

Klein, Heather

From: Philip Dow <pdow@mindspring.com>
Sent: Friday, August 04, 2017 9:08 AM
To: Ford, Michael
Cc: Mossburg, Pat; Klein, Heather
Subject: RE: Fontaine Traffic

Hi Michael,

I'd be happy to make a request, if I knew what to request. As I suggested, a bike lane of the magnitude suggested in the attached report is going to be very expensive and probably never installed. These folks need some help now. Reconfiguring the lanes adjacent to the Fontaine residents would be the easiest and most economical. I'll see if I can get some direction from the call center.

Philip

-----Original Message-----

From: Ford, Michael [mailto:MFord@oaklandnet.com]
Sent: Thursday, August 03, 2017 2:43 PM
To: Philip Dow <pdow@mindspring.com>
Cc: Mossburg, Pat <PMossburg@oaklandnet.com>; Klein, Heather <HKlein@oaklandnet.com>
Subject: Re: Fontaine Traffic

This kind of request will be assigned to our Safe Streets Division, so please submit to Call Center if you haven't already and let me know the SR#.

Best,
Michael

Sent from my iPhone

- > On Aug 3, 2017, at 8:52 AM, Philip Dow <pdow@mindspring.com> wrote:
- >
- > Good Morning Mr. Ford,
- >
- > I'm writing you this morning because of an additional problem in our neighborhood that could use your attention.
- >
- > Attached is a petition from the residents between 7901 – 8115 Fontaine Street. They have a long-standing problem of entering and exiting their driveways because of the speed of vehicles and obstructed sightlines. They are asking that the through-traffic lanes be reconfigured with one through lane and a buffer between it and the parking lane.
- >
- > This petition was submitted to Councilmember Reid's office and his staff have had a number of conversations with Heather Klein of the Planning Department. Below is an email tree that includes a traffic study that shows that eliminating one of the through lanes is not a problem.
- >
- > The studies proposal is for a full-blown bike lane from Keller to Crest Avenue and Crest Avenue to the Fontaine overpass. This is going to be very expensive and most likely will never be installed.
- >

> There must be other traffic designs that could be implemented that would have the same effect but be concentrated in the 7901 – 8115 Fontaine Street area. Therefore, reducing the costs and increasing the likelihood that it might be installed.

>

> If you could help us with this problem I'd very much appreciate it.

>

> Philip Dow

> Chair, OKNIA

> www.oknia.org<<http://www.oknia.org>>

> 510.427.4496

>

>

> From: Philip Dow [mailto:pdow@mindspring.com]

> Sent: Monday, June 12, 2017 1:31 PM

> To: 'Mossburg, Pat' <PMossburg@oaklandnet.com>

> Cc: 'Reid, Larry' <LReid@oaklandnet.com>

> Subject: RE: FW: Fontaine Traffic

>

> Hi Pat,

>

> Well, this is kind of mixed news, but it certainly appears to be physically possible. Anything to slow traffic down along Fontaine is a good thing. It's currently like a drag strip as vehicles leave the stop sign at Keller and Fontaine.

>

> How do we make this happen?

>

> Phil

>

> From: Mossburg, Pat [mailto:PMossburg@oaklandnet.com]

> Sent: Monday, June 12, 2017 12:37 PM

> To: Phil Dow <pdow@mindspring.com<<mailto:pdow@mindspring.com>>>

> Cc: Reid, Larry <LReid@oaklandnet.com<<mailto:LReid@oaklandnet.com>>>

> Subject: FW: FW: Fontaine Traffic

>

> Phil,

>

> I received this yesterday. I will also forward your email to Heather.

>

> Thanks,

>

> Pat

>

> Pat Mossburg

> Office of Council President

> Larry E. Reid

> 510.238.7573

>

> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7

> Newsletter

>

> From: Klein, Heather

> Sent: Sunday, June 11, 2017 2:09 PM

> To: Mossburg, Pat

> <PMossburg@oaklandnet.com<mailto:PMossburg@oaklandnet.com>>

> Subject: RE: FW: Fontaine Traffic

>

> Pat,

> Sorry for the late response. We have received the following from the traffic consultant. TSD has reviewed it as well, agrees with the consultant, and they have asked me to forward.

>

> Heather

>

> Comment

>

> Comment Response

>

> Comments from Residents on Fontaine Street

>

>

> 1. Does the traffic volume on Keller/Fontaine truly warrant the signal and 2 lanes of traffic approaching the intersection?

>

> As summarized in Table 4.13-27 of the Draft SEIR, the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection is expected to meet the peak hour signal warrant under Existing Plus Project, 2040 No Project and 2040 Plus Project Conditions.

>

> Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for the Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.

>

>

> 1. Would signalization of Keller/Fontaine make it more or less difficult for residents along Fontaine to get in and out of their driveway?

>

> Implementing a traffic signal at the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection would increase the amount of vehicle platooning that departs the intersection onto SB Fontaine Street, which may provide more gaps between vehicle platoons for residents to exit their driveway compared to maintaining the existing all-way stop control.

>

>

> 1. Would a road diet on Fontaine with 1 travel lane to the approach improve, or make the situation worse?

>

>

> Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.

>

> A road diet along Fontaine Street would increase the vehicle density due to the reduction in roadway capacity. As a result, the higher density may provide fewer gaps between vehicle platoons departing the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection for residents along Fontaine Street to pull out of their driveways. However, narrowing Fontaine Street to a single lane would lower the travel speeds along Fontaine Street.

>

>

> 1. If traffic volumes only need one lane, can this road be re-stripped to fit a bikeway and still satisfy all concerns - signal or not?

>

> Generally, a single traffic lane can accommodate up to 800 vehicles per hour. The Existing and forecasted 2040 Plus Project AM and PM peak hour volumes along Fontaine Street indicate that one lane per direction would be adequate.
>
> A review of the cross-sectional widths along Fontaine Street shows adequate right-of-way to implement buffered Class 2 bike lanes by repurposing the second SB travel lane between the I-580 EB On-Ramp and Crest Avenue, and repurposing the second NB travel lane between Crest Avenue and the I-580 overcrossing.

>
>
>
> From: Mossburg, Pat
> Sent: Friday, May 26, 2017 1:23 PM
> To: Klein, Heather
> <HKlein@oaklandnet.com<mailto:HKlein@oaklandnet.com>>; Wang, Joe
> <JWang@oaklandnet.com<mailto:JWang@oaklandnet.com>>; Wlassowsky, Wlad
> <wwlassowsky@oaklandnet.com<mailto:wwlassowsky@oaklandnet.com>>;
> Oluwasogo, Ade
> <AOluwasogo@oaklandnet.com<mailto:AOluwasogo@oaklandnet.com>>; Fine,
> Sarah <SFine@oaklandnet.com<mailto:SFine@oaklandnet.com>>; Chun, Peter
> <PChun@oaklandnet.com<mailto:PChun@oaklandnet.com>>
> Subject: RE: FW: Fontaine Traffic

>
> What is the status?

>
> Thanks,

>
> Pat

>
> Pat Mossburg
> Office of Council President
> Larry E. Reid
> 510.238.7573

>
> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7
> Newsletter

>
> From: Klein, Heather
> Sent: Thursday, May 4, 2017 12:01 PM
> To: Wang, Joe <JWang@oaklandnet.com<mailto:JWang@oaklandnet.com>>;
> Mossburg, Pat
> <PMossburg@oaklandnet.com<mailto:PMossburg@oaklandnet.com>>;
> Wlassowsky, Wlad
> <wwlassowsky@oaklandnet.com<mailto:wwlassowsky@oaklandnet.com>>;
> Oluwasogo, Ade
> <AOluwasogo@oaklandnet.com<mailto:AOluwasogo@oaklandnet.com>>; Fine,
> Sarah <SFine@oaklandnet.com<mailto:SFine@oaklandnet.com>>; Chun, Peter
> <PChun@oaklandnet.com<mailto:PChun@oaklandnet.com>>
> Subject: RE: FW: Fontaine Traffic

>
> This is for the Oak Knoll EIR which we have been working with Sarah, Jason and the EIR consultant on.

>
> From: Wang, Joe
> Sent: Thursday, May 04, 2017 12:00 PM

> To: Mossburg, Pat; Wlassowsky, Wlad; Oluwasogo, Ade; Fine, Sarah;
> Chun, Peter
> Cc: Klein, Heather
> Subject: RE: FW: Fontaine Traffic
>
> Wlad/Ade,
>
> I don't know the history. Can you advise?
>
>
> Joe Wang, P.E.
> Supervising Transportation Engineer
>
> City of Oakland | Public Works Department | APWA Accredited Agency
> 250 Frank H. Ogawa Plaza, Suite 4344, Oakland CA 94612
> (510)238-6107
>
> Report A Problem | Public Works Call Center | (510) 615-5566
> www.oaklandpw.com<<http://www2.oaklandnet.com/Government/o/PWA/Connect/ReportaProblem/index.htm>> |
> opwcallcenter@oaklandnet.com<<mailto:opwcallcenter@oaklandnet.com>> |
> Mobile app: SeeClickFix<<http://www.seeclickfix.com/oakland/>>
>
> From: Mossburg, Pat
> Sent: Thursday, May 04, 2017 11:04 AM
> To: Wang, Joe
> Cc: Klein, Heather
> Subject: FW: FW: Fontaine Traffic
>
> Joe,
>
> Can you help me with this issue?
>
> Thanks,
>
> Pat
>
> Pat Mossburg
> Office of Council President
> Larry E. Reid
> 510.238.7573
>
> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7
> Newsletter
>
> From: Klein, Heather
> Sent: Tuesday, April 25, 2017 4:57 PM
> To: Mossburg, Pat
> Subject: RE: FW: Fontaine Traffic
>
> Got it. Let's touch base tomorrow.
>

> From: Mossburg, Pat
> Sent: Tuesday, April 25, 2017 4:54 PM
> To: Klein, Heather
> Subject: FW: FW: Fontaine Traffic
>
> fyi
>
> Pat Mossburg
> Office of Council President
> Larry E. Reid
> 510.238.7573
>
> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7
> Newsletter
>

> From: Philip Dow [mailto:pdow@mindspring.com]
> Sent: Tuesday, April 25, 2017 4:53 PM
> To: Mossburg, Pat
> Subject: RE: FW: Fontaine Traffic
>

> Hi Pat,
> The Fontaine residents realize the signal is a mitigation measure. That's not an issue. And, they also understand that the traffic load on Fontaine in front of their residents probably won't be affected by Oak Knoll traffic.
>

> However, the way traffic is released from a signal is somewhat different than the release from the existing stop controls.
>

> Regardless, these residents feel that the current traffic conditions on this stretch of Fontaine needs to be addressed. All they are asking is whether this section of Fontaine can be restriped to create a safe zone so they can get in and out of their driveways.
>

> If you'd like to witness the current conditions I'd be happy to meet you there.
>

> Phil
>

> From: Mossburg, Pat [mailto:PMossburg@oaklandnet.com]
> Sent: Tuesday, April 25, 2017 2:47 PM
> To: Phil Dow <pdow@mindspring.com<mailto:pdow@mindspring.com>>
> Cc: Reid, Larry <LReid@oaklandnet.com<mailto:LReid@oaklandnet.com>>
> Subject: FW: FW: Fontaine Traffic
>

> Phil,
>
> Please response below.
>

> Thanks,
>

> Pat
>

> Pat Mossburg
> Office of Council President
> Larry E. Reid

> 510.238.7573

>

> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7

> Newsletter

>

> From: Klein, Heather

> Sent: Tuesday, April 25, 2017 12:58 PM

> To: Mossburg, Pat

> Subject: FW: FW: Fontaine Traffic

>

> Pat,

> Please see the response below. This is a mitigation measure for the overall project.

> Does this help?

>

> Heather

>

> From: Scott Gregory [<mailto:sgregory@lamphier-gregory.com>]

> Sent: Tuesday, April 25, 2017 12:00 PM

> To: Klein, Heather

> Cc: Lee, Heather; Crescentia

> Subject: Re: FW: Fontaine Traffic

>

> Yes, this is a mitigation measure (Trans-3) and it includes: re-stripe

> westbound Keller Avenue approach to provide one left-turn lane and one

> shared through/right-turn lane,

> b) Signalize intersection providing actuated operations, with

> protected left-turn phasing on the westbound Keller Avenue approach

>

> Needed because this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the PM peak hour (Criterion f). This intersection operates at LOS F during the AM and PM peaks, and meets the peak hour signal warrant during the PM peak hour under Existing conditions.

>

> On Mon, Apr 24, 2017 at 6:29 PM, Klein, Heather <HKlein@oaklandnet.com<<mailto:HKlein@oaklandnet.com>>> wrote:

> Is this light a mitigation?

>

> From: Mossburg, Pat

> Sent: Monday, April 24, 2017 2:38 PM

> To: Klein, Heather

> Cc: Reid, Larry

> Subject: FW: Fontaine Traffic

>

> Heather,

>

> Per my VM, here is the email Larry & I received today. Should the residents meet with City or Sun Cal?

>

> Thanks,

>

> Pat

>

> Pat Mossburg

> Office of Council President

> Larry E. Reid

> 510.238.7573<tel:(510)%20238-7573>

>

> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7

> Newsletter

>

> From: Philip Dow [mailto:pdow@mindspring.com]

> Sent: Monday, April 24, 2017 1:06 PM

> To: Reid, Larry; Mossburg, Pat

> Subject: Fontaine Traffic

>

> Hi Larry and Pat,

>

> As you may recall, OKNIA held a meeting at the Holy Redeemer Center regarding the proposed Oak Knoll traffic mitigations. A very interesting idea emerged from that meeting. Residents along Fontaine, between 7901 and 8115, were concerned about the way in which traffic was going to be impacted by the proposed signalization of Keller and Fontaine. They have been experiencing great difficulty getting in and out of their driveways and feel that the new signal will complicate the situation.

>

> The residents feel that there is no need for two through lanes along that section of Fontaine and are requesting that the City of Oakland traffic engineers review their proposal and help them resolve this public safety problem. Please see the attached petition.

>

> I'm writing you with the hope that you will facilitate a meeting between these Fontaine residents and City of Oakland traffic engineers.

>

> Thanks,

>

> Phil

>

>

>

> --

> Scott Gregory

> Lamphier-Gregory

> 1944 Embarcadero, Oakland, CA 94606

> (510) 535-6671

> <Fontaine Traffic Petition_042417.pdf>

Klein, Heather

From: Philip Dow <pdow@mindspring.com>
Sent: Thursday, August 03, 2017 8:52 AM
To: Ford, Michael
Cc: Mossburg, Pat; Klein, Heather
Subject: FW: FW: Fontaine Traffic
Attachments: Fontaine Traffic Petition_042417.pdf

Good Morning Mr. Ford,

I'm writing you this morning because of an additional problem in our neighborhood that could use your attention.

Attached is a petition from the residents between 7901 – 8115 Fontaine Street. They have a long-standing problem of entering and exiting their driveways because of the speed of vehicles and obstructed sightlines. They are asking that the through-traffic lanes be reconfigured with one through lane and a buffer between it and the parking lane.

This petition was submitted to Councilmember Reid's office and his staff have had a number of conversations with Heather Klein of the Planning Department. Below is an email tree that includes a traffic study that shows that eliminating one of the through lanes is not a problem.

The studies proposal is for a full-blown bike lane from Keller to Crest Avenue and Crest Avenue to the Fontaine overpass. This is going to be very expensive and most likely will never be installed.

There must be other traffic designs that could be implemented that would have the same effect but be concentrated in the 7901 – 8115 Fontaine Street area. Therefore, reducing the costs and increasing the likelihood that it might be installed.

If you could help us with this problem I'd very much appreciate it.

Philip Dow
Chair, OKNIA
www.oknia.org
510.427.4496

From: Philip Dow [mailto:pdow@mindspring.com]
Sent: Monday, June 12, 2017 1:31 PM
To: 'Mossburg, Pat' <PMossburg@oaklandnet.com>
Cc: 'Reid, Larry' <LReid@oaklandnet.com>
Subject: RE: FW: Fontaine Traffic

Hi Pat,

Well, this is kind of mixed news, but it certainly appears to be physically possible. Anything to slow traffic down along Fontaine is a good thing. It's currently like a drag strip as vehicles leave the stop sign at Keller and Fontaine.

