is less than significant, and the residual impact would be significant and unavoidable.

Impact 4.4-4: Passenger vehicles and delivery trucks associated with redevelopment would emit NOx, ROG, CO and PM10 in excess of 15 tons per year or 80 pounds per day.

Passenger car and delivery truck traffic would be generated by redevelopment throughout the OARB, and exhaust from this traffic would emit criteria pollutants. Emissions of all criteria pollutants would exceed significance criteria, and the impact is considered significant. The EIR recommends Mitigation Measure 4.4-5 that would require all major developers within the redevelopment project area to fund, on a fair share basis, all feasible Transportation Control Measures (TCMs) recommended by the BAAQMD for reducing vehicle emissions from commercial, institutional, and industrial operations. With implementation of this measure the impact would be substantially reduced, but may not be reduced to a level that is less than significant, and the residual impact is considered significant and unavoidable.

Impact 4.6-2: Redevelopment would remove all resources contributing to the OARB Historic District.

Impact 4.6-3: Redevelopment would render the OARB Historic District no longer eligible to the National and/or California Register of Historic Places or the Local Register.

Cumulative Impact 5.6-1: Cumulative loss of Bay Area military historic resources.

Impact 4.11-2: Redevelopment would remove buildings contributing to a historic district, including visually striking warehouse structures visible from I-80, a locally designated scenic route, and a portion of the state scenic highway system.

Implementation of the Reuse Plan is anticipated to result in removal of all existing buildings on the Army Base, including 19 buildings and 2 of the 3 wharves that are located within and contribute to an existing National Register-eligible Historic District. None of the contributing structures within the OARB Historic District are individually eligible; each is a contributing element to the Historic District as a whole. The removal of these buildings and the loss of the District are considered significant environmental impacts under CEQA. The Draft EIR recommended several mitigation measures to address this impact.

Numerous comments on the Draft EIR from the public, public agencies and the Planning Commission have suggested that the mitigation measures included in the Draft EIR were not adequate to fully address this impact, and that preservation of OARB Historic District contributing buildings should have been more fully considered. The Final EIR, Response to Comments Chapter 3, contains an explanation of why preservation of certain Historic District contributing buildings is not currently considered feasible. It also contains a comprehensive re-write of mitigation measures to address public comments on this impact. Generally, the Final EIR concludes that there are known determinants making the reuse of OARB Historic District contributing structures infeasible based on Reuse Plan activities. These activities include: 1) new Port development projects in the Port development area; 2) remediation requirements throughout the OARB; and 3) economic factors that indicate preservation and reuse of historic district contributor buildings within the Gateway development area. Economic factors are critical in that, if reuse of the contributing Historic District buildings cannot be feasibly accomplished without unacceptably affecting project economics, it would jeopardize completion of the Economic Development Conveyance of the OARB from the Army to OBRA (see pages 3-44 through 3-51 of the Final EIR and Attachments to this staff Report.

However, no detailed plans for the Gateway development area have yet been prepared. As noted in the Final EIR Response to Comments Chapter 3, it is possible that real estate market conditions could change over time, and/or that detailed development plans for the Gateway development area might include preservation of historic district contributing structures or elements. Given the potential for such changed circumstances in the future, additional mitigation measures have been recommended. Additionally, changes to the mitigation measures as presented in the Draft EIR regarding commemoration and recordation have also been recommended. These new mitigation measures and modifications to previous mitigation measures strengthen and enhance the mitigation as presented in the Draft EIR. These OARB Historic District-related mitigation measures (as more fully described in the Final EIR) can generally be grouped into three major categories:

a) Preservation of all historic district contributor buildings until such time as demolition is needed, or until adaptive reuse has been actively considered but found infeasible based on final development plans for the Gateway development area (Mitigation Measures 4.6-14 and 4.6-15). Specifically, within the Port development area, these new measures provide that, except as necessary for the protection of public health and safety, demolition shall occur until such time as specific plans for these projects have been approved. Similarly, within the City Gateway development area, except as necessary for the protection of public health and safety, no demolition shall occur until such time as actual development projects are proposed and permits for their construction have been approved. Further, no such permits for development within the City Gateway development area shall be approved until such development projects can demonstrate that they have considered adaptive reuse of historic structures, but that adaptive reuse is found to be infeasible. OBRA and/or any developer shall make a pro-active, good faith effort to incorporate preservation of some of the following buildings - 4, 60, 85, the westerly portion of 808, 812, 821, 822, and 823 – which are proximate to the anticipated final alignment of the Bay Trail. The consideration of adaptive reuse of buildings within the Gateway development area, including reuse as a commemoration site, shall be a required

component of subsequent land use approvals, such as PUD, design review or conditional use permits. To be considered as a commemoration site, the adaptive reuse opportunity would need to include an interpretive center, museum or other similar, publicly accessible use, and would need to serve as a repository for historically valuable artifacts, documents and accounts. No additional CEQA review shall be required for subsequent development applications within the Gateway development area, including preparation of the historic preservation feasibility analysis, unless the statutory requirements for subsequent environmental review are triggered.