How do we make this happen?

Phil

From: Mossburg, Pat [<mailto:PMossburg@oaklandnet.com>]
Sent: Monday, June 12, 2017 12:37 PM
To: Phil Dow <pdow@mindspring.com>
Cc: Reid, Larry <LReid@oaklandnet.com>
Subject: FW: FW: Fontaine Traffic

Phil,

I received this yesterday. I will also forward your email to Heather.

Thanks,

Pat

*Pat Mossburg
Office of Council President
Larry E. Reid
510.238.7573*

Click [here](#) to sign up to District 7 Newsletter

From: Klein, Heather
Sent: Sunday, June 11, 2017 2:09 PM
To: Mossburg, Pat <PMossburg@oaklandnet.com>
Subject: RE: FW: Fontaine Traffic

Pat,
Sorry for the late response. We have received the following from the traffic consultant. TSD has reviewed it as well, agrees with the consultant, and they have asked me to forward.

Heather

Comment	Comment Response
Comments from Residents on Fontaine Street	
1. Does the traffic volume on Keller/Fontaine truly warrant the signal and 2 lanes of traffic approaching the intersection?	As summarized in Table 4.13-27 of the Draft SEIR, the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection is expected to meet the peak hour signal warrant under Existing Plus Project, 2040 No Project and 2040 Plus Project Conditions. Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for the Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.

<p>2. Would signalization of Keller/Fontaine make it more or less difficult for residents along Fontaine to get in and out of their driveway?</p>	<p>Implementing a traffic signal at the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection would increase the amount of vehicle platooning that departs the intersection onto SB Fontaine Street, which may provide more gaps between vehicle platoons for residents to exit their driveway compared to maintaining the existing all-way stop control.</p>
<p>3. Would a road diet on Fontaine with 1 travel lane to the approach improve, or make the situation worse?</p>	<p>Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.</p> <p>A road diet along Fontaine Street would increase the vehicle density due to the reduction in roadway capacity. As a result, the higher density may provide fewer gaps between vehicle platoons departing the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection for residents along Fontaine Street to pull out of their driveways. However, narrowing Fontaine Street to a single lane would lower the travel speeds along Fontaine Street.</p>
<p>4. If traffic volumes only need one lane, can this road be re-striped to fit a bikeway and still satisfy all concerns - signal or not?</p>	<p>Generally, a single traffic lane can accommodate up to 800 vehicles per hour. The Existing and forecasted 2040 Plus Project AM and PM peak hour volumes along Fontaine Street indicate that one lane per direction would be adequate.</p> <p>A review of the cross-sectional widths along Fontaine Street shows adequate right-of-way to implement buffered Class 2 bike lanes by repurposing the second SB travel lane between the I-580 EB On-Ramp and Crest Avenue, and repurposing the second NB travel lane between Crest Avenue and the I-580 overcrossing.</p>

From: Mossburg, Pat

Sent: Friday, May 26, 2017 1:23 PM

To: Klein, Heather <HKlein@oaklandnet.com>; Wang, Joe <JWang@oaklandnet.com>; Wlassowsky, Wlad <wwlassowsky@oaklandnet.com>; Oluwasogo, Ade <AOLuwasogo@oaklandnet.com>; Fine, Sarah <SFine@oaklandnet.com>; Chun, Peter <PChun@oaklandnet.com>

Subject: RE: FW: Fontaine Traffic

What is the status?

Thanks,

Pat

*Pat Mossburg
Office of Council President*

Larry E. Reid
510.238.7573

Click [here](#) to sign up to District 7 Newsletter

From: Klein, Heather
Sent: Thursday, May 4, 2017 12:01 PM
To: Wang, Joe <JWang@oaklandnet.com>; Mossburg, Pat <PMossburg@oaklandnet.com>; Wlassowsky, Wlad <wwlassowsky@oaklandnet.com>; Oluwasogo, Ade <AOLuwasogo@oaklandnet.com>; Fine, Sarah <SFine@oaklandnet.com>; Chun, Peter <PChun@oaklandnet.com>
Subject: RE: FW: Fontaine Traffic

This is for the Oak Knoll EIR which we have been working with Sarah, Jason and the EIR consultant on.

From: Wang, Joe
Sent: Thursday, May 04, 2017 12:00 PM
To: Mossburg, Pat; Wlassowsky, Wlad; Oluwasogo, Ade; Fine, Sarah; Chun, Peter
Cc: Klein, Heather
Subject: RE: FW: Fontaine Traffic

Wlad/Ade,

I don't know the history. Can you advise?

Joe Wang, P.E.
Supervising Transportation Engineer

City of Oakland | Public Works Department | APWA Accredited Agency
250 Frank H. Ogawa Plaza, Suite 4344, Oakland CA 94612
(510)238-6107

Report A Problem | Public Works Call Center | (510) 615-5566
www.oaklandpw.com | opwcallcenter@oaklandnet.com | Mobile app: [SeeClickFix](#)

From: Mossburg, Pat
Sent: Thursday, May 04, 2017 11:04 AM
To: Wang, Joe
Cc: Klein, Heather
Subject: FW: FW: Fontaine Traffic

Joe,

Can you help me with this issue?

Thanks,

Pat

Pat Mossburg
Office of Council President
Larry E. Reid

510.238.7573

Click [here](#) to sign up to District 7 Newsletter

From: Klein, Heather
Sent: Tuesday, April 25, 2017 4:57 PM
To: Mossburg, Pat
Subject: RE: FW: Fontaine Traffic

Got it. Let's touch base tomorrow.

From: Mossburg, Pat
Sent: Tuesday, April 25, 2017 4:54 PM
To: Klein, Heather
Subject: FW: FW: Fontaine Traffic

fyi

Pat Mossburg
Office of Council President
Larry E. Reid
510.238.7573

Click [here](#) to sign up to District 7 Newsletter

From: Philip Dow [<mailto:pdow@mindspring.com>]
Sent: Tuesday, April 25, 2017 4:53 PM
To: Mossburg, Pat
Subject: RE: FW: Fontaine Traffic

Hi Pat,

The Fontaine residents realize the signal is a mitigation measure. That's not an issue. And, they also understand that the traffic load on Fontaine in front of their residents probably won't be affected by Oak Knoll traffic.

However, the way traffic is released from a signal is somewhat different than the release from the existing stop controls.

Regardless, these residents feel that the current traffic conditions on this stretch of Fontaine needs to be addressed. All they are asking is whether this section of Fontaine can be restriped to create a safe zone so they can get in and out of their driveways.

If you'd like to witness the current conditions I'd be happy to meet you there.

Phil

From: Mossburg, Pat [<mailto:PMossburg@oaklandnet.com>]
Sent: Tuesday, April 25, 2017 2:47 PM
To: Phil Dow <pdow@mindspring.com>
Cc: Reid, Larry <LReid@oaklandnet.com>
Subject: FW: FW: Fontaine Traffic

Phil,

Please response below.

Thanks,

Pat

*Pat Mossburg
Office of Council President
Larry E. Reid
510.238.7573*

Click [here](#) to sign up to District 7 Newsletter

From: Klein, Heather
Sent: Tuesday, April 25, 2017 12:58 PM
To: Mossburg, Pat
Subject: FW: FW: Fontaine Traffic

Pat,
Please see the response below. This is a mitigation measure for the overall project.
Does this help?

Heather

From: Scott Gregory [<mailto:sgregory@lamphier-gregory.com>]
Sent: Tuesday, April 25, 2017 12:00 PM
To: Klein, Heather
Cc: Lee, Heather; Crescentia
Subject: Re: FW: Fontaine Traffic

Yes, this is a mitigation measure (Trans-3) and it includes: re-stripe westbound Keller Avenue approach to provide one left-turn lane and one shared through/right-turn lane,
b) Signalize intersection providing actuated operations, with protected left-turn phasing on the westbound Keller Avenue approach

Needed because this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the PM peak hour (Criterion f). This intersection operates at LOS F during the AM and PM peaks, and meets the peak hour signal warrant during the PM peak hour under Existing conditions.

On Mon, Apr 24, 2017 at 6:29 PM, Klein, Heather <HKlein@oaklandnet.com> wrote:

Is this light a mitigation?

From: Mossburg, Pat
Sent: Monday, April 24, 2017 2:38 PM
To: Klein, Heather
Cc: Reid, Larry
Subject: FW: Fontaine Traffic

Heather,

Per my VM, here is the email Larry & I received today. Should the residents meet with City or Sun Cal?

Thanks,

Pat

Pat Mossburg

Office of Council President

Larry E. Reid

510.238.7573

Click [here](#) to sign up to District 7 Newsletter

From: Philip Dow [<mailto:pdow@mindspring.com>]
Sent: Monday, April 24, 2017 1:06 PM
To: Reid, Larry; Mossburg, Pat
Subject: Fontaine Traffic

Hi Larry and Pat,

As you may recall, OKNIA held a meeting at the Holy Redeemer Center regarding the proposed Oak Knoll traffic mitigations. A very interesting idea emerged from that meeting. Residents along Fontaine, between 7901 and 8115, were concerned about the way in which traffic was going to be impacted by the proposed signalization of Keller and Fontaine. They have been experiencing great difficulty getting in and out of their driveways and feel that the new signal will complicate the situation.

The residents feel that there is no need for two through lanes along that section of Fontaine and are requesting that the City of Oakland traffic engineers review their proposal and help them resolve this public safety problem. Please see the attached petition.

I'm writing you with the hope that you will facilitate a meeting between these Fontaine residents and City of Oakland traffic engineers.

Thanks,

Phil

--

Scott Gregory

Lamphier-Gregory

1944 Embarcadero, Oakland, CA 94606

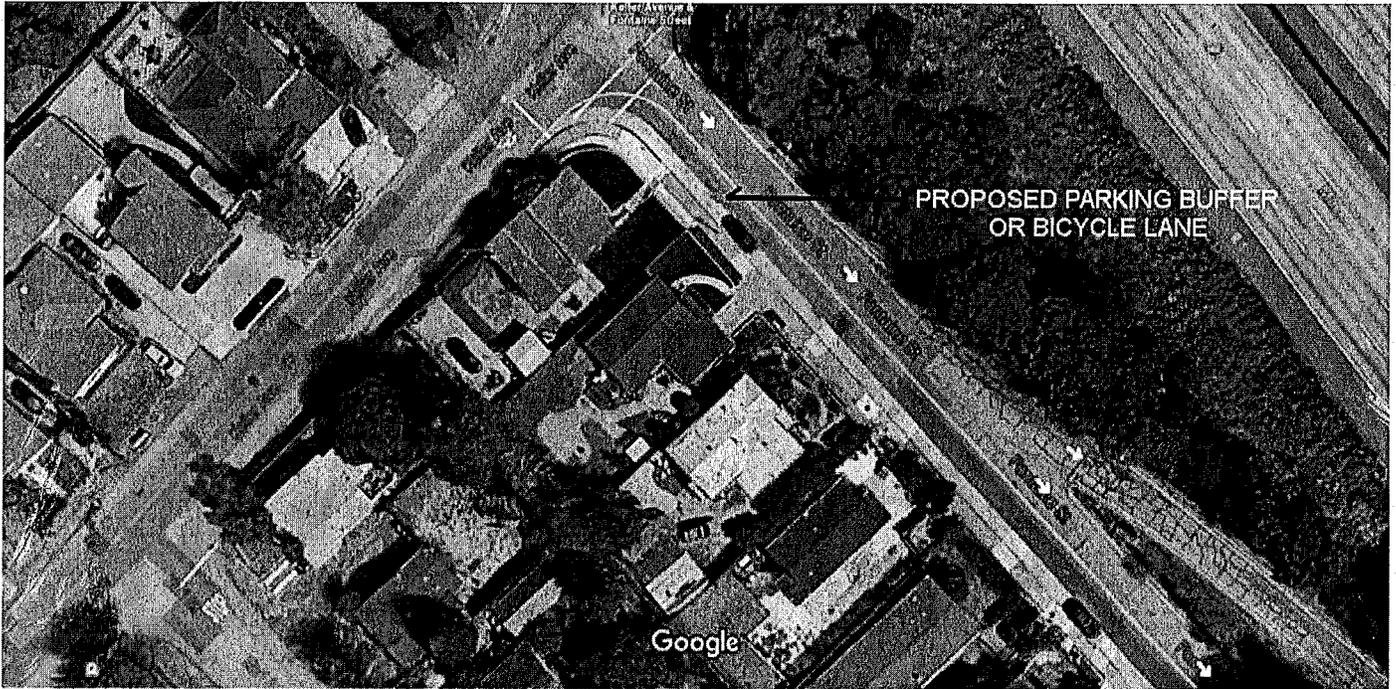
(510) 535-6671

We, the undersigned residents of Fontaine Street, request that the City of Oakland reconfigure the through-traffic lanes between 7901 Fontaine Street and 8115 Fontaine Street to make it safer for people to enter and exit their driveways. Our request is based on the following:

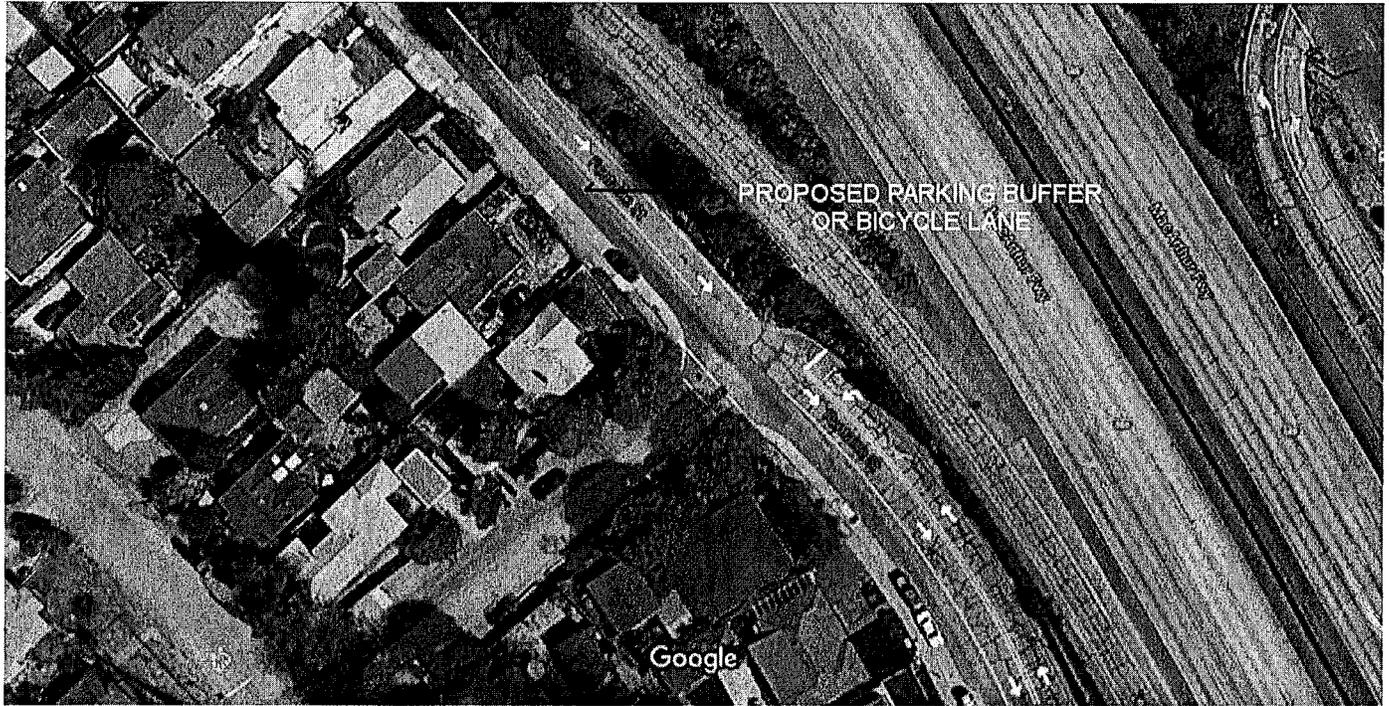
1. The exiting traffic load is not of a volume that necessitates two lanes of through traffic on eastbound Fontaine Street.
2. The proposed signalization of Keller Avenue and Fontaine Street, while not impacting the volume, is going to significantly impact the flow of traffic by (a) releasing all the stored vehicles in one pulse and (b) allowing vehicles to proceed, on green, at speed with no stop.