b) Development of a Master Plan for, and implementation of, a commemoration site to memorialize the contributions of civilians and the military in the Bay Area to all wars (Mitigation Measures 4.6-2 and 4.6-3). The master planning process for the commemoration site will involve the City and the Port, the public and interested historical and veterans groups, historic experts, and other public agencies. The commemoration site Master Planning effort would also include an endowment, to be funded by the City and the Port, or their designee, for ongoing maintenance and replacement, and may also include curator costs associated with the commemoration site and with trail signage, exhibits and design elements.

c) Preparation of a Historical Resource Documentation Program, consisting of a coordinated effort of primary research and documentation, with a substantial scholarly input and publicly available products (Mitigation Measures 4.6-16 and 4.6-4 through 4.6-11). These publicly available products are to include a book, a brochure, interpretive exhibits, a web page and others.

Staff believes that these new mitigation measures and modifications to mitigation measures strengthen and enhance the mitigation that was presented in the Draft EIR, adequately respond to comments suggesting that the measures contained in the draft EIR were inadequate, and, taken together, comprise a suite of mitigation adequate to address the loss of the OARB Historic District. Although implementation of these mitigation measures would partially compensate for the loss of the Historic District and its contributing elements, the residual impact is considered significant, and the impact unavoidable.

Impact 4.12-8: Redevelopment could result in a substantial increase in the risk of establishment of invasive species in the San Francisco Bay.

Cumulative Impact 5.12-3: Redevelopment could increase potential risk of introduced invasive species in San Francisco Bay under cumulative conditions.

Redevelopment may increase the risk of non-indigenous species ("NIS") entering San Francisco Bay by increasing the number of vessel calls, and possibly by increasing the volume of ballast water discharges, in the Bay. It is uncertain whether this increase in vessel calls and potential increase in ballast water discharge volume will increase the risk of new NIS becoming established in San Francisco Bay. Because of the damage that can be caused by one new NIS, however, this impact is treated as potentially significant. Mitigation Measures 4.12-10, 4.12-11 and 4.12-12 are proposed and include continuing the Port's existing tariff requirements, continuing to implement a ballast water education program, and supporting international and U.S. efforts to impose standards to avoid introduction of NIS through shipping activities. Nevertheless, it is unknown whether the international community or the United States will impose NIS management measures by 2020 that are more protective than those currently required. It is also unknown to what extent vessel operators can reduce the volume of ballast water they discharge by using ships with internal ballast water transfer systems or by other means. Therefore this potentially significant impact may not be mitigated to a level that is less than significant. Similarly, because cargo throughput at San Francisco Bay Ports will increase by over 200% by 2020, the

cumulative impact could also be significant. Because all feasible mitigation has been included in the EIR, the cumulative impact is deemed significant and unmitigable.

Alternatives

9. That the FEIR identified a reasonable range of project alternatives. The DEIR identified eight alternatives to the proposed project, three which were initially rejected as infeasible, four which were considered in detail and one which was included to evaluate the upper range of development, but would significantly increase environmental impacts. For the reasons stated on pages 7-4 to 7-17 of the DEIR, the three alternatives considered and rejected were not analyzed further in the DEIR. Such detailed reasons and analysis contained in the DEIR and FEIR are hereby adopted and incorporated by reference as if fully set forth herein. Also, refer to Sections 3.1.6, 3.1.12 and 3.16.1 in the FEIR related to the range of alternatives. In brief, the three infeasible alternatives are:

   - Full Adaptive Reuse. This alternative would preserve historic structures (buildings and wharves) for reuse, and maintain the integrity of the National Register-eligible OARB Historic District. However, this alternative would prevent key redevelopment components from being developed, would fail to meet basic project objectives, and would fundamentally conflict with the BCDC Bay and Seaport Plans.

   - No New Intermodal Facility. Under this alternative, approximately 130 acres of the Port development area proposed for the New Intermodal Facility would instead be developed in ancillary maritime support uses in order to address trucking needs. This alternative would fail to achieve basic project objectives and would fundamentally conflict with the BCDC Bay and Seaport Plans.

   - No New Berth 21. Under this alternative, the proposed Outer Harbor shoreline reconfiguration (including excavation and Bay fill) required to achieve an operational geometry for New Berth 21, would not occur. This alternative would fail to achieve basic project objectives, increase emissions of air pollutants and fundamentally conflict with the BCDC Bay and Seaport Plans.

The four alternatives that were analyzed in the DEIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the project. Additionally, although not required by CEQA because it would increase, rather than reduce, environmental impacts, one additional alternative, the High Intensity Alternative, was considered in order to provide an upper range of development intensities. Thus, a total of five potentially feasible alternatives were considered, as follows:

- No Project Alternative
- Reduced Intensity Alternative
- Full Maritime Alternative
- Gateway Adaptive Reuse / Eco-Park Alternative
- High Intensity Alternative

As presented in Chapter 7 of the Draft EIR, these alternatives were described and compared with each other and existing conditions. The environmentally superior alternatives were identified as the Full

Maritime and the Gateway Adaptive Reuse/Eco-Park Alternatives, with the Gateway Adaptive Reuse/Eco-Park Alternative eventually selected as the environmentally superior alternative. Nevertheless, the No Project, Reduced Intensity, Full Maritime, Gateway Adaptive Reuse/Eco-Park, and High Intensity Alternatives listed above were rejected as infeasible for the reasons outlined below. Each individual reason presented constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

- The No Project Alternative. The No Project alternative assumes no Economic Development Conveyance of the OARB from the Army to OBRA would occur, nor subsequent land transfers to the ORA, the Port, or JATC. The Gateway and Port development areas would not undergo substantial physical change. With respect to reduced impacts, under the No Project Alternative, the significantly reduced redevelopment and correspondingly reduced employment and economic activity would result in lower traffic, lower air emissions, greater preservation of historic resources and potentially reduced impacts from invasive species. However, the No Project Alternative would fail to achieve most benefits of reuse or meet most objectives of the Reuse Plan.

  The No Project Alternative was rejected for the following reasons:

  - It would not meet the basic project objective of Reuse Plan of allowing for an Economic Development Conveyance of the OARB from the Army to OBRA. Nor would it allow for subsequent land transfers to the ORA, the Port, and JATC.

  - It would not meet the basic project objective of allowing for increased and sustainable job creation since it would generate only approximately one-quarter of the number of direct jobs generated by the proposed program.

  - It would not meet the basic project objective of expanding low/moderate-income housing, since there would be no agreement to accommodate the Homeless Assistance program. Moreover, because the OARB would not be included in the redevelopment district, it would contribute to the tax increment funding for affordable housing required in a redevelopment district.

  - It would not allow the Port of Oakland to develop sufficient acreage to handle its share of Bay Area 2020 throughput projections as described in the Seaport Plan; thus rendering it fundamentally inconsistent with the BCDC Bay and Seaport Plans.

  - In the absence of adequate Port of Oakland throughput, it would not meet the basic project objective of increasing the Port's productivity and efficiency or keeping the Port competitive with other West Coast ports.

  - Moreover, in the absence of adequate Port of Oakland throughput, Bay Area goods could arrive via truck from the Los Angeles/Long Beach cargo gateway, with attendant increases in traffic, noise, and air pollution.

  - It would fail to meet numerous Land Use and Transportation Element policies, including expansion of the Oakland job base, provision of adequate infrastructure, reduction of truck effects on neighborhoods, encouragement of waterfront access, promotion of the Port, construction of housing, and reduction of hazardous wastes.

- It would fail to meet the Open Space, Conservation and Recreation Element policies of developing a trail system, improving visual quality and developing civic open spaces

- It would fail to meet the Oakland Estuary Plan policies of creating public access to the shoreline and improving pedestrian and bicycle circulation.

- It would fail to meet the Regional Water Quality Control Board's Basin Plan policies of protecting surface waters of the San Francisco Bay region, since it would not allow for the replacement of contaminated storm and sewer drain systems.

- It would increase environmental impacts relating to geology, seismicity and soils since while some seismic upgrades may occur for reuse of existing buildings, correction of underlying strata would not occur.

- Reduced Intensity Alternative. The Reduced Intensity alternative was developed to consider the effects of a lower-intensity development. Under this alternative, land use types in the OARB would remain the same as anticipated in the Reuse Plan, but intensities of projected future development activities would be reduced. For example, in the Gateway development area, the floor-to-area (FAR) ratio would be reduced by 30%. There would be no change in the uses or intensities of use in the Port development area. With respect to impact reductions, based on this reduced FAR, which would, in turn, reduce employment and economic activity, this alternative would result in a reduction of cumulative traffic impacts to a less-than-significant level. Otherwise, it would result in similar significant and unavoidable impacts as the Reuse Plan. This alternative would not achieve all objectives of reuse to the same extent as the proposed redevelopment in the Reuse Plan.