	Name	Address	Signature
1	Samuel Herrera	8017 Fontaine St.	Samuel Herrera
2	Alena Card	8017 Fontaine St.	Alena Card
3	Wanda Torres	8009 Fontaine St.	Wanda Torres
4	Gene Torres	8009 Fontaine St.	Gene Torres
5	Angelina Borja	7901 Fontaine	Angelina Borja
6	Naima Walls-Hanson	7909 Fontaine St.	Naima Walls-Hanson
7	Diana	7925 Fontaine	Diana
8	Jasoo Phung	7941 Fontaine	Jasoo Phung
9	RYAN MUÑOZ	7949 FONTAINE ST	Ryan Muñoz
10	NICOLE PHUNG	7949 FONTAINE ST	Nicole Phung
11	Quil Lopez	8041 Fontaine St.	Quil Lopez
12	Rosa Lopez	8041 Fontaine St.	Rosa Lopez
13	AARON Coleman	8051 Fontaine	Aaron Coleman
14	Ana Vazquez	8081 Fontaine St.	Ana Vazquez
15	HANNAH	8109 Fontaine St.	Hannah
16	NAK NITH	8073 Fontaine	Nak Nith

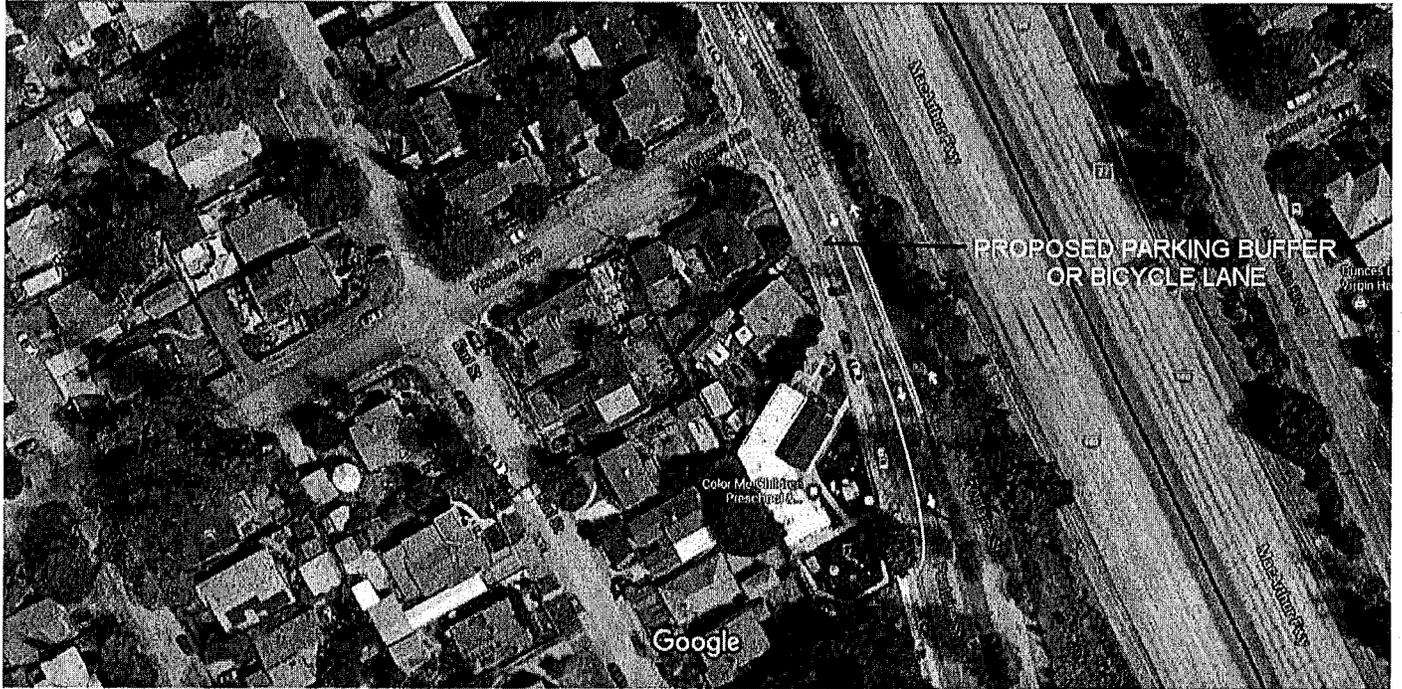
	Name	Address	Signature
17	Cynthia Demar	8025 Fontaine St	Cynthia Demar
18	Udo Richter	8025 Fontaine St	Udo Richter
19	Marilyn Horn	7965 Fontaine St	Marilyn Horn
20	ERNIE BONILLA	7933 FONTAINE ST.	Ernie Bonilla
21	Anika Edwards	7917 Fontaine St	Anika Edwards
22	LEWIS DUCKWORTH	8061 FONTAINE ST.	Lewis Duckworth
23	Allen Wong	4023 Fontaine St	Allen Wong
24	Yiu Lan Wong	4033 Fontaine St	Yiu Lan Wong
25	Qian Xia	5033 Fontaine St	Qian Xia



KELLER AVENUE AND FONTAINE STREET



FONTAINE STREET AND SHONE AVENUE



FONTAINE STREET AND HOMES AVENUE

Klein, Heather

From: Dave Campbell <dave.campbell62@gmail.com>
Sent: Monday, June 26, 2017 12:08 PM
To: Klein, Heather
Subject: Fwd: Oak knoll and bikeways

Heather

Have time to take a look at bike access at Oak Knoll?

Dave Campbell
Advocacy Director
Bike East Bay
(c) 510.701.5971
sent from my iPhone

Begin forwarded message:

From: "Ferracane, Christina" <CFerracane@oaklandnet.com>
Date: June 26, 2017 at 11:55:32 AM PDT
To: Dave Campbell <dave.campbell62@gmail.com>
Cc: "Klein, Heather" <HKlein@oaklandnet.com>
Subject: RE: Oak knoll and bikeways

Dave, I recommend you reach out to the Project Planner:

Heather Klein
Planner IV
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612
(510)238-3659
hklein@oaklandnet.com

Christina Ferracane, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510)238-3903 | Fax: (510) 238-6538 | Email: cferracane@oaklandnet.com | Website: www.oaklandnet.com/planning

** I will be OUT OF THE OFFICE between June 29 and July 4, and between July 25 and August 11.
**

From: Dave Campbell [<mailto:dave.campbell62@gmail.com>]
Sent: Monday, June 26, 2017 9:14 AM
To: dranelletti@oaklandnet.com
Cc: Ferracane, Christina <CFerracane@oaklandnet.com>
Subject: Oak knoll and bikeways

Darin and Christina

I see the Oak Knoll Plan is moving toward the finish line. Can we sit down and take a look at bike access issues?

<http://www.sfchronicle.com/bayarea/article/Massive-development-may-come-to-long-blighted-11244005.php>

Dave Campbell
(c) 510.701.5971
sent from my iPhone

Klein, Heather

From: Karen Whitestone <conservation@ebcnps.org>
Sent: Wednesday, June 21, 2017 4:02 PM
To: Klein, Heather
Subject: Oak Knoll comments
Attachments: Oak Knoll Final SEIR-comments-20170621.pdf

Hello Ms. Klein,

Please accept attached comments (submitted before 4:00pm) regarding the Oak Knoll project, from the East Bay California Native Plant Society.

Please confirm receipt of comments at your earliest convenience. Thank you for clarification that the project will be discussed tonight at planning commission.

Karen Whitestone

--

Karen Whitestone
Conservation Analyst

California Native Plant Society, East Bay Chapter PO Box 5597 Elmwood Station Berkeley CA 94705
510-734-0335
www.ebcnps.org
<http://ebcnps.wordpress.com>

"dedicated to the conservation of native flora"

June 21, 2017

City of Oakland
Bureau of Planning, Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2214, Oakland CA
Attn: Heather Klein, Planner IV

Submitted by email to: hklein@oaklandnet.com.

RE: Notice of Availability and Release of a Response to Comments/ Final Supplemental Environmental Impact Report (Final SEIR)

Dear Heather Klein, Planner:

The following are the comments of the East Bay California Native Plant Society (EBCNPS) in regard to the Response to Comments and Final Supplemental Environmental Impact Report (Final SEIR) for the Oak Knoll Mixed Use Community Plan Project.

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Pursuant to the mission of protecting California's native flora and vegetation, EBCNPS submits the following comments:

Avoid and mitigate for impacts to the Oakland star tulip

The City of Oakland is the namesake home for the Oakland star tulip (*Calochortus umbellatus*), a special-status plant species. A perennial bulb which flowers March through May, it is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution), and is also considered locally rare.

The entire population on this project site (723 plants) is still at risk of elimination, even though the Draft and Final SEIR (DSEIR pg 4.3-18) recognize Oakland star tulip as a special-status species. None of the bulbs are avoided, even in open space areas where they could be protected in place. And the commitment to preserve Oakland star tulip is promised in response to comments but not upheld within the Final SEIR text revisions—the Final SEIR language does not obligate the project sponsor to follow the recommended mitigations.

The bottom line is that it is extremely uncommon to encounter such a large population of Oakland star tulip in all of the East Bay region. Certainly, the occurrence on the Oak Knoll

property is one of the largest (if not the largest) population within the City of Oakland, of the Oakland star tulip.



Calochortus umbellatus, CNPS, 1980.

Finally, the Final SEIR concludes that “no significant impact” will occur to the Oakland star tulip, which is based on incorrect analysis that the species is “regionally prevalent.” By assuming the tulip is regionally prevalent, the project is allowed to inflict greater impacts on the tulip by disregarding the option to avoid it and proposing some minor but incomplete mitigation actions. If the Oakland star tulip’s rarity was valued appropriately, the project would not be permitted to impact the species so heavily, or would be required to mitigate adequately for impacts. The argument for regional prevalence needs correction.

1. Mitigation for impacts to Oakland star tulip should be “enforceable measure of approval”

Response N2 to our organization’s comment letter on the Draft SEIR, explicitly says that “the applicant has agreed to implement this measure as an enforceable measure of approval” (also appears on other responses). However, language specifying this guarantee is not carried through to revisions to the Final SEIR, **Section 4.3**, which discusses the Oakland star tulip. Paragraphs of discussion located immediately before **Recommendation BIO-1.1**, appear to state that the project sponsor agrees mitigation should probably take place. But, this language does not actually commit the project sponsor to perform the mitigation as described (or, any mitigation at all).

This demonstrates a significant inconsistency between promised revisions in comment responses and actual revisions to the Final SEIR. **Section 4.3** and **Recommendation BIO-1.1** of the Final SEIR must be revised to read that fulfilling adequate mitigation measures for Oakland star tulip is an “enforceable measure of approval.”

Importantly, we also recommend Oakland star tulip mitigations need to apply to all the project alternatives. All protection would be absent for the Oakland star tulip, if the proposed mitigations did not happen to apply to the selected project alternative.

2. Retain Oakland star tulips in preserved Open Space areas

The project sponsor proposes to harvest 100% of the bulbs, which is an increase from 50% planned harvest in the Draft SEIR. This increased commitment to responsibility for every individual is a positive change in the Final SEIR. (The project no longer proposes to harvest half the bulbs, and bulldoze the rest.) However, harvesting every individual would unnecessarily increase impacts to the species.

The Final SEIR proposes to harvest every single bulb on the property. We recommend avoiding altogether the bulbs located within open space areas.

Oakland star tulip is currently growing where it grows best. It is a reasonable measure to avoid disturbing as many bulbs as possible. The Final SEIR reasons that removing all bulbs is necessary to prepare for siting recreational trails in the open space areas. The potential hiking trail alignments are included in concept drawings but not yet finalized (DEIR, Figure 3-11, pg 3-22). Future trail plans should be routed to avoid the Oakland star tulip where it occurs.

East Bay CNPS does not endorse mitigation as a substitute for avoidance. However, none of the project alternatives present a scenario which completely avoids the Oakland star tulip. So, should avoiding all the Oakland star tulip across the entire project site be completely impossible, we recommend harvesting Oakland star tulip bulbs only in the developed areas of the project.

We note also that it is impossible to determine the number of bulbs which may be avoided and thus protected in these open space areas. Unfortunately, a map overlaying the Oakland star tulip occurrences with the proposed development does not exist. A rough estimate from examining EIR maps (not to scale), reveals that close to 150 individuals may be avoided and protected in this manner.

3. Mitigation "success" means Monitoring needs more time and survival rates higher, when defining mitigation "success"

We suggest many improvements to **Recommendation BIO-1.1**, see also Attachment A.

For the harvested bulbs, the project proposes only 50% of these need survive the first two (2) years after replanting. When the replanting effort will take place is not specified. Potential on-site locations are not specified. And, the entire recommendation for a mitigation and monitoring plan only applies for on-site locations—no monitoring is required if the plants are transported and planted at an off-site location. Given all these unknowns, the current wording of the Final SEIR allows for complete removal of this population, with the very real possibility of either: considering the loss of 366 bulbs "fully successful," or, no reporting on the outcome for 100% of the population because reports are not required on the success rate of replanting elsewhere.

We recommend required monitoring for the replanted Oakland star tulip for five (5) years to establish a survival trend. Two years of monitoring is insufficient. The project should set goals for this beautiful Oakland-indigenous plant to survive, and thrive.

We recommend increasing the survival rate to greater than 50%. A success rate of only 50% may be acceptable for other, less rare species in the *Calochortus* genus, but is not an acceptable survival rate for a special-status species. The Final SEIR states a success rate of only 50%, and thus, any future mitigation and monitoring plan based on achieving this outcome will be inherently flawed.

We recommend revising **Recommendation BIO-1.1** to state that it applies both to on-site and off-site mitigation. The Final SEIR currently states that mitigation recommendations only apply to on-site replanting plans. If application of a mitigation plan depends on where the population is replanted, this leaves the project sponsor with the easier option of simply planting the bulbs and walking away

We would also like to see a time frame defined for when this replanting effort will take place. Lacking a time frame leaves open the possibility that these bulbs may be planted many significant impact to the species. The Final SEIR and a future mitigation and monitoring plan should both describe a time frame for when mitigation will take place.

We recommend that a future mitigation and monitoring plan describes storage techniques for the harvested bulbs, so as to avoid post-harvest loss before replanting and mitigation can take place. Additionally, enough is known about the physical requirements of the Oakland star tulip and attributes of the project open space areas, for the project sponsor to accurately describe which on-site locations are being considered for on-site mitigation.

We recommend describing in detail the process of selecting a relocation site. A qualified botanist should oversee the selection of the transplant location. When replanting these bulbs, other quality native plant communities or sensitive natural communities should be avoided.

4. Oakland star tulip is locally rare, not regionally abundant

The calculations justifying regional prevalence of the Oakland star tulip, do not accurately represent species distribution for ease of public understanding. Thus, regional prevalence should not be used as justification for weak or nonexistent mitigation for impacts to the Oakland star tulip.

Response N2 contains extensive explanation of the existing occurrence records of Oakland star tulip, and attempts to show prevalence by breaking down percentages of the records in several ways. These explanations only further illustrate the fact that impacts to the Oakland star tulip at this site would be significant. At a population of 732 plants, the occurrence at Oak Knoll ranks near the top of the ten largest sites in the East Bay. Usually, a record indicates just a few plants at a given location.

Response N2 states, "in total, we are aware of four populations in the East Bay with more than 1,000 plants, six populations in the East Bay with 500 or more plants, and nine populations in the East Bay described as being several hundred plants or more (excluding the Project site)..." The response continues by offering the percentages of occurrence records with abundance estimates. This misleads the reader to perceive the species population size as larger than what actually exists.