  The Reduced Intensity Alternative was rejected for the following reasons:

  - It would likely not meet the basic project objective of strengthening the economic base and allowing for sustainable job creation, since due to high land development costs, the reduced amount of development potential may not demonstrate a sufficient return to meet the Army's Economic Development Conveyance qualifications.

  - It would result in approximately one-third fewer jobs than the proposed Reuse Plan due to the reduced FAR in the Gateway development area.

  - It would result in construction of less low/moderate-income housing, since the tax-increment funding required in the redevelopment district would be reduced with the reduced FAR.

  - It would result in reduced revenues from property tax, sales tax and utility user tax that would have a lower "multiplier effect", would create fewer employment opportunities in construction jobs, and would generate and less revenue for site remediation and necessary infrastructure improvements than the proposed project.

- Full Maritime Alternative. Under this alternative, all existing facilities within the Gateway development area would be demolished or de-constructed, and the area would be developed as a Maritime Support Center for ancillary maritime uses (AMS). There would be no change in use or intensities of use in the Port development area. With respect to impact reductions, the full use of the OARB for AMS is expected to reduce the cumulative impact related to the deficit in truck parking facilities to a less-than-significant level. This alternative, under certain circumstances as discussed below, may result in greater environmental impacts. It would also fail to meet basic project

objectives, and would not achieve all objectives of reuse to the same extent as the proposed redevelopment in the Reuse Plan.

The Full Maritime Alternative was rejected for the following reasons:

- It would not meet the basic project objective of creating a vibrant and balanced land use pattern or improving the existing visual environment, since all uses would be maritime uses.

- It would result in approximately one-third fewer jobs than the proposed Reuse Plan due to the lower level of economic activity.

- Beyond the 2020 buildout date, the Full Maritime Alternative provides the opportunity, if demand warrants, to increase maritime activities, resulting in more ship, rail and truck trips. Increasing these activities could result in commensurate worsening of impacts related to air quality, traffic and risk of establishment of invasive species in the Bay.

If, for reasons beyond the City's control, circumstances occur which trigger the City's Cash-Out Remedy (i.e., should the State Lands Commission not release, or otherwise agree to free, at least 80 acres of the Gateway Development Area from the public trust), the City of Oakland and the Oakland Redevelopment Agency may reconsider the Full Maritime Alternative at that time.

- Gateway Adaptive Reuse/Eco-Park Alternative. Under this alternative, the Gateway development area would provide for retaining and adaptively reusing eight buildings contributing to the National Register-eligible OARB Historic District, portions of two other contributing buildings, portions of five contributing warehouses, and about two-thirds of the linear frontage of historic wharves. The remainder of land within the Gateway development area would be developed with industrial, light industrial, R&D and supporting uses, consistent with Eco-park development concepts. There would be no change in use or intensities of use in the Port development area. With respect to reduced impacts, based on the lower density of development on the Gateway development area, this alternative would result in a reduction of cumulative traffic impacts at the Maritime/West Grand intersection to a less-than-significant level. While it would reduce impacts to historical resources on the Gateway development area, due to the development in the Port development area, which requires demolition of over half of the contributing structures, this alternative would not preserve the Historic District, and therefore, it would not avoid or substantially reduce the significant direct and cumulative effects to cultural resources. Moreover, this alternative could result in greater environmental impacts and would not achieve all objectives of reuse to the same extent as the proposed redevelopment in the Reuse Plan.

The Gateway Adaptive Reuse/Eco-Park Alternative has been rejected for the following reasons:

- It would not meet the Reuse Plan objective of providing "the flexibility to balance economic and community interests for the Gateway development area over time," since the Eco-park development concepts (described as a variety of linked manufacturing and service businesses that integrate all aspects of environmental management into one site) would serve to limit the overall flexibility of the "Flexible Alternative" as adopted by OBRA.

- It would likely not meet the basic project objective of strengthening the economic base and allowing for sustainable job creation, since economic factors indicate that preservation and reuse of historic district contributor buildings within the Gateway development area may be infeasible. If reuse of these buildings cannot be feasibly accomplished without unacceptably affecting

project economics, it would jeopardize completion of the Economic Development Conveyance of the OARB from the Army to OBRA.

- It would result in approximately one-quarter fewer jobs than the proposed Reuse Plan due to the lower level of economic activity.

- It would result in reduced revenues from property tax, sales tax and utility user tax that would have a lower "multiplier effect", would create fewer employment opportunities in construction jobs, and would generate and less revenue for site remediation and necessary infrastructure improvements than the proposed project.

- It would result in construction of less low/moderate-income housing, since the tax-increment funding required in the redevelopment district would be reduced.

- It would increase environmental impacts relating to geology, seismicity and soils since while some seismic upgrades may occur for reuse of existing buildings, correction of underlying strata would not occur.

- High Intensity Alternative. Although not specifically required under CEQA, an additional, High Intensity Alternative has also been evaluated. The High Intensity alternative describes an upper range of potential development intensities within the Gateway development area, and provides an understanding of potential "worst-case" environmental impacts that may be associated with such redevelopment. Under this alternative, land uses for the OARB would remain the same, but the intensity of development in the Gateway development area would increase from a gross FAR of .35 to 1.5. Although the High Intensity Alternative could, in theory, achieve all benefits of the proposed redevelopment program, resulting traffic levels and other associated impacts could preclude achievement of many of these benefits.

  The High Intensity Alternative has been rejected for the following reasons:

  - Although it would generate over twice the number of jobs and increased housing from tax increment financing, it would also generate about 330 percent of the daily trips as compared to the Reuse Plan. Due to the very high amounts of traffic this alternative would generate, the LOS of numerous area intersections is likely to be substantially degraded, and the local roadway system overwhelmed. Because of this alternative's greater impacts on traffic, air quality, public services, aesthetics and other environmental concerns as compared to the proposed project, this alternative was rejected.

Statement of Overriding Considerations

10. That the significant unavoidable impacts of the Oakland Army Base Area Redevelopment Plan are determined to be "acceptable" in light of the important benefits of the project as described below. Each of the benefits set forth below would separately and independently outweigh each and every adverse, significant and unavoidable impact identified above.

- **Economic Development**. A Statement of Overriding Considerations is warranted because the Redevelopment Plan will provide for sustainable job creation and economic development which provides employment and advancement opportunities for Oakland residents and businesses. The Redevelopment Plan would provide the opportunity to substantially increase the number of available jobs in West Oakland, an area that has historically suffered from blighted conditions and associated

economic depression. These conditions could worsen as a result of the closure of the OARB. The Redevelopment Plan has the potential to generate substantial numbers of jobs in this area, and therefore to improve the physical and economic condition of West Oakland, and of the City and its citizens as a whole. The addition of jobs is a substantial and important benefit of redevelopment. Within the OARB area, the Reuse Plan is expected to generate approximately 7,500 direct jobs. The Redevelopment Plan as a whole is expected to generate a total of approximately 43,970 total new direct, indirect and/or induced jobs throughout the region.

- **Balanced Land Uses.** The Redevelopment Plan best leverages the OARB assets, supports sustainable land utilization, and improves the existing visual environment, land use variety and compatibility of local development. The Redevelopment Plan, which incorporates the Final OARB Reuse Plan would result in more vibrant and logical land uses within the former OARB and would eliminate current land use conflicts. This would be a substantial benefit to the local area, as well as to the entire City of Oakland. The majority of the Gateway development area of the OARB would be classified Business Mix, with some Park & Urban Open Space. This would result in a vibrant business/commercial mixed use, as well as opportunities for waterfront public access consistent with district-wide redevelopment. The Port development area of the OARB would be classified General Industrial/Transportation and zoned industrial, consistent with the industrial Oakland waterfront, BCDC Port Priority Use designation, and State Lands Commission public trust obligations.

- **Public Access.** The Redevelopment Plan would increase public access to and along the Oakland waterfront. The Redevelopment Plan provides for a new 15-acre waterfront Gateway Park at the Gateway peninsula. In addition, a 100-foot-wide strip of land along the Gateway development area shoreline, approximately 10 acres, would be classified Parks & Urban Open Space. While details of the ultimate use of this land are not definite, it is designated a public area. Additionally, the realignment of Maritime Street through the OARB would be designed to include a Bay Trail spine connecting the existing Bay Trail on 7th Street to the proposed trail along Burma Road, and also to West Grand Avenue. These facilities would represent a substantial benefit to the Oakland community and beyond relative to recreation and public access to the waterfront.

- **Remediation of Site Contamination.** The Redevelopment Plan incorporates the Draft Remedial Action Plan/Risk Management Plan (RAP/RMP) as reviewed and released by DTSC, which provides for the remediation of site contamination, including related improvement of surface and groundwater quality; within the majority of the OARB (the Gateway Park and the associated off-shore parcel will be remediated by the Army prior to its transfer to the East Bay Regional Park District). Remediation and redevelopment would result in repair and/or replacement of the contaminated sanitary sewer pipelines at the OARB and further remediation of site contamination as provided for in the OARB RAP/RMP as approved by DTSC and as otherwise required by regulatory agencies. Such remediation includes removal of lead-based paint, asbestos-contaminated materials, and PCBs-impacted materials in and around buildings to be demolished or renovated. Remediation of the OARB to meet acceptable standards would reduce the health risks currently posed by hazardous materials, hazardous wastes and soil and groundwater contamination. Generally, the Redevelopment Plan, incorporating the RAP/RMP would enable remediation of soil and groundwater contamination, which is a substantial benefit to the area, the surrounding community, the City and the region.