For example, the statement that "three populations (17 percent of those with abundance estimates) have more than 1,000 plants," leads the reader to assume that approximately 20% of the species are occurrences of this large size. When actually, only five (5) confirmed locations of Oakland star tulip with 500+ plants exist throughout the San Francisco Bay Area, so impacts to just one of these populations may affect as much as 20% of the entire population of Oakland star tulip.

Also, the Final SEIR attempts to illustrate regional prevalence by presenting the gross number of regional records (reported as 69 in the two county area). The Final SEIR acknowledges that the majority of these records may consist of just one or a few plants each, but then hypothesizes that some records might represent other populations of hundreds of plants. Although documenting the extent of this population required focused surveys, assuming that many more large sized populations of Oakland star tulip is not supported by the verified records. It is inadequate analysis to analysis to err on the side of assuming a special-status species (with inconsistent occurrence records) is abundant.

Identify and protect existing sensitive natural communities

Appropriate identification of sensitive natural communities is necessary to avoid or mitigate potentially significant impacts. **Response N2** is inaccurate when it says that the "Manual of California Vegetation is not a regulatory document and does not by itself provide any recommendations regarding appropriate 'protections' for vegetation types." The second edition of a Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009) does classify vegetation, provides rarity rankings, and stipulates that anything that is ranked as S3 or lower in this manual qualifies for protection under California Department of Fish and Wildlife (CDFW).

The *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance has a sensitivity ranking of G2 S2, indicating it is "imperiled" both globally and in California. Even small amounts of this community (such as scattered and degraded populations in the East Bay) qualifies for protection. EBCNPS's statement that 1–2% of *A. crustacea* ssp. *crustacea* cover qualifies as the rare community type *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance stems from the following quote from the Manual of California Vegetation (Sawyer et al. 2009, page 348):

"Some stands [of the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance] in the East Bay Hills are fragmented and degraded, with only remnant scattered individuals of *A. crustacea*

and a significantly higher cover of *Adenostema fasciculatum*. We still consider such stands as members of the *A. crustacea* alliance.”

Todd Keeler-Wolf of the Biogeographic Data Branch of the California Department of Fish and Wildlife has confirmed this statement on a variety of occasions including to verify occurrence of this same vegetation type at Knowland Park where the percentages of *A. crustacea* ssp. *crustacea* are similarly low but represent remnant stands that do qualify for protection.

The Draft SEIR acknowledges that the very species which define this sensitive natural community are widely prevalent on the project site, especially noting presence of the hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*). Draft SEIR, page 4.3-6 states, “California sagebrush scrub covers 4.53 acres of the Project site in two locations on steep slopes within coast live oak woodland in the southeastern portion of the site. California sagebrush, coyote brush (*Baccharis pilularis* ssp. *consanguinea*), chamise (*Adenostoma fasciculatum* var. *fasciculatum*), and hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*) are dominant within this alliance.”

In addition, all purple needlegrass grasslands on the project site qualify for status as a protected sensitive natural community. The project sponsor has mapped all areas that met the minimum requirements for consideration (membership rules) as needlegrass grassland. However, regardless of quality, both naturally occurring should receive protection as a sensitive natural community, and either be avoided or impacts mitigated.

The Manual of California Vegetation does not differentiate between native and planted vegetation communities. All purple needlegrass grasslands should be classified as sensitive natural communities, or known sensitive resource area as protected under Impact BIO-1 and Impact BIO-2. The project would then have to account for significance of impacts and mitigation measures for all purple needlegrass grasslands.

Protection of these sensitive natural community fragments are valuable their recovery and resiliency. For example, we strongly recommend reanalyzing potential impacts to areas of the project site where either of these communities occur, and avoiding completely grading and removing these communities (as is planned), and evaluating how changes to the surrounding hydrology (due to runoff or stormwater basin placement) impacts these sensitive natural communities.

Conclusions:

We recognize overall improvements to restoration efforts proposed by this project. However, several native plant protections and mitigations remain inadequate to the level of net significant impact. These special-status species and sensitive natural communities merit protection and impact analysis, as defined by the California Environmental Quality Act (CEQA) Guidelines §15125 (c) and §15380. Revisions to the Final Supplemental EIR (Final SEIR) are essential to successfully mitigate and avoid impacts to special-status plant species and sensitive natural communities.

For example, significant changes to the proposed mitigation of the special-status species Oakland star tulip (*Calochortus umbellatus*) are necessary to ensure realistic survival for the large population of a locally rare native plant that occurs on the project site. As currently written, the Final SEIR allows for complete elimination of Oakland star tulip from the entire project area. Plans for mitigation and monitoring of this species should be improved.

Sections of coastal scrub on the project site qualify for protection as a sensitive natural community, the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance. The membership rules for the alliance as well as the author of those membership rules (Keeler-Woolf) both unequivocally state that degraded stands in the East Bay qualify for protection. As currently written, the Final SEIR does not consider any protection or mitigation for this community whatsoever, and thus they are at risk of significant impacts.

We also recommend including plans to enhance native plant habitat in the preserved open space areas on the project site, such as non-native invasive plant control efforts. Removal of invasive weedy plant species including non-native annual grasses in conserved open space areas would assist with maintaining the health of native plant groupings and sensitive natural communities such as the purple needlegrass grasslands. We recommend avoidance of further disturbance to all native plant habitat at every opportunity.

If you have any questions, please contact me at conservation@ebcnps.org or at 510-734-0335.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Whitestone', written in a cursive style.

Karen Whitestone
Conservation Analyst
East Bay California Native Plant Society

ATTACHMENT A

The following are EBCNPS's recommendations for revisions (highlighted) to the Final SEIR Ch 3, Changes and Errata to Draft SEIR, Pg 3-14 to 15:

36. On pages 4.3-47 and 4.3-48 of the Draft SEIR, the following clarifications are made, starting with the paragraph preceding Recommendation BIO-1:

With Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star tulip ~~would~~ could be substantially reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity or by other means detailed below and allow the Project to avoid, minimize, and/or compensate for impacts to special status plants.

Recommendation BIO-1.1: The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site. The applicant agrees to implement this measure as an enforceable condition of approval.

a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs from areas to be graded shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves. Oakland star tulip plants located in open space areas of the Project site (and outside defined limits of disturbance), shall be flagged and avoided instead of harvested and removed/ transplanted.

b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~ The chosen location for transplanting shall be appropriate to the biological requirements of the species, and free from the soil pathogen *Phytophthora*. After transplantation, impacts to this area shall be avoided indefinitely. Any further impacts to this transplanted population are not allowed.

c) ~~If plants are reintroduced within t~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring ~~methods and maintenance~~ for successful establishment, and reporting protocols. The ~~recommended~~ success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years. The Monitoring Plan will monitor successful establishment and recovery over a period of ten years, and periodically provide habitat enhancement especially invasive weed removal (similar to Rifle

Range Creek monitoring). Additionally, this Monitoring Plan will also apply to relocated / transplanted Oakland star tulip plants, should they be located outside the Project site.

d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years. Disturbance of otherwise- unaffected populations for the purposes of obtaining bulbs or transplantation, especially sensitive serpentinite habitats at which this species is typically located, shall be avoided.

e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.

f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

g) The Monitoring Plan shall be prepared with stakeholder input, finalized, and made available to the public, prior to site grading and before any project-related impacts to any Oakland star tulip.

h) The Monitoring Plan shall be implemented as soon as possible, within one year of harvest of the Oakland star tulip bulbs.

i) The master developer (Oak Knoll Venture Acquisition LLC (OKVA)) and all developers, merchants, and contractors involved with this project are subject to successful implementation of the Monitoring Plan. The Monitoring Plan shall be implemented as an enforceable measure of approval, regardless of project CEQA Alternative chosen.

[M12]

Klein, Heather

From: Karen Whitestone <conservation@ebcnps.org>
Sent: Wednesday, June 21, 2017 4:15 PM
To: Klein, Heather
Subject: Re: Oak Knoll comments
Attachments: Oak Knoll project-ebcnps comments-20170621.pdf

Hello again Ms. Klein,

The letter I recently submitted had some aesthetic formatting issues. I apologize for the oversight. Attached is a duplicate of our letter with the formatting resolved. I would appreciate if the letter attached to this email is used as a replacement.

I also note that I sent my email before 4:00pm, but the timestamp for arrival says a few minutes after. I do not know why this occurred. I hope you will still receive the comments.

Thank you.

Karen Whitestone

On 6/21/2017 4:02 PM, Karen Whitestone wrote:

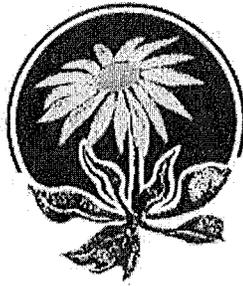
> Hello Ms. Klein,
>
> Please accept attached comments (submitted before 4:00pm) regarding
> the Oak Knoll project, from the East Bay California Native Plant
> Society. Please confirm receipt of comments at your earliest
> convenience. Thank you for clarification that the project will be
> discussed tonight at planning commission.
>
> Karen Whitestone
>

--

Karen Whitestone
Conservation Analyst

California Native Plant Society, East Bay Chapter PO Box 5597 Elmwood Station Berkeley CA 94705
510-734-0335
www.ebcnps.org
<http://ebcnps.wordpress.com>

“dedicated to the conservation of native flora”



CALIFORNIA NATIVE PLANT SOCIETY

East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

June 21, 2017

City of Oakland
Bureau of Planning, Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2214, Oakland CA
Attn: Heather Klein, Planner IV

Submitted by email to: hklein@oaklandnet.com.

RE: Notice of Availability and Release of a Response to Comments/ Final Supplemental Environmental Impact Report (Final SEIR)

Dear Heather Klein, Planner:

The following are the comments of the East Bay California Native Plant Society (EBCNPS) in regard to the Response to Comments and Final Supplemental Environmental Impact Report (Final SEIR) for the Oak Knoll Mixed Use Community Plan Project.

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Pursuant to the mission of protecting California's native flora and vegetation, EBCNPS submits the following comments:

Avoid and mitigate for impacts to the Oakland star tulip

The City of Oakland is the namesake home for the Oakland star tulip (*Calochortus umbellatus*), a special-status plant species. A perennial bulb which flowers March through May, it is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution), and is also considered locally rare.

The entire population on this project site (723 plants) is still at risk of elimination, even though the Draft and Final SEIR (DSEIR pg 4.3-18) recognize Oakland star tulip as a special-status

Protecting California's native flora since 1965

www.ebcnps.org

510-734-0335

conservation@ebcnps.org

species. None of the bulbs are avoided, even in open space areas where they could be protected in place. And the commitment to preserve Oakland star tulip is promised in response to comments but not upheld within the Final SEIR text revisions—the Final SEIR language does not obligate the project sponsor to follow the recommended mitigations.

The bottom line is that it is extremely uncommon to encounter such a large population of Oakland star tulip in all of the East Bay region. Certainly, the occurrence on the Oak Knoll property is one of the largest (if not the largest) population within the City of Oakland, of the Oakland star tulip.



Calochortus umbellatus, CNPS, 1980.

Finally, the Final SEIR concludes that “no significant impact” will occur to the Oakland star tulip, which is based on incorrect analysis that the species is “regionally prevalent.” By assuming the tulip is regionally prevalent, the project is allowed to inflict greater impacts on the tulip by disregarding the option to avoid it and proposing some minor but incomplete mitigation actions. If the Oakland star tulip’s rarity was valued appropriately, the project would not be permitted to impact the species so heavily, or would be required to mitigate adequately for impacts. The argument for regional prevalence needs correction.

1. Mitigation for impacts to Oakland star tulip should be “enforceable measure of approval”

Response N2 to our organization’s comment letter on the Draft SEIR, explicitly says that “the applicant has agreed to implement this measure as an enforceable measure of approval” (also appears on other responses). However, language specifying this guarantee is not carried through to revisions to the Final SEIR, **Section 4.3**, which discusses the Oakland star tulip. Paragraphs of discussion located immediately before **Recommendation BIO-1.1**, appear to state that the project sponsor agrees mitigation should probably take place. But, this language does not actually commit the project sponsor to perform the mitigation as described (or, any mitigation at all).

Protecting California's native flora since 1965

This demonstrates a significant inconsistency between promised revisions in comment responses and actual revisions to the Final SEIR. **Section 4.3** and **Recommendation BIO-1.1** of the Final SEIR must be revised to read that fulfilling adequate mitigation measures for Oakland star tulip is an "enforceable measure of approval."

Importantly, we also recommend Oakland star tulip mitigations need to apply to all the project alternatives. All protection would be absent for the Oakland star tulip, if the proposed mitigations did not happen to apply to the selected project alternative.

2. Retain Oakland star tulips in preserved Open Space areas

The project sponsor proposes to harvest 100% of the bulbs, which is an increase from 50% planned harvest in the Draft SEIR. This increased commitment to responsibility for every individual is a positive change in the Final SEIR. (The project no longer proposes to harvest half the bulbs, and bulldoze the rest.) However, harvesting every individual would unnecessarily increase impacts to the species.

The Final SEIR proposes to harvest every single bulb on the property. We recommend avoiding altogether the bulbs located within open space areas.

Oakland star tulip is currently growing where it grows best. It is a reasonable measure to avoid disturbing as many bulbs as possible. The Final SEIR reasons that removing all bulbs is necessary to prepare for siting recreational trails in the open space areas. The potential hiking trail alignments are included in concept drawings but not yet finalized (DEIR, Figure 3-11, pg 3-22). Future trail plans should be routed to avoid the Oakland star tulip where it occurs.

East Bay CNPS does not endorse mitigation as a substitute for avoidance. However, none of the project alternatives present a scenario which completely avoids the Oakland star tulip. So, should avoiding all the Oakland star tulip across the entire project site be completely impossible, we recommend harvesting Oakland star tulip bulbs only in the developed areas of the project.

We note also that it is impossible to determine the number of bulbs which may be avoided and thus protected in these open space areas. Unfortunately, a map overlaying the Oakland star tulip occurrences with the proposed development does not exist. A rough estimate from examining EIR maps (not to scale), reveals that close to 150 individuals may be avoided and protected in this manner.

3. Mitigation "success" means more time for monitoring and higher survival rates

We suggest many improvements to **Recommendation BIO-1.1**, see also Attachment A.

Protecting California's native flora since 1965

For the harvested bulbs, the project proposes only 50% of these need survive the first two (2) years after replanting. When the replanting effort will take place is not specified. Potential on-site locations are not specified. And, the entire recommendation for a mitigation and monitoring plan only applies for on-site locations—no monitoring is required if the plants are transported and planted at an off-site location. Given all these unknowns, the current wording of the Final SEIR allows for complete removal of this population, with the very real possibility of either: considering the loss of 366 bulbs “fully successful,” or, no reporting on the outcome for 100% of the population because reports are not required on the success rate of replanting elsewhere.

We recommend required monitoring for the replanted Oakland star tulip for five (5) years to establish a survival trend. Two years of monitoring is insufficient. The project should set goals for this beautiful Oakland-indigenous plant to survive, and thrive.

We recommend increasing the survival rate to greater than 50%. A success rate of only 50% may be acceptable for other, less rare species in the *Calochortus* genus, but is not an acceptable survival rate for a special-status species. The Final SEIR states a success rate of only 50%, and thus, any future mitigation and monitoring plan based on achieving this outcome will be inherently flawed.

We recommend revising **Recommendation BIO-1.1** to state that it applies both to on-site and off-site mitigation. The Final SEIR currently states that mitigation recommendations only apply to on-site replanting plans. If application of a mitigation plan depends on where the population is replanted, this leaves the project sponsor with the easier option of simply planting the bulbs and walking away

We would also like to see a time frame defined for when this replanting effort will take place. Lacking a time frame leaves open the possibility that these bulbs may be planted many years later or not at all, which would significantly impact the species. The Final SEIR and a future mitigation and monitoring plan should both describe a time frame for when mitigation will take place.

We recommend that a future mitigation and monitoring plan describes storage techniques for the harvested bulbs, so as to avoid post-harvest loss before replanting and mitigation can take place. Additionally, enough is known about the physical requirements of the Oakland star tulip and attributes of the project open space areas, for the project sponsor to accurately describe which on-site locations are being considered for on-site mitigation.