- **Port Operations.** The Redevelopment Plan would enable improved efficiency of Port operations, including the ability of the Port to handle 2020 cargo throughput projections. The Final OARB Reuse Plan, which is incorporated into the Redevelopment Plan, anticipates three specific projects occurring entirely or partially within the Port development area of the OARB. These projects include the development of a new intermodal rail facility, the creation of additional marine terminal capacity

through construction of new Berth 21, and the relocation of existing Maritime Street/ construction of the Loop Road. These projects are critical to enable the Port to accommodate the growth in cargo throughput that is projected by BCDC to occur by the year 2020. Accommodation of this projected year 2020 cargo throughput is one of the major objectives of the Redevelopment Plan.

- **Further City General Plan Goals.** The Land Use and Transportation Element of the General Plan (LUTE) designates the OARB as Industrial and Business Mix. Redevelopment as proposed would achieve objectives and policies of the LUTE regarding the following issues:
  - expansion and retention of the Oakland job base and economic strength;
  - provision of adequate infrastructure;
  - reduction of truck effects on local neighborhoods;
  - encouragement of waterfront access;
  - creation of a high-quality natural and built waterfront environment;
  - promotion of the Port of Oakland;
  - provision of commercial areas;
  - construction of housing; and
  - reduction or elimination of hazardous wastes.

  Redevelopment as proposed, including public access and parkland, achieves objectives and associated policies of the Estuary Plan regarding the following:
  - provide public activities oriented to the water;
  - develop the Estuary area in a way that enhances Oakland's long-term economic development;
  - create clear and continuous public access along the Estuary;
  - punctuate the shoreline with a series of parks and larger open spaces;
  - enhance natural areas along the waterfront; improve and clarify regional access to Oakland's waterfront; and
  - improve pedestrian and bicycle circulation.

  Redevelopment as proposed would achieve objectives and associated policies of the OSCAR regarding the following:
  - develop a trails system;
  - increase public access to the waterfront;
  - improve visual quality;
  - develop civic open spaces;
  - provide street trees; and
  - protect and promote beneficial use of nearshore waters.

  Redevelopment as proposed is consistent with policies of the Historic Preservation Element in the following manner:

- The Historic Preservation Element, Policy 3.1, directs the City to make all reasonable efforts to avoid or minimize adverse effects on the character-defining elements of existing or potential designated Historic Properties. This is a general policy expressed more specifically in other policies of the Element and their related actions. The City has made such reasonable efforts by conducting several evaluations of the feasibility of adaptive reuse of historic resources (Stoltz, 2002, OBRA 2002, and Port 2020). The OBRA and Port evaluations have found preservation to be infeasible based on certain design requirement of the Reuse Plan, the need for remediation of contaminated soil and groundwater, and economic feasibility criteria. These reasons are more fully described on pages 3-44 through 3-51 of the Final EIR.

- The Historic Preservation Element, Policy 3.2, provides that the preservation policies of the Element apply "to the extent consistent with other General Plan objectives". When, as in this case, the historic preservation policies compete with other General Plan objectives, these competing interests are to be balanced and weighed by City decision-makers. The task of balancing and weighing the merits of preservation should be considered in context with the specific policy language that preservation policies are applicable only "to the extent consistent with other General Plan objectives". Here, the EIR concludes the project is consistent with Policy 3.2 as applied, since to meet the LUTE policy of expansion and retention of the job base, for example, contributing structures would need to be demolished (OBRA 2002). Moreover, Policy 3.2 does not apply, where, as here, the properties are held for subsequent disposition. Notwithstanding, as stated in the Final EIR, the City recognizes that economic considerations may change and that mitigation requires each developer in the Gateway development area to conduct a feasibility analysis and undertake good efforts to reuse the contributing structures developing site-specific redevelopment plans.

- Consistent with Historic Preservation Element, Policy 3.3, Intensive Survey identification and evaluation materials for OARB Historic District properties will be provided to prospective developers so that they can consider such information in their planning and development process. Additionally, Landmark Preservation Advisory Board recommendations regarding Historic Property designations will be transmitted to the appropriate decision making body prior to a decision on final development permits or transfer of title.

- The Historic Preservation Element, Policy 3.5 states that; for any projects involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a findings regarding the design quality of the proposed project, the public benefits of the proposed project that outweigh the benefit of retaining the original structure, or the quality of the original structure to be removed. Although this policy will not be applicable until such time as actual discretionary permits are sought, the findings regarding public benefits of demolition outweighing the benefits of retaining the structures can be made at this time, based upon the analysis contained in the Statement of Overriding Considerations.

- **Further Regional Plans.** Redevelopment is not only consistent with, but would directly and positively achieve the intent of several plans and policies of other agencies, including:

  - The Bay Plan (BCDC), providing for open space along the shoreline, an extension of the Bay Trail and the Gateway Park, thus achieving the Bay Plan policies of maximum feasible public access,

- The Seaport Plan (BCDC and MTC), providing for redevelopment of the Port development area and Maritime sub-district, thus achieving the intent of Seaport Plan policies regarding cargo forecasts, Port priority Use areas, marine terminals, and specific policies designated for the Port of Oakland,

- The Bay Trail Plan (ABAG), providing for extension of the Bay Trail, thus achieving consistency with the Bay Trail Plan policies regarding trail alignment and transportation access.

- The East Bay Regional Park District Master Plan (EBRPD), providing for implementation of the Gateway park and public access features as proposed, thus achieving the intent of Master Plan priorities regarding preservation of open space and natural and cultural resources in regional parklands.

- The Basin Plan (RWQCB); providing for removal or remediation of contaminated storm sewers located in the OARB sub-district, which achieves the mission of the RWQCB and Basin Plan to protect surface water of the San Francisco Bay Region.

Mitigation Monitoring

11. That the monitoring and reporting of CEQA mitigation measures in connection with those portions of the Redevelopment Plan within the City of Oakland jurisdiction will be conducted in accordance with a Mitigation Monitoring and Reporting Program (MMRP). All the mitigation measures identified in the DEIR, as revised in the Final EIR, and as modified by the Planning Commission on July 31, 2002), but with the exception of those measures that are not applicable to City-jurisdiction (i.e., within the Port of Oakland jurisdiction), will be incorporated into the MMRP. Adoption of the final MMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City Oakland, subsequent project developers or other identified public agencies of responsibility. Those changes or alternations that are within the jurisdiction of another public agency have been, or can and should be adopted by that other agency.

30, 30.1 OR
ORA/COUNCIL
OCT 2 9 2002

2012 OAKLAND ARMY BASE PROJECT

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Findings

Addendum Findings

The City Council, based upon its own independent review, consideration, and exercise of its independent judgment, hereby finds and determines, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further California Environmental Quality Act ("CEQA") review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present in that (1) there are no substantial changes to the 2012 Oakland Army Base Project as described in the Initial Study/Addendum ("2012 OARB Project") that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2002 Oakland Army Base Redevelopment Plan Environmental Impact Report, which was a "project level" EIR pursuant to CEQA Guidelines section 15180(b) ("2002 EIR"), the 2006 OARB Auto Mall Supplemental EIR and 2007 Addendum, the 2009 Addendum for the Central Gateway Aggregate Recycling and Fill Project, and the Port's 2006 Maritime Street Addendum (collectively called "Previous CEQA Documents); (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the 2012 OARB Project, but the City declines to adopt them. Thus, in considering approval of the 2012 OARB Project, the City can rely on the Previous CEQA Documents and the 2012 Addendum.

Public Resources Code section 21083.3 and Guidelines Section 15183 Findings

Although the City Council can rely on the Previous CEQA Documents for the reasons stated above, and thus an Addendum is the appropriate CEQA document for the 2012 OARB Project, as an alternative, separate, and independent basis, the City Council also hereby makes the following findings:

As a separate and independent basis for providing CEQA clearance, pursuant to Public Resources Code section 21083.3 and Guidelines section 15183, the City Council finds: (a) the 2012 OARB Project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998, and the Historic Preservation Element, for which an EIR was certified in 1998; (b) feasible mitigation measures identified in the LUTE and Historic Preservation Element EIRs were adopted and have been, or will be, undertaken; (c) Previous CEQA Documents and the 2012 Addendum, evaluated impacts peculiar to the 2012 OARB Project and/or Project site, as well as off site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted (by the City Council on November 3, 2008, via Ordinance No. 12899 C.M.S., which was not legally challenged, and was later revised by City Staff) and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made,

the City hereby finds and determines that the Standard Conditions of Approval substantially mitigate environmental impacts of the 2012 OARB Project; and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate 2012 OARB Project and cumulative impacts.