We recommend describing in detail the process of selecting a relocation site. A qualified botanist should oversee the selection of the transplant location. When replanting these bulbs, other quality native plant communities or sensitive natural communities should be avoided.

4. Oakland star tulip is locally rare, not regionally abundant

The calculations justifying regional prevalence of the Oakland star tulip, do not accurately represent species distribution for ease of public understanding. Thus, regional prevalence

Protecting California's native flora since 1965

should not be used as justification for weak or nonexistent mitigation for impacts to the Oakland star tulip.

Response N2 contains extensive explanation of the existing occurrence records of Oakland star tulip, and attempts to show prevalence by breaking down percentages of the records in several ways. These explanations only further illustrate the fact that impacts to the Oakland star tulip at this site would be significant. At a population of 732 plants, the occurrence at Oak Knoll ranks near the top of the ten largest sites in the East Bay. Usually, a record indicates just a few plants at a given location.

Response N2 states, "in total, we are aware of four populations in the East Bay with more than 1,000 plants, six populations in the East Bay with 500 or more plants, and nine populations in the East Bay described as being several hundred plants or more (excluding the Project site)..." The response continues by offering the percentages of occurrence records with abundance estimates. This misleads the reader to perceive the species population size as larger than what actually exists.

For example, the statement that "three populations (17 percent of those with abundance estimates) have more than 1,000 plants," leads the reader to assume that approximately 20% of the species are occurrences of this large size. When actually, only five (5) confirmed locations of Oakland star tulip with 500+ plants exist throughout the San Francisco Bay Area, so impacts to just one of these populations may affect as much as 20% of the entire population of Oakland star tulip.

Also, the Final SEIR attempts to illustrate regional prevalence by presenting the gross number of regional records (reported as 69 in the two county area). The Final SEIR acknowledges that the majority of these records may consist of just one or a few plants each, but then hypothesizes that some records might represent other populations of hundreds of plants. Although documenting the extent of this population required focused surveys, assuming that many more large sized populations of Oakland star tulip is not supported by the verified records. It is inadequate analysis to analysis to err on the side of assuming a special-status species (with inconsistent occurrence records) is abundant.

Identify and protect existing sensitive natural communities

Appropriate identification of sensitive natural communities is necessary to avoid or mitigate potentially significant impacts. **Response N2** is inaccurate when it says that the "Manual of California Vegetation is not a regulatory document and does not by itself provide any recommendations regarding appropriate 'protections' for vegetation types." The second edition of a Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009) does classify vegetation, provides rarity rankings, and stipulates that anything that is ranked as S3 or lower in this manual qualifies for protection under California Department of Fish and Wildlife (CDFW).

Protecting California's native flora since 1965

The *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance has a sensitivity ranking of G2 S2, indicating it is "imperiled" both globally and in California. Even small amounts of this community (such as scattered and degraded populations in the East Bay) qualifies for protection. EBCNPS's statement that 1–2% of *A. crustacea* ssp. *crustacea* cover qualifies as the rare community type *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance stems from the following quote from the Manual of California Vegetation (Sawyer et al. 2009, page 348):

"Some stands [of the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance] in the East Bay Hills are fragmented and degraded, with only remnant scattered individuals of *A. crustacea* and a significantly higher cover of *Adenostema fasciculatum*. We still consider such stands as members of the *A. crustacea* alliance."

Todd Keeler-Wolf of the Biogeographic Data Branch of the California Department of Fish and Wildlife has confirmed this statement on a variety of occasions including to verify occurrence of this same vegetation type at Knowland Park where the percentages of *A. crustacea* ssp. *crustacea* are similarly low but represent remnant stands that do qualify for protection.

The Draft SEIR acknowledges that the very species which define this sensitive natural community are widely prevalent on the project site, especially noting presence of the hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*). Draft SEIR, page 4.3-6 states, "California sagebrush scrub covers 4.53 acres of the Project site in two locations on steep slopes within coast live oak woodland in the southeastern portion of the site. California sagebrush, coyote brush (*Baccharis pilularis* ssp. *consanguinea*), chamise (*Adenostoma fasciculatum* var. *fasciculatum*), and hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*) are dominant within this alliance."

In addition, all purple needlegrass grasslands on the project site qualify for status as a protected sensitive natural community. The project sponsor has mapped all areas that met the minimum requirements for consideration (membership rules) as needlegrass grassland. However, regardless of quality, both naturally occurring should receive protection as a sensitive natural community, and either be avoided or impacts mitigated.

The Manual of California Vegetation does not differentiate between native and planted vegetation communities. All purple needlegrass grasslands should be classified as sensitive natural communities, or known sensitive resource area as protected under Impact BIO-1 and Impact BIO-2. The project would then have to account for significance of impacts and mitigation measures for all purple needlegrass grasslands.

Protection of these sensitive natural community fragments are valuable their recovery and resiliency. For example, we strongly recommend reanalyzing potential impacts to areas of the project site where either of these communities occur, and avoiding completely grading and removing these communities (as is planned), and evaluating how changes to the surrounding hydrology (due to runoff or stormwater basin placement) impacts these sensitive natural communities.

Protecting California's native flora since 1965

Conclusions:

We recognize overall improvements to restoration efforts proposed by this project. However, several native plant protections and mitigations remain inadequate to the level of net significant impact. These special-status species and sensitive natural communities merit protection and impact analysis, as defined by the California Environmental Quality Act (CEQA) Guidelines §15125 (c) and §15380. Revisions to the Final Supplemental EIR (Final SEIR) are essential to successfully mitigate and avoid impacts to special-status plant species and sensitive natural communities.

For example, significant changes to the proposed mitigation of the special-status species Oakland star tulip (*Calochortus umbellatus*) are necessary to ensure realistic survival for the large population of a locally rare native plant that occurs on the project site. As currently written, the Final SEIR allows for complete elimination of Oakland star tulip from the entire project area. Plans for mitigation and monitoring of this species should be improved.

Sections of coastal scrub on the project site qualify for protection as a sensitive natural community, the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance. The membership rules for the alliance as well as the author of those membership rules (Keeler-Woolf) both unequivocally state that degraded stands in the East Bay qualify for protection. As currently written, the Final SEIR does not consider any protection or mitigation for this community whatsoever, and thus they are at risk of significant impacts.

We also recommend including plans to enhance native plant habitat in the preserved open space areas on the project site, such as non-native invasive plant control efforts. Removal of invasive weedy plant species including non-native annual grasses in conserved open space areas would assist with maintaining the health of native plant groupings and sensitive natural communities such as the purple needlegrass grasslands. We recommend avoidance of further disturbance to all native plant habitat at every opportunity.

If you have any questions, please contact me at conservation@ebcnps.org or at 510-734-0335.

Sincerely,



Karen Whitestone
Conservation Analyst
East Bay California Native Plant Society

Protecting California's native flora since 1965

ATTACHMENT A

The following are EBCNPS's recommendations for revisions (highlighted) to the Final SEIR Ch 3, Changes and Errata to Draft SEIR, Pg 3-14 to 15:

36. On pages 4.3-47 and 4.3-48 of the Draft SEIR, the following clarifications are made, starting with the paragraph preceding Recommendation BIO-1:

With Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star tulip would ~~could be substantially~~ reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity or by other means detailed below and allow the Project to avoid, minimize, and/or compensate for impacts to special status plants.

Recommendation BIO-1.1: The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site. The applicant agrees to implement this measure as an enforceable condition of approval.

a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs from areas to be graded shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves. Oakland star tulip plants located in open space areas of the Project site (and outside defined limits of disturbance), shall be flagged and avoided instead of harvested and removed/ transplanted.

b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~ The chosen location for transplanting shall be appropriate to the biological requirements of the species, and free from the soil pathogen *Phytophthora*. After transplantation, impacts to this area shall be avoided indefinitely. Any further impacts to this transplanted population are not allowed.

c) ~~If plants are reintroduced within~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring ~~methods and maintenance~~ for successful establishment, and reporting protocols. The ~~recommended~~ success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years. The Monitoring Plan will monitor successful establishment and recovery over a period of ten years, and periodically provide habitat enhancement especially invasive weed removal (similar to Rifle Range Creek monitoring). Additionally, this Monitoring Plan will also apply to relocated / transplanted Oakland star tulip plants, should they be located outside the Project site.

Protecting California's native flora since 1965

d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years. Disturbance of otherwise- unaffected populations for the purposes of obtaining bulbs or transplantation, especially sensitive serpentinite habitats at which this species is typically located, shall be avoided.

e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.

f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

g) The Monitoring Plan shall be prepared with stakeholder input, finalized, and made available to the public, prior to site grading and before any project-related impacts to any Oakland star tulip.

h) The Monitoring Plan shall be implemented as soon as possible, within one year of harvest of the Oakland star tulip bulbs.

i) The master developer (Oak Knoll Venture Acquisition LLC (OKVA)) and all developers, merchants, and contractors involved with this project are subject to successful implementation of the Monitoring Plan. The Monitoring Plan shall be implemented as an enforceable measure of approval, regardless of project CEQA Alternative chosen.

[M12]

Protecting California's native flora since 1965

Klein, Heather

From: Karen Whitestone <conservation@ebcnps.org>
Sent: Wednesday, June 21, 2017 4:35 PM
To: sgregory@lamphier-gregory.com
Cc: Klein, Heather
Subject: Oak Knoll comments
Attachments: Oak Knoll project-ebcnps comments-20170621.pdf

Hello Mr. Gregory,

I see from Ms. Klein's vacation email response that Oak Knoll comment letters should be sent to you. (Is that in addition to Ms. Klein, as she listed on the notice?)

Please accept the attached comments on the Oak Knoll project from East Bay California Native Plant Society, and confirm receipt at your earliest convenience.

Notwithstanding a few technical difficulties, I did submit the content of our letter to Ms. Klein before the 4:00pm deadline.

Thank you.

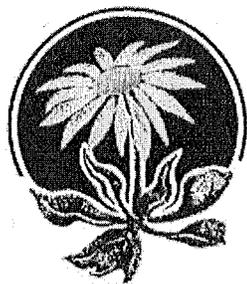
Karen Whitestone

--

Karen Whitestone
Conservation Analyst

California Native Plant Society, East Bay Chapter PO Box 5597 Elmwood Station Berkeley CA 94705
510-734-0335
www.ebcnps.org
<http://ebcnps.wordpress.com>

“dedicated to the conservation of native flora”



CALIFORNIA NATIVE PLANT SOCIETY

East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

June 21, 2017

City of Oakland
Bureau of Planning, Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2214, Oakland CA
Attn: Heather Klein, Planner IV

Submitted by email to: hklein@oaklandnet.com

RE: Notice of Availability and Release of a Response to Comments/ Final Supplemental Environmental Impact Report (Final SEIR) for Oak Knoll Mixed Use Community Project

Dear Heather Klein, Planner:

The following are the comments of the East Bay California Native Plant Society (EBCNPS) in regard to the Response to Comments and Final Supplemental Environmental Impact Report (Final SEIR) for the Oak Knoll Mixed Use Community Plan Project.

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Pursuant to the mission of protecting California's native flora and vegetation, EBCNPS submits the following comments:

Avoid and mitigate for impacts to the Oakland star tulip

The City of Oakland is the namesake home for the Oakland star tulip (*Calochortus umbellatus*), a special-status plant species. A perennial bulb which flowers March through May, it is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution), and is also considered locally rare.

The entire population on this project site (723 plants) is still at risk of elimination, even though the Draft and Final SEIR (DSEIR pg 4.3-18) recognize Oakland star tulip as a special-status

Protecting California's native flora since 1965

www.ebcnps.org

510-734-0335

conservation@ebcnps.org

species. None of the bulbs are avoided, even in open space areas where they could be protected in place. And the commitment to preserve Oakland star tulip is promised in response to comments but not upheld within the Final SEIR text revisions—the Final SEIR language does not obligate the project sponsor to follow the recommended mitigations.

The bottom line is that it is extremely uncommon to encounter such a large population of Oakland star tulip in all of the East Bay region. Certainly, the occurrence on the Oak Knoll property is one of the largest (if not the largest) population within the City of Oakland, of the Oakland star tulip.



Calochortus umbellatus, CNPS, 1980.

Finally, the Final SEIR concludes that “no significant impact” will occur to the Oakland star tulip, which is based on incorrect analysis that the species is “regionally prevalent.” By assuming the tulip is regionally prevalent, the project is allowed to inflict greater impacts on the tulip by disregarding the option to avoid it and proposing some minor but incomplete mitigation actions. If the Oakland star tulip’s rarity was valued appropriately, the project would not be permitted to impact the species so heavily, or would be required to mitigate adequately for impacts. The argument for regional prevalence needs correction.

1. Mitigation for impacts to Oakland star tulip should be “enforceable measure of approval”

Response N2 to our organization’s comment letter on the Draft SEIR, explicitly says that “the applicant has agreed to implement this measure as an enforceable measure of approval” (also appears on other responses). However, language specifying this guarantee is not carried through to revisions to the Final SEIR, **Section 4.3**, which discusses the Oakland star tulip. Paragraphs of discussion located immediately before **Recommendation BIO-1.1**, appear to state that the project sponsor agrees mitigation should probably take place. But, this language does not actually commit the project sponsor to perform the mitigation as described (or, any mitigation at all).

Protecting California's native flora since 1965

This demonstrates a significant inconsistency between promised revisions in comment responses and actual revisions to the Final SEIR. **Section 4.3** and **Recommendation BIO-1.1** of the Final SEIR must be revised to read that fulfilling adequate mitigation measures for Oakland star tulip is an "enforceable measure of approval."

Importantly, we also recommend Oakland star tulip mitigations need to apply to all the project alternatives. All protection would be absent for the Oakland star tulip, if the proposed mitigations did not happen to apply to the selected project alternative.

2. Retain Oakland star tulips in preserved Open Space areas

The project sponsor proposes to harvest 100% of the bulbs, which is an increase from 50% planned harvest in the Draft SEIR. This increased commitment to responsibility for every individual is a positive change in the Final SEIR. (The project no longer proposes to harvest half the bulbs, and bulldoze the rest.) However, harvesting every individual would unnecessarily increase impacts to the species.

The Final SEIR proposes to harvest every single bulb on the property. We recommend avoiding altogether the bulbs located within open space areas.

Oakland star tulip is currently growing where it grows best. It is a reasonable measure to avoid disturbing as many bulbs as possible. The Final SEIR reasons that removing all bulbs is necessary to prepare for siting recreational trails in the open space areas. The potential hiking trail alignments are included in concept drawings but not yet finalized (DEIR, Figure 3-11, pg 3-22). Future trail plans should be routed to avoid the Oakland star tulip where it occurs.

East Bay CNPS does not endorse mitigation as a substitute for avoidance. However, none of the project alternatives present a scenario which completely avoids the Oakland star tulip. So, should avoiding all the Oakland star tulip across the entire project site be completely impossible, we recommend harvesting Oakland star tulip bulbs only in the developed areas of the project.

We note also that it is impossible to determine the number of bulbs which may be avoided and thus protected in these open space areas. Unfortunately, a map overlaying the Oakland star tulip occurrences with the proposed development does not exist. A rough estimate from examining EIR maps (not to scale), reveals that close to 150 individuals may be avoided and protected in this manner.

3. Mitigation "success" means more time for monitoring and higher survival rates

We suggest many improvements to **Recommendation BIO-1.1**, see also Attachment A.

Protecting California's native flora since 1965

For the harvested bulbs, the project proposes only 50% of these need survive the first two (2) years after replanting. When the replanting effort will take place is not specified. Potential on-site locations are not specified. And, the entire recommendation for a mitigation and monitoring plan only applies for on-site locations—no monitoring is required if the plants are transported and planted at an off-site location. Given all these unknowns, the current wording of the Final SEIR allows for complete removal of this population, with the very real possibility of either: considering the loss of 366 bulbs “fully successful,” or, no reporting on the outcome for 100% of the population because reports are not required on the success rate of replanting elsewhere.

We recommend required monitoring for the replanted Oakland star tulip for five (5) years to establish a survival trend. Two years of monitoring is insufficient. The project should set goals for this beautiful Oakland-indigenous plant to survive, and thrive.

We recommend increasing the survival rate to greater than 50%. A success rate of only 50% may be acceptable for other, less rare species in the *Calochortus* genus, but is not an acceptable survival rate for a special-status species. The Final SEIR states a success rate of only 50%, and thus, any future mitigation and monitoring plan based on achieving this outcome will be inherently flawed.

We recommend revising **Recommendation BIO-1.1** to state that it applies both to on-site and off-site mitigation. The Final SEIR currently states that mitigation recommendations only apply to on-site replanting plans. If application of a mitigation plan depends on where the population is replanted, this leaves the project sponsor with the easier option of simply planting the bulbs and walking away

We would also like to see a time frame defined for when this replanting effort will take place. Lacking a time frame leaves open the possibility that these bulbs may be planted many years later or not at all, which would significantly impact the species. The Final SEIR and a future mitigation and monitoring plan should both describe a time frame for when mitigation will take place.

We recommend that a future mitigation and monitoring plan describes storage techniques for the harvested bulbs, so as to avoid post-harvest loss before replanting and mitigation can take place. Additionally, enough is known about the physical requirements of the Oakland star tulip and attributes of the project open space areas, for the project sponsor to accurately describe which on-site locations are being considered for on-site mitigation.

We recommend describing in detail the process of selecting a relocation site. A qualified botanist should oversee the selection of the transplant location. When replanting these bulbs, other quality native plant communities or sensitive natural communities should be avoided.

4. Oakland star tulip is locally rare, not regionally abundant

The calculations justifying regional prevalence of the Oakland star tulip, do not accurately represent species distribution for ease of public understanding. Thus, regional prevalence

Protecting California's native flora since 1965

should not be used as justification for weak or nonexistent mitigation for impacts to the Oakland star tulip.

Response N2 contains extensive explanation of the existing occurrence records of Oakland star tulip, and attempts to show prevalence by breaking down percentages of the records in several ways. These explanations only further illustrate the fact that impacts to the Oakland star tulip at this site would be significant. At a population of 732 plants, the occurrence at Oak Knoll ranks near the top of the ten largest sites in the East Bay. Usually, a record indicates just a few plants at a given location.

Response N2 states, "in total, we are aware of four populations in the East Bay with more than 1,000 plants, six populations in the East Bay with 500 or more plants, and nine populations in the East Bay described as being several hundred plants or more (excluding the Project site)..." The response continues by offering the percentages of occurrence records with abundance estimates. This misleads the reader to perceive the species population size as larger than what actually exists.

For example, the statement that "three populations (17 percent of those with abundance estimates) have more than 1,000 plants," leads the reader to assume that approximately 20% of the species are occurrences of this large size. When actually, only five (5) confirmed locations of Oakland star tulip with 500+ plants exist throughout the San Francisco Bay Area, so impacts to just one of these populations may affect as much as 20% of the entire population of Oakland star tulip.

Also, the Final SEIR attempts to illustrate regional prevalence by presenting the gross number of regional records (reported as 69 in the two county area). The Final SEIR acknowledges that the majority of these records may consist of just one or a few plants each, but then hypothesizes that some records might represent other populations of hundreds of plants. Although documenting the extent of this population required focused surveys, assuming that many more large sized populations of Oakland star tulip is not supported by the verified records. It is inadequate analysis to analysis to err on the side of assuming a special-status species (with inconsistent occurrence records) is abundant.

Identify and protect existing sensitive natural communities

Appropriate identification of sensitive natural communities is necessary to avoid or mitigate potentially significant impacts. **Response N2** is inaccurate when it says that the "Manual of California Vegetation is not a regulatory document and does not by itself provide any recommendations regarding appropriate 'protections' for vegetation types." The second edition of a Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009) does classify vegetation, provides rarity rankings, and stipulates that anything that is ranked as S3 or lower in this manual qualifies for protection under California Department of Fish and Wildlife (CDFW).

Protecting California's native flora since 1965

The *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance has a sensitivity ranking of G2 S2, indicating it is "imperiled" both globally and in California. Even small amounts of this community (such as scattered and degraded populations in the East Bay) qualifies for protection. EBCNPS's statement that 1–2% of *A. crustacea* ssp. *crustacea* cover qualifies as the rare community type *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance stems from the following quote from the Manual of California Vegetation (Sawyer et al. 2009, page 348):

"Some stands [of the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance] in the East Bay Hills are fragmented and degraded, with only remnant scattered individuals of *A. crustacea* and a significantly higher cover of *Adenostema fasciculatum*. We still consider such stands as members of the *A. crustacea* alliance."

Todd Keeler-Wolf of the Biogeographic Data Branch of the California Department of Fish and Wildlife has confirmed this statement on a variety of occasions including to verify occurrence of this same vegetation type at Knowland Park where the percentages of *A. crustacea* ssp. *crustacea* are similarly low but represent remnant stands that do qualify for protection.

The Draft SEIR acknowledges that the very species which define this sensitive natural community are widely prevalent on the project site, especially noting presence of the hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*). Draft SEIR, page 4.3-6 states, "California sagebrush scrub covers 4.53 acres of the Project site in two locations on steep slopes within coast live oak woodland in the southeastern portion of the site. California sagebrush, coyote brush (*Baccharis pilularis* ssp. *consanguinea*), chamise (*Adenostoma fasciculatum* var. *fasciculatum*), and hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*) are dominant within this alliance."

In addition, all purple needlegrass grasslands on the project site qualify for status as a protected sensitive natural community. The project sponsor has mapped all areas that met the minimum requirements for consideration (membership rules) as needlegrass grassland. However, regardless of quality, both naturally occurring should receive protection as a sensitive natural community, and either be avoided or impacts mitigated.

The Manual of California Vegetation does not differentiate between native and planted vegetation communities. All purple needlegrass grasslands should be classified as sensitive natural communities, or known sensitive resource area as protected under Impact BIO-1 and Impact BIO-2. The project would then have to account for significance of impacts and mitigation measures for all purple needlegrass grasslands.

Protection of these sensitive natural community fragments are valuable their recovery and resiliency. For example, we strongly recommend reanalyzing potential impacts to areas of the project site where either of these communities occur, and avoiding completely grading and removing these communities (as is planned), and evaluating how changes to the surrounding hydrology (due to runoff or stormwater basin placement) impacts these sensitive natural communities.

Protecting California's native flora since 1965

Conclusions:

We recognize overall improvements to restoration efforts proposed by this project. However, several native plant protections and mitigations remain inadequate to the level of net significant impact. These special-status species and sensitive natural communities merit protection and impact analysis, as defined by the California Environmental Quality Act (CEQA) Guidelines §15125 (c) and §15380. Revisions to the Final Supplemental EIR (Final SEIR) are essential to successfully mitigate and avoid impacts to special-status plant species and sensitive natural communities.

For example, significant changes to the proposed mitigation of the special-status species Oakland star tulip (*Calochortus umbellatus*) are necessary to ensure realistic survival for the large population of a locally rare native plant that occurs on the project site. As currently written, the Final SEIR allows for complete elimination of Oakland star tulip from the entire project area. Plans for mitigation and monitoring of this species should be improved.

Sections of coastal scrub on the project site qualify for protection as a sensitive natural community, the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance. The membership rules for the alliance as well as the author of those membership rules (Keeler-Woolf) both unequivocally state that degraded stands in the East Bay qualify for protection. As currently written, the Final SEIR does not consider any protection or mitigation for this community whatsoever, and thus they are at risk of significant impacts.

We also recommend including plans to enhance native plant habitat in the preserved open space areas on the project site, such as non-native invasive plant control efforts. Removal of invasive weedy plant species including non-native annual grasses in conserved open space areas would assist with maintaining the health of native plant groupings and sensitive natural communities such as the purple needlegrass grasslands. We recommend avoidance of further disturbance to all native plant habitat at every opportunity.

If you have any questions, please contact me at conservation@ebcnps.org or at 510-734-0335.

Sincerely,



Karen Whitestone
Conservation Analyst
East Bay California Native Plant Society

Protecting California's native flora since 1965

ATTACHMENT A

The following are EBCNPS's recommendations for revisions (highlighted) to the Final SEIR Ch 3, Changes and Errata to Draft SEIR, Pg 3-14 to 15:

36. On pages 4.3-47 and 4.3-48 of the Draft SEIR, the following clarifications are made, starting with the paragraph preceding Recommendation BIO-1:

With Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star tulip ~~would~~ could be substantially reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity or by other means detailed below and allow the Project to avoid, minimize, and/or compensate for impacts to special status plants.

Recommendation BIO-1.1: The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site. The applicant agrees to implement this measure as an enforceable condition of approval.

a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs from areas to be graded shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves. Oakland star tulip plants located in open space areas of the Project site (and outside defined limits of disturbance), shall be flagged and avoided instead of harvested and removed/ transplanted.

b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~ replanted on site in an area designated for open space preservation. The chosen location for transplanting shall be appropriate to the biological requirements of the species, and free from the soil pathogen *Phytophthora*. After transplantation, impacts to this area shall be avoided indefinitely. Any further impacts to this transplanted population are not allowed.

c) ~~If plants are reintroduced within t~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring ~~methods and maintenance~~ for successful establishment, and reporting protocols. The ~~recommended~~ success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years. The Monitoring Plan will monitor successful establishment and recovery over a period of ten years, and periodically provide habitat enhancement especially invasive weed removal (similar to Rifle Range Creek monitoring). Additionally, this Monitoring Plan will also apply to relocated / transplanted Oakland star tulip plants, should they be located outside the Project site.

Protecting California's native flora since 1965

- d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years. Disturbance of otherwise- unaffected populations for the purposes of obtaining bulbs or transplantation, especially sensitive serpentinite habitats at which this species is typically located, shall be avoided.
- e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.
- f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.
- g) The Monitoring Plan shall be prepared with stakeholder input, finalized, and made available to the public, prior to site grading and before any project-related impacts to any Oakland star tulip.
- h) The Monitoring Plan shall be implemented as soon as possible, within one year of harvest of the Oakland star tulip bulbs.
- i) The master developer (Oak Knoll Venture Acquisition LLC (OKVA)) and all developers, merchants, and contractors involved with this project are subject to successful implementation of the Monitoring Plan. The Monitoring Plan shall be implemented as an enforceable measure of approval, regardless of project CEQA Alternative chosen.

[M12]

Protecting California's native flora since 1965

Klein, Heather

From: Randima Fernando <randy.fernando@gmail.com>
Sent: Wednesday, June 21, 2017 3:46 PM
To: Scott Gregory; Klein, Heather
Subject: Sequoyah Residents' Comments on Oak Knoll Project

Dear Scott and Heather,

I hope you are both doing very well.

I did a quick online survey of our Sequoyah neighbors yesterday evening and already got 39 responses. I'm sharing the highlights below for you both as well as the City Planning Council:

Overall, 66% of respondents are against the development.

40% are strongly against it.

26% are somewhat against it.

5% are neutral.

13% are somewhat for it.

16% are strongly for it.

Biggest concerns (% of respondents):

90% - Increased traffic

62% - Construction noise

54% - Environmental impact

36% - Increased crime

The strongest actionable theme across all the comments is the concern about traffic.

Many of us feel that there will be much more significant impact on traffic than the proposal discusses, especially because no action is being taken to address onramp/offramp interactions with the 580 freeway -- which is where the biggest traffic issues will be.

Already the on and off ramps are very busy on weekdays. The Golf Links Road and Keller exits in particular *already* back up into the 580 freeway at times, and these lines are going to get several times longer with 900+ new units added.

The proposal also states: "In addition, even though Zoo traffic is highest on the weekends, the SEIR is assessing the Project's impacts on traffic, not the Zoo's impacts on traffic."

This is a very inconsiderate statement -- the SEIR needs to be about the Project's impact on the **COMMUNITY**. And that does include interaction with the zoo traffic, just like it includes interaction with nearby stores, the church, and anything else.

There is also a strong sense that our voices are not going to be heard at the expense of money.

The concern is that the city and the developer have too much skin in the game for the voices of the actual residents to be listened to. All of us hope that is not the case, and we hope the city council will take these concerns to heart.

As you listen to the various resident concerns, please "do unto others" and consider how you would feel if you bought a house far south of the Oakland city center in order to live in peace and quiet, and someone wanted to build a 900+ unit development that would negatively impact your life.

Thank you for your consideration.

Sincerely,
Randy Fernando & Geetika Sengupta

Klein, Heather

From: Aly Bonde <abonde@oaklandchamber.com>
Sent: Wednesday, June 21, 2017 3:46 PM
To: nagrajplanning@gmail.com; 'EW.Oakland@gmail.com'; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jkmyres@gmail.com
Cc: sgregory@lamphier-gregory.com; Klein, Heather; Merkamp, Robert
Subject: Chamber letter re: Oak Knoll
Attachments: Chamber Oak Knoll Letter of Support 6.21.17.pdf

Dear Members of the Oakland Planning Commission,

Please see the attached letter of support for the Oak Knoll development on tonight's agenda.

Thanks,
Aly

Aly Bonde
Public Policy Director
Oakland Chamber of Commerce
Direct: 510 874 4817
Cell: 925 639 1810
www.oaklandchamber.com

OAKLAND

CHAMBER of COMMERCE

June 21, 2017

Chair Adhi Nagraj
Members of the Oakland Planning Commission
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA94612

RE: Oak Knoll, Item #11 June 21, 2017 Planning Commission Agenda

Dear Chair Nagraj and Members of the Oakland Planning Commission,

On behalf of the members of the Oakland Chamber of Commerce, I write today in support of the proposed Oak Knoll development, which would be a landmark project for Oakland.

The regional housing crisis is at a critical juncture. Over the last five years, the Bay Area has added about 476,000 people, yet built only 76,000 new units of housing. That's about 1 new unit of housing for every 6 new people since 2012, according to Cushman and Wakefield. Oakland has performed similarly, building only 1 new unit for every 5 new residents between 2005 and 2015, according to the Chamber's Annual Economic Analysis of Oakland.

In addition to adding over 900 much-needed new residences in Oakland, this project will bring 72,000 square feet of neighborhood commercial space, 14,000 square feet of civic/commercial use, open space, creek restoration and trails. This would create a new community for Oakland and new opportunity for Oakland families, businesses, and workers. When fully built out, Oak Knoll will generate \$36.8 million in annual revenue including \$3.4 million to the City of Oakland alone and another \$4.1 million to OUSD, BART, and East Bay Regional Parks. This isn't even including the \$20 million in affordable housing in-lieu fees.

The Chamber supports projects that increase the housing supply, foster a thriving businesses community, and add to the overall economic and geographic vitality to our city. For these reason, the Chamber urges you to move this project along without delay.

Sincerely,



Barbara Leslie
President & CEO



Klein, Heather

From: Angie Tam <havefun1000@yahoo.com>
Sent: Wednesday, June 21, 2017 2:42 PM
To: Scott Gregory; Klein, Heather
Cc: Adhi Nagraj; Emily Weinstein; jfearnopc@gmail.com; Tom Limon; cmanusopc@gmail.com; amandamonchamp@gmail.com; Jahmese Myres
Subject: Oak Knoll PLN15-378: ER 15-004 Toler Heights Comments

Subject: Oak Knoll PLN15-378: ER 15-004

June 21, 2017, 2:41 pm

Dear decision makers

There's overt inequity with this new 2016 plan. Changes were made, differing from previous plans to the disadvantage of Toler Heights. There's misinformation, and non-disclosure by omission that bias decision making.

The open space in the hills INCREASED, while a park that best serves residents below i580 has DISAPPEARED

30.4 acres of parks closest to resident below i580 to the south disappeared, and no disclosure or explanation is provided in the new 2016 SEIR. The park was there in all renditions of this project site for 18 years. Access to parks is an environmental justice issue which is a stated goal of both the 1998 Reuse plan and the Redevelopment Agency.