Other CEQA Findings

a. The monitoring and reporting of CEQA mitigation measures in connection with the 2012 OARB Project will be conducted in accordance with the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

b. That the record before the City Council includes, without limitation, the following for the 2012 OARB Project:

   1. the Final Master Plan, including all accompanying maps and papers, submitted to the City;

   2. all final plans and reports submitted by the Master Developer and his/her representatives to the City;

   3. all final staff reports, decision letters, and other documentation and information produced by or on behalf of the City.

   4. all oral and written evidence received by the City staff, before and during the public hearings on the 2012 OARB Project;

   5. the Previous CEQA Documents and related materials, including the Redevelopment Plan and Base Reuse Plan; and

   6. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations; (c) Oakland Fire Code; (d) Oakland Planning Code; (e) other applicable City policies and regulations; and, (f) all applicable state and federal laws, rules and regulations.

c. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council decision on the 2012 OARB Project is based is the Office of Planning, Building & Neighborhood Preservation, 250 Frank H. Ogawa Plaza, Suite 3115, Oakland, CA. 94612 and the Office of the City Clerk, One Frank H. Ogawa Plaza, First Floor, Oakland, CA. 94612.

Tab 21

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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

CONTRA COSTA COUNTY
John Gioia
(Chairperson)
David Hudson
Mary Piepho
Mark Ross

MARIN COUNTY
Katie Rice

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
John Avalos
Edwin M. Lee
Eric Mar

SAN MATEO COUNTY
Carole Groom
Carol Klatt

SANTA CLARA COUNTY
Susan Garner
Ash Kalra
(Vice-Chair)
Liz Kniss
Ken Yeager

SOLANO COUNTY
James Spering

SONOMA COUNTY
Susan Gorin
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

August 22, 2012

California Transportation Commission
1120 N Street
Room 2221 (MS-52)
Sacramento, CA 95814
Via email: ctc@dot.ca.gov; bimla.rhinehart@dot.ca.gov

Re: Agenda Item 21 – Approval of Project for Future Consideration of Funding: Alameda County Redevelopment plans for a 1,800 acre project area, including the former Oakland Army Base, 16th/Wood Area, and Maritime Areas of the Port in the City of Oakland

Chairperson Tavaglione, Commissioners and Director Rhinehart:

The Bay Area Air Quality Management District (BAAQMD) and the Alameda County Public Health Department (ACPHD) are writing to comment on the environmental review process to date for the Oakland Army Base Redevelopment. This project is proposed to receive funding from the CTC under the agenda item noted above. The mission of the BAAQMD is to protect and improve public health and air quality for all residents of the San Francisco Bay Area. As the agency responsible for protecting the public health of Alameda County residents, ACPHD analyzes public health impacts of planning processes for consideration in decision-making.

Freeways, operations at the Port of Oakland, and goods-transport activity continue to be an important source of air pollution in West Oakland and throughout the County. The City of Oakland published an Environmental Impact Report ("EIR") in 2002 for the Oakland Army Base Development Project to create 300,000 square feet of warehouse/distribution and about 1.5 million square feet of office/R&D. The current Project proposal is to build about 2.5 million square feet of warehouse/distribution and maritime-related logistics uses and 175,000 square feet of office/R&D.

In the 2002 EIR, the City of Oakland committed to a number of mitigation measures for criteria air pollutants, toxic air contaminants, and greenhouse gases, including creating a plan to reduce criteria pollutants in Mitigation 4.4-3, written as follows:

Mitigation 4.4-3: *The Port shall develop and implement a criteria pollutant reduction program aimed at reducing or off-setting Port-related emissions in West Oakland from its maritime and rail operations to less than significant levels,*

consistent with applicable federal, state and local air quality standards. The program shall be sufficiently funded to strive to reduce emissions from redevelopment related contributors to local West Oakland air quality, and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

To our knowledge, the City has not begun the process to develop this pollution reduction plan. Therefore, in order to protect public and environmental health, BAAQMD and ACPHD urge the CTC and the City of Oakland to commit to ensuring this pollution reduction plan is developed and implemented. The CTC can emphasize the importance of air quality mitigations as part of its funding decisions, while the City can lead the development of a robust air quality mitigation program.

While recognizing the importance of this project as an economic engine to the region, we believe it is essential to minimize potential air quality impacts of the project so as to protect the health of West Oakland residents. In order to ensure that public health is a key consideration, we also urge that this pollution reduction plan be developed and implemented in an open, proactive and collaborative process with the participation of BAAQMD, ACPHD and City of Oakland residents.

Thank you for considering our recommendations for protecting public health on this historic project. We look forward to continuing discussions and collaboration with the City of Oakland, CTC and other agencies to address public and environmental health issues. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Jack P. Broadbent
Executive Officer/APCO
Bay Area Air Quality Management District

Anita Siegel
Director
Alameda County Public Health Department