The 15 acre Hardenstine parcel is not an adequate substitute for the southwestern park. Hardenstine is a steep, hilly terrain. It's not suitable to be a park / recreation. The southwestern park is relatively flat. Residents can build playing fields and community gardens on it. It will be actively used because it's right next to a commercial area, adding to the viability of the commercial area. Toler Heights and Castlemont neighborhoods are in high, and very high need for a park. In general it's a city policy to create more parks for residents below i580, because we have less park per person than residents in the hills. In general, there's more children under 10 years old below i580 than above i580. There's above average senior citizens living above i580 than CA average. They need a senior center / library that serves their needs. Club Knoll can be that center. and at the same time, we preserve a scenic spot.

We are not saving Admiral Hill by preserving the North Eastern area. Admiral Hill is on the south side, Toler Heights' side. North eastern area is a residential area in the event of higher density housing. The request to make the Northeastern area open space was denied 2X by the Reuse Authority, the Redevelopment agency. It's now open space. Misinformation in this area is on the City's website, claiming this area to be "Admiral Hill."

"Admiral Hill is one of two scenic area, designated by the 1998 Reuse Plan. It's on the south side (the side of Toler Heights)and it has the highest elevation, with the exception of the man made "knoll" which the redevelopment agency wanted it graded for vehicular and pedestrian stability. The "bump" was made by burying of equipment.

2006 plan EIR has disclosures of environmental changes that's disadvantaged Toler Heights residents and that are not disclosed in this new 2016 EIR.

The closing off of Sequoyah Rd, will lead to a environmental change of traffic pattern.(analyzed in 2006 SEIR) I hate to pit neighbors against neighbors. However if this is allowed to occur, Toler Heights neighborhood which is already bearing higher traffic burden will be made worse unnecessarily. . It will route extra traffic down to Mountain Blvd which functions antagonistically toward Golf Links / 98th. Either the residents from the hill turn right or residents below i580 turn left to get to San Francisco. Extra traffic on Mountain will cause tweaking of the traffic lights unfairly, when the cause is artifically, inequitably, and unnecessarily created. Keller and Skyline has more capacity to take on new traffic.

Closing of Keller St. to make this into a gated community will also cause the same problem of artificially routing more traffic down to Mountain Blvd by the same logic.

Stanley St., will meet traffic warrant, and LOS F, but it's not slated for improvement.

The truck route for construction materials and to remove debris, through Toler Heights (98th Ave) residential area, has not being disclosed. The beginning phase will bring in 3800 trucks. This means a truck for every 15 min. six days a week, for 90 days. That does not include workers and return trips. This goes on for 5-7 years. The construction and operation plan need to be disclosed. And we request the trucks be routed to i580 / Golf Link Entrance / exit so residential areas are not needlessly disturbed by worsening air quality, more potholes, noise and pollution.

Club Knoll was approved for moving from the Land Mark Commission base on erroneous information. There wasn't any residential area around Club Knoll which is now being used for the basis for moving it. Once again, things of consequence and beauty are planned to move from the south to the north for no valid reason.

Business analysis is needed of the negative economic effect on Foothill Square Mall due to competition with Oak Knoll commercial district. This can led to urban decay and under service for residents below 580. Again , this is an Equity issue.

Sincerely

Angie Tam

Howard Dyckoff

Toler Heights Residents

Evidence on file:

Oak Knoll information on City's web site

1998 Reuse plan Vol I and II, appendix

SEIR of 2006, 2016 and all appendix

FOST

Oakland Planning Code

2006 Director of Planning conformity determination

SunCal request for 2006 determination

Oak Knoll Coalition of appeal for open space in northeastern area

Missing: Planning Commission decision (City says: denied appeal)

The Trust for Public Land: ParkScore 2017

Ordinance No. 12065 - Resolution 74129

Census Tract data from California EPA and CalEnviroScreen

Oak Knoll Community Newsletter

The Oak Knoll Development Petition, June 2017.

Klein, Heather

From: Angie Tam <havefun1000@yahoo.com>
Sent: Wednesday, June 21, 2017 8:07 AM
To: nagrajplanning@gmail.com; ew.oakland@gmail.com; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; Jahmese Myres
Cc: Klein, Heather; Scott Gregory; Andrea Fournier; Toler Heights; Nedra Williams; M. Beck; Howard Dyckoff
Subject: Oak Knoll PLN15-378: ER15-004, disappearance of 30 acres of parks

Dear Planning Commission, PLN15-378: ER15-004

The city is engaging in willful ignorance in the details of the disappearance of 30.4 acres of Parks / Recreation space in the southwest corner of the Oak Knoll project.

The new 2016 EIR needs to be corrected and resend to the public for circulation. The Land Use Diagram in the new 2016 proposal **does not conform** to any of the Oak Knoll General Plan Land Use Diagram.

The public is not informed, nor a CEQA alternative presented and analysed. Upon discovery and enquiry by me, due process collapsed. There was only five days between "the content of the Amendment of the General Plan" is disclosed to today's meeting. No community meeting was held for such an important change. Government document such as an EIR needs to be written in good faith and full disclosure.

There's a contradiction in the city's decision making.

In July 27, 2016's Design Review Committee staff report, the city claimed " no General Plan amendments are proposed or necessary for the (new 2016) project."

Yet 10 months later, by processing the General Plan Amendment, it has **implicitly agree** the new 2016 proposal does not conform to the General Plan. In the planning code decision tree, **General Plan Admendment is processed only when** " 17.01.120 the proposal clearly not in conformance with the General Plan or the Land Use Diagram."

The planning code also stated that:

"Any proposal determined to clearly not conform to the General Plan **shall not be allowed** and no application shall be accepted, nor shall any permits be approved or issued, for any such proposal, ..."

By recommending the approval of the Amendment, the city is also showing favoritism for one set of neighborhoods and developer, again another set of neighborhoods. This could be discrimination, and certainly inequity which is against the policies and guidelines of all the Oak Knoll General Plans.

This important change deserves community hearings and full public disclosure, and a separate process before decisions can be made.

The question to ask is that, " how does the 2006 conformity determination, legally speaking, has anything to do with the new 2016 proposal." It was written for another proposal which is different, and it was written to different legal entities, SunCal Cos vs. SunCal LLC.

Closer look of the 2006 determination letters show that the determination examined 2 requests which had nothing to do with the southwest area. The southwest area was never mentioned in the text, nor the analysis, but somehow, the land use was changed and some Park space was gone. There's assertion that there isn't any parcel to parcel specificity to the General Plans. But parcel to parcel specificity was disclosed in the FOST, which is one of three documents mentioned in the Director's report.

Sincerely
Angie Tam,
Howard Dyckoff,
Toler Heights Residents

Clevenger, Ann

From: Angie Tam <havefun1000@yahoo.com>
Sent: Wednesday, June 21, 2017 3:05 PM
To: Clevenger, Ann
Subject: Fw: Oak Knoll PLN15-378: ER15-004, disappearance of 30 acres of parks

Hello Ms. Clevenger
Please put this on file in absence of Ms. Heather Klein
TIA
Angie Tam
Toler Heights

----- Forwarded Message -----

From: Angie Tam <havefun1000@yahoo.com>
To: nagrajplanning@gmail.com <nagrajplanning@gmail.com>; ew.oakland@gmail.com <ew.oakland@gmail.com>; jfearnopc@gmail.com <jfearnopc@gmail.com>; tlimon.opc@gmail.com <tlimon.opc@gmail.com>; cmanusopc@gmail.com <cmanusopc@gmail.com>; amandamonchamp@gmail.com <amandamonchamp@gmail.com>; Jahmese Myres <jkmyres@gmail.com>
Cc: Heather Klein <hklein@oaklandnet.com>; Scott Gregory <sgregory@lamphier-gregory.com>; Andrea Fournier <drea3050@gmail.com>; Toler Heights <tolerheightscouncil@gmail.com>; Nedra Williams <nedrat131@yahoo.com>; M. Beck <melvynbeck@gmail.com>; Howard Dyckoff <howarddy@gmail.com>
Sent: Wednesday, June 21, 2017, 8:07:08 AM PDT
Subject: Oak Knoll PLN15-378: ER15-004, disappearance of 30 acres of parks

Dear Planning Commission, PLN15-378: ER15-004

The city is engaging in willful ignorance in the details of the disappearance of 30.4 acres of Parks / Recreation space in the southwest corner of the Oak Knoll project.

The new 2016 EIR needs to be corrected and resend to the public for circulation. The Land Use Diagram in the new 2016 proposal **does not conform** to any of the Oak Knoll General Plan Land Use Diagram.

The public is not informed, nor a CEQA alternative presented and analysed. Upon discovery and enquiry by me, due process collapsed. There was only five days between "the content of the Amendment of the General Plan" is disclosed to today's meeting. No community meeting was held for such an important change. Government document such as an EIR needs to be written in good faith and full disclosure.

There's a contradiction in the city's decision making.

In July 27, 2016's Design Review Committee staff report, the city claimed " no General Plan amendments are proposed or necessary for the (new 2016) project."

Yet 10 months later, by processing the General Plan Amendment, it has **implicitly agree** the new 2016 proposal does not conform to the General Plan. In the planning code decision tree, **General Plan Admendment is processed only when** “ 17.01.120 the proposal clearly not in conformance with the General Plan or the Land Use Diagram.”

The planning code also stated that:

“Any proposal determined to clearly not conform to the General Plan **shall not be allowed** and no application shall be accepted, nor shall any permits be approved or issued, for any such proposal, ...”

By recommending the approval of the Amendment, the city is also showing favoritism for one set of neighborhoods and developer, again another set of neighborhoods. This could be discrimination, and certainly inequity which is against the policies and guidelines of all the Oak Knoll General Plans.

This important change deserves community hearings and full public disclosure, and a separate process before decisions can be made.

The question to ask is that, “ how does the 2006 conformity determination, legally speaking, has anything to do with the new 2016 proposal.” It was written for another proposal which is different, and it was written todifferent legal entities, SunCal Cos vs. SunCal LLC.

Closer look of the 2006 determination letters show that the determination examined 2 requests which had nothing to do with the southwest area. The southwest area was never mentioned in the text, nor the analysis, but somehow, the land use was changed and some Park space was gone. There's assertion that there isn't any parcel to parcel specificity to the General Plans. But parcel to parcel specificity was disclosed in the FOST, which is one of three documents mentioned in the Director's report.

Sincerely
Angie Tam,
Howard Dyckoff,
Toler Heights Residents

Klein, Heather

From: Naomi Schiff <Naomi@17th.com>
Sent: Tuesday, June 20, 2017 5:41 PM
To: Klein, Heather; Scott Gregory; Merkamp, Robert; Adhi Nagraj; Emily Weinstein; jfearnopc@gmail.com; Tom Limon; cmanusopc@gmail.com; amandamonchamp@gmail.com; jkmyres@gmail.com
Cc: Weintraub, Matthew; Marvin, Betty
Subject: Re: Oak Knoll-Oakland Heritage Alliance Comment letter to Planning Commission
Attachments: Club Knoll-OHA-Planning Commission 9-20-2017.pdf

Dear City Staff and Planning Commissioners,

Attached are comments on the Oak Knoll development from Oakland Heritage Alliance, related to the historic structure.

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
Email naomi@17th.com

cell: 510-910-3764



June 20, 2017

By electronic transmission

Heather Klein, Scott Gregory
Adhi Nagraj, Chairperson, and members of the Planning Commission

Subject: Oak Knoll PLN15378; PLN15378-ER01; PLN15378-PUDF01;
PLN15378-PUDF02; CP15032; PLN1715378-DA07; TTM8320

Dear Ms. Klein, Mr. Gregory, Chair Nagraj, and Planning Commissioners,

Dear Commissioners and staff,

We greatly appreciate the efforts by the staff, developer, and community to find a solution to retaining Club Knoll, the remaining historic building on the site, and to preserving a physical connection to the site's history.

In general, building relocation is not the preferred solution to preserving historic buildings. We still believe that the Club Knoll building could be preserved in place, and we feel that the study of that possibility is inadequate and insufficient in the SEIR. While there were assertions of impracticability, and statements about noise concerns among the nearby residents, we don't think the case was really made, or even ever fully studied. Assertions and opinions are not studies. We have read Attachment O, the findings for approval, and Attachment Q, the Findings for SEIR approval. We continue to point out that the case is not really made for relocating the Club Knoll building. It would be wise for the Planning Commission to pause before approving the SEIR, and require a more thorough rationale for moving a highly-rated historic building.

However, if the City staff and policymakers wish to support the developer's plan for relocation, Oakland Heritage Alliance strongly supports the proposed Conditions of Approval 21, 22, 23, 24, 25, as strengthened by the Landmarks Board, and 26-29 in general. **We support the measures listed in the mitigation program (CUL 1-6)**, and we urge that all of them be followed meticulously, including those dealing with subsurface resources or artifacts. We suggest one modest addition to these mitigations: an historical display element on the site, as a modest further step in interpreting the site's importance. Since thorough documentation is required in the mitigation plan, materials would be readily available from which to construct such an exhibit or display.

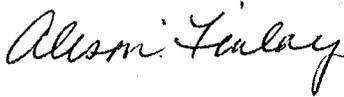
We still have some questions about the proposed relocation of the Oak Knoll Officers' Club, as listed below, and urge that the Planning Commission to require that they be answered by the developer and/or staff. We hope that the answers to numbers 1-4 below are affirmative, and that details can be provided. We also would urge the Planning Commission to require that moving

Club Knoll occur in the first phase of the project, on the earliest practical date, to arrest further damage to the historic building.

1. Can the **basement level design** be better replicated, using the extant arch, perhaps preserving more of the original look of the building as seen from the downhill side?
2. Will the **existing thickness of the walls** be maintained?
3. Will any further design alterations and or changes to the workplan be **reviewed by the Landmarks Board**?
4. Will an appropriate interpretive display be included in the project design? We urge that the Planning Commission add a condition to **incorporate a historic display** into the project at a publicly visible location, such as in a public area of the relocated Club Knoll.
5. What is the timetable or schedule for moving and completion? When will it commence? We ask because of the history of ongoing deterioration and neglect, notwithstanding recent efforts to halt damage to the building. **Please require that the preservation project occur as part of the first phase.**

We thank you for the opportunity to comment, and we hope to work closely with the developer, the consultants, and the city as the project moves forward.

Thank you,



Alison Finlay
President

Klein, Heather

From: gvpatton@comcast.net
Sent: Saturday, June 17, 2017 9:10 AM
To: Klein, Heather
Subject: Re: Oak Knoll Upcoming June 21, 2017 Planning Commission and Staff Report

Heather,

Thanks for keeping me in the loop. I only have a couple of comments. The first is less important and probably reflects my vanity more than anything else (lol). I could be wrong, but my recall is that the 2006 GP determination letters went out under the Deputy Directors signature (me), not the Planning Director (lol). Secondly and more importantly, Conditions #6 and #7 related to the recommendations regarding the timing and review of the DA and the CFD. The report recommends that the Council approve the project, but that the DA and CFD language be provided prior to the public hearing. I don't know how that works? As written, those conditions are confusing as to the actions and sequence recommended by staff. Also, there will need to be a process for both the review and construction of the detailed improvements proposed for the officers club and creek, as well as the timing and process for the transfer of those properties to the HOA. I assume that would be covered in the DA, but since they are requesting FDP approvals now, it might be good to include some general parameters in the conditions of approval. For instance, the triggers could be tied to specific final map approvals for those portions of the site containing the creek and officers club. That could allow some development to proceed in the north portions of the site, while the more complicated details are worked out for the club and creek. The city should anticipate that there will be multiple builders with different products and multiple time schedules. Staff and Sun Cal may, in the DA, want to consider hiring contract building inspectors. Oakland Building Services does not have experience with new neighborhoods of this size. The pace of construction and need for fast and consistent inspections will be important. I also agree with staff, no drive thru's in the commercial district. Good job, the baby's appearance has not changed very much.

Gary

----- Original Message -----

From: Heather Klein <HKlein@oaklandnet.com>
Sent: Sat, 17 Jun 2017 15:01:13 -0000 (UTC)
Subject: Oak Knoll Upcoming June 21, 2017 Planning Commission and Staff Report

Dear Interested Parties:

The purpose of this email is to let you know that that the staff report for the June 21st Oak Knoll project is now available on the City's website.

<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/o/Commissions/index.htm>

See June 21st Planning Commission Agenda-Item 11

Public comments that were received prior to the publishing of the staff report were included. Additional comments may be submitted up until 4:00 on June 21st, printed and provided to the Planning Commission. However, I will be

out on vacation starting Tuesday June 20th and any comments from today on should be sent to Scott Gregory to ensure that they will be provided.

Please don't hesitate to call or e-mail Scott Gregory if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at sgregory@lamphier-gregory.com.

Best,

Heather Klein,

Planner III

| City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax:

(510) 238-6538 | Email:

hklein@oaklandnet.com

| Website: www.oaklandnet.com/planning

Klein, Heather

From: Lolita Morelli <lmorelli8130@sbcglobal.net>
Sent: Tuesday, October 17, 2017 12:44 PM
To: Klein, Heather
Subject: Re: Upcoming Planning Commission Hearing for Oak Knoll

Dear Heather Klein,

I am a 51 year resident of Sequoyah Hills. I have very strong feelings about the proposed Oak Knoll development, but am not able to attend the Oct. 18th meeting because of a music commitment.

The main entrance should NOT BE ON KELLER! MANY VEHICLES TRAVEL ON KELLER DAILY. By comparison few cars are on Mountain Blvd. as the 580 freeway, adjacent to Mountain Blvd, is the thoroughfare for east/west travel. I have driven on Mountain Blvd. between Sequoyah Rd. and Keller several times in the last few weeks and counted the vehicles going in both directions. 5 is the highest I've observed. KELLER IS THE ROAD THAT TAKES ALL THOSE WHO LIVE IN THE OAKLAND HILLS TO 580! People, east of Sequoyah, drive on Skyline Blvd. to Keller, as well as those who are west, between Keller and Redwood Rd.

Please study the impact that a main entrance on Keller would have on all those who live above the new development, as well as the many homes on Campus Drive. Seriously consider having the main entrance on Mountain Blvd.

Sincerely,
Lolita Morelli
8130 Surrey Lane
Oakland, CA 94605

On Oct 16, 2017, at 5:06 PM, Klein, Heather <HKlein@oaklandnet.com> wrote:

Dear Interested Parties,

The purpose of this email is to let you now that the staff report and attachments for the October 18, 2017 Planning Commission meeting regarding Oak Knoll was uploaded on Friday. You can download the materials if you have not already via the following link. Oak Knoll is item #6.

<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/o/Commissions/index.htm>

Also, the following meetings have been scheduled before the CED Committee and City Council. The agendas are pending.

1. October 31, 2017 at 1:30 pm. The Community & Economic Development Committee of the City Council will conduct a public meeting in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.
2. November 7, 2017 at 6:30 pm. The City Council will conduct a public hearing at a regularly scheduled meeting of the City Council in Council Chambers, City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA 94612.

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or atsgregory@lamphier-gregory.com.

Best Regards,

Heather Klein, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com |
Website: www.oaklandnet.com/planning

From: Klein, Heather
Sent: Saturday, September 30, 2017 10:55 AM
Subject: Upcoming Planning Commission Hearing for Oak Knoll

Dear Interested Parties,

The purpose of this e-mail is to let you know that the Planning Commission will consider a recommendation to the City Council regarding the requested entitlements and the Final Supplemental EIR for the Oak Knoll Mixed Use Community Plan Project. The meeting details are as follows and the agenda is attached:

Date: October 18, 2017

Time: 6:00 pm

Location: City Council Chambers, City Hall, 1 Frank H Ogawa Plaza, Oakland

Item number: 6

The Response to Comments/Final EIR may also be reviewed at the following website:<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> This is item 30.

The updated project description and additional information can be found on the project webpage at the link below.

<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335>

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or atsgregory@lamphier-gregory.com.

Best Regards,

Heather Klein, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com |
Website: www.oaklandnet.com/planning

Klein, Heather

From: Scott Gregory <sgregory@lamphier-gregory.com>
Sent: Tuesday, October 17, 2017 12:21 PM
To: Klein, Heather
Subject: Fwd: PLN 15-378 ER15-004 Oak Knoll

I notice this was addressed to nkline and may not have gotten to you -
----- Forwarded message -----

From: **Symphani lindsey** <symphani.lindsey@gmail.com>
Date: Tue, Oct 17, 2017 at 11:25 AM
Subject: PLN 15-378 ER15-004 Oak Knoll
To: sgregory@lamphier-gregory.com, nklein@oakland.net

On behalf of the residents of 9703 Lawlor st, I submit this message:

* We cannot drive into our driveway or exit the drive way. At times our driveway is blocked. My neighbors suffer the same way. There have been several near missed accidents that have occurred. It's only a matter of time there will be one. There are cars making illegal turns. Holding up traffic because cars are trying to drive around other cars ALL THE TIME. Cars are running stop signs almost hitting people in the crosswalks, parents are picking up their kids from school and parking in front of driveways. There are several potholes that are causing damage to cars not to mention the dust. Fix this mess you made! I have been living on this street since the fall of 1961. The street has always been crowded especially during school hours but now more traffic throughout the day and evenings and weekends. There are more speeders which is dangerous in our community. Also, the traffic light on the corner of 98th and Lawlor is unnecessarily long. This is one of the reasons why there is traffic and cars doing illegal stuff. All are in agreement, fix this mess!

Thank you!
Sent from my iPhone

--
Scott Gregory
Lamphier-Gregory
1944 Embarcadero, Oakland, CA 94606
(510) 535-6671

Klein, Heather

From: Kris Drobocky Baitoo <kris@kdbconsulting.com>
Sent: Monday, October 16, 2017 4:08 PM
To: Klein, Heather
Cc: Schaaf, Libby; Guillen, Abel; Campbell Washington, Annie; Kalb, Dan; Brooks, Desley; Reid, Larry; McElhaney, Lynette; Gallo, Noel; Kaplan, Rebecca
Subject: Oak Knoll Coalition Letter: Oak Knoll Mixed-Use Community Plan Project PLN15378
Attachments: OKC Letter_10-16-17.pdf

Dear Ms. Klein,

Please distribute the attached to the Planning Commission.

Sincerely,

Kristina Drobocky Baitoo, for the Oak Knoll Coalition

M: 415-828-3200

Oak Knoll Coalition

– Associated Residents of Sequoyah Highlands
– Oak Knoll Neighborhood Improvement Association
– Sequoyah Heights
– Sequoyah Hills
– Sequoyah Hills/Oak Knoll Neighborhood Association
– Shadow Woods Homeowners Association

October 16, 2017
To: City of Oakland Planning Commission
City Hall, One Frank H. Ogawa Plaza
Oakland, CA 94619
CC:
Mayor Libby Schaaf
Council President Larry Reid
Councilmember Dan Kalb
Councilmember Abel J. Guillen
Councilmember Lynette Gibson McElhaney
Councilmember Annie Campbell Washington
Councilmember Noel Gallo
Councilmember Desley Brooks
Councilmember Rebecca Kaplan

Re: Oak Knoll Mixed-Use Community Plan Project PLN15378

Dear Planning Commissioners,

The Oak Knoll Coalition (OKC) was created in the 1990s to bring long-term public benefits at the closed Oakland Naval Medical Center. From the first design charrettes, during the Harris administration, to working closely with SunCal on the plan before you, OKC members have been involved in all aspects of this long planning process. See oakknollcoalition.org for more on OKC involvement.

In recent months, criticism of the SunCal plan has been broadcast based on what OKC believes is erroneous or dubious information.

Density. Some have argued that higher density in both residential and commercial is needed to satisfy the housing shortage and to expand the sales-tax base. Some have even made the claim that higher density will be followed by public transportation.

During the past twenty-five years, no transit agency has indicated they would invest capital on extending public transportation in the I-580 corridor. In addition, the forty-five-year history of BART clearly illustrates that housing follows (very slowly) public transportation. Consequently, the Oak Knoll development is totally dependent on the automobile. Even with a BART shuttle, the success of this development will be linked to the carrying capacity of the surface streets, intersections, and freeway access. The traffic mitigations as outlined in the SEIR, many of which are long overdue, are scaled to the proposed density. Those who are familiar with East Oakland and have taken the time to study the traffic mitigations should conclude that there are few if any mitigation options beyond what's being proposed. Any suggestion of increased density is not based on reality.

Suburbia. It has been suggested that homes valued between \$700K and \$1.5M would create an exclusive community serving the elite few. Unfortunately, these home values are the norm throughout most of Oakland. The proposal before you, with a few exceptions, is identical to the plan developed in 2004-2007. It was designed by Peter Calthorpe, a founding member of the Congress for New Urbanism. The proposed mix of housing types is an alternative to low-density suburban developments and can, in no way, be compared to 1950s suburbia.

Affordable Housing. The City of Oakland had ample opportunity to acquire this property through the Public Benefit Land Conveyance, Economic Development Land Conveyance, and negotiated sale. If the City had succeeded, there would clearly be requirements for on-site affordable housing. If the Redevelopment Districts were still in effect and the developer used Redevelopment funds, there would be requirements for on-site affordable housing. However, the City failed to acquire the land and the Redevelopment District no longer exists. The 180 acres is now private property, and the proposed development will be privately funded. The only City of Oakland requirement for affordable housing will be the recently enacted impact fees. \$20M in affordable-housing impact fees will be collected by the City. The City of Oakland's Housing

Oak Knoll Coalition

- Associated Residents of Sequoyah Highlands
 - Oak Knoll Neighborhood Improvement Association
 - Sequoyah Heights
 - Sequoyah Hills
 - Sequoyah Hills/Oak Knoll Neighborhood Association
 - Shadow Woods Homeowners Association
-

and Community Development Department will determine the most effective use of these funds, and they may find that one or more of their affordable-housing tools will work at Oak Knoll.

OKC support. During the land-conveyance process, the surrounding community identified open space with hiking trails, parks, and Rifle Range Creek restoration as public benefits. Once the land was sold to a private developer, the residents of the surrounding neighborhoods continued to lobby for these benefits, even though they would be privately funded. When SunCal returned to the property after the economic recession, they submitted a plan that had some significant changes. No longer was the knoll and adjoining oak woodland going to be developed. Fourteen acres of adjacent private property was going to be purchased, with ten acres added to the open space, bringing the total up to approximately eighty acres. OKC feels that SunCal has captured many of the ideas expressed over the past twenty-five years.

OKC found the original commercial layout to be very problematic and is pleased that the current commercial proposal for Mountain Blvd., which was reviewed by the Design Review Committee, has resolved many of our concerns. We believe that the Village Center will provide needed services to the existing surrounding neighborhoods as well as the new residents.

Traffic has always been a major concern of OKC. The draft SEIR and final SEIR contain evasive and non-committal language, leaving many readers to conclude that the mitigations could be postponed until 2040. We are very pleased that SunCal has agreed to complete all the mitigations during the build-out, in exchange for a TIF credit, because many of the mitigations bring relief to problematic intersections that would never be corrected by the City.

It's been almost a year since the draft SEIR studies have been completed. This shamefully slow process needs to end now. The Oak Knoll Coalition requests that you approve the Oak Knoll project so that City Council can conclude this business before the upcoming holidays.

Sincerely,

Oak Knoll Coalition

Tamara Thompson, Oak Knoll Neighborhood Improvement Association

Sohini Chan, Oak Knoll Neighborhood Improvement Association

Lee Ann Smith, Sequoyah Heights

Robert Clark, Sequoyah Hills

Kris Drobocky Baitoo, Sequoyah Hills

Gaile Hofmann, Sequoyah Hills/Oak Knoll Neighborhood Association

Donald Mitchell, Sequoyah Hills/Oak Knoll Neighborhood Association

Peter Madsen, Shadow Woods Homeowners Association

Philip Dow, ex officio, Oak Knoll Neighborhood Improvement Association

Jeannette Yusko, ex officio, Sequoyah Hills/Oak Knoll Neighborhood Assoc.

Roland Peterson, ex officio, Sequoyah Hills/Oak Knoll Neighborhood Assoc.

Sandra Marburg, ex officio, Associated Residents of Sequoyah Highlands

Klein, Heather

From: Mark Brandt <brandtmark@comcast.net>
Sent: Wednesday, October 18, 2017 9:42 AM
To: Klein, Heather
Subject: Comments on agenda item #6 on 10/18/17

I am pro-suncal development for oak knoll. Over many years they've worked with our community for mutual benefit .
Regards,
Mark Brandt

Sent from my iPad



October 17, 2017

City of Oakland Planning Commission
Heather Klein
City of Oakland Bureau of Planning
Re: Oak Knoll environmental review and plans

Dear Commissioners and Planning staff,

Oakland Heritage Alliance appreciates that Suncal and its team have come to realize the value of the historic Club Knoll building, and we especially thank the Oakland planning staff for working with the developers to come up with an alternative to complete demolition.

We remain extremely concerned about this building, and we again point out that the Secretary of Interior standards and accepted historic preservation practices show us that the best way to preserve a historic building is to preserve it on its original site; we do not consider the environmental review to be complete in that it has not explored thoroughly enough the possibilities of keeping it where it is, nor the justifications for its relocation.

We request that the Planning Commission recommend adding to the conditions of approval that the contractors chosen as historic architect, engineer, and building mover **be required to show previous experience in successful historic building relocation**, and that in reviewing the choices of contractors, the city planning and historic staff review these qualifications as part of the selection process.

Please delineate how the procedure will be monitored, and what assurances are in place if something is damaged or destroyed. What city office or person is responsible for the monitoring of the mitigations related to the historic structure, through completion?

Again, we thank the Commission and staff for their careful attention to this aspect of this large undertaking.

Sincerely,

A handwritten signature in cursive script that reads "Alison Finlay".

Alison Finlay
President
Oakland Heritage Alliance

cc: William Gilchrist, Darin Ranelletti, Robert Merkamp, Heather Klein, Betty Marvin
and Matt Weintraub

Klein, Heather

From: Naomi Schiff <Naomi@17th.com>
Sent: Wednesday, October 18, 2017 12:15 AM
To: Klein, Heather
Subject: Oak Knoll Development PLN15 -378; PLN15378- ER01; PLN15378- PUDF01; PLN15378- PUDF02; CP15032; TTM8320
Attachments: Oak Knoll, OHA_Oct 17, 2017.pdf

Dear commissioners and staff,

Attached please find comments on the Oak Knoll project, from Oakland Heritage Alliance. Thank you!

Naomi Schiff
for Oakland Heritage Alliance

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
Email naomi@17th.com

cell: 510-910-3764

OAK KNOLL

October 18, 2017

VIA E-MAIL HKLEIN@OAKLANDNET.COM

The City of Oakland Planning Commission
c/o Ms. Heather Klein
Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94612

**Re: Oak Knoll Mixed Use Community Plan Project, Case File Nos. PLN15378,
PLN15378-ER01, PLN15378-PUDF01, CP15032, TTM8320**

Dear Commissioners:

I am writing to address comments dated September 7, 2017 from the International Association of Fire Fighters, Local 55 (“Local 55”) concerning fire safety and the Oak Knoll Mixed Use Project (the “Project”).

The City’s Fire Safety Measures Arc Sufficient.

Local 55 alleges that the City is not taking sufficient steps to ensure adequate provisions for fire safety with regard to the Project. The record reflects that, the contrary, the City is vigorously and carefully enforcing applicable fire safety regulations. The City’s Fire Division has carefully reviewed the SEIR and the Project and has submitted numerous and detailed conditions that are being incorporated into the project’s conditions of approval, as explained in more detail below.

Numerous mitigation measures and Conditions of Approval (“COAs”) address fire safety, including:

1. **COA 15**, requiring the Construction Management Plan required by the City’s Standard Condition of Approval to include a fire safety plan and be reviewed and approved by the Fire Department.
2. **COA 22.b**, requiring Fire Department approval of phased construction plans.

3. **COA 43**, requiring that the Project comply with the Fire Marshall memo dated September 29, 2017. Pursuant to COA 43, the Project will need to meet the Fire Safety Division's requirements related to hydrant spacing, hydrant water supply and pressure, overhead clearance for fire truck ladders, fire access roads, water supply and distribution systems, timing of construction of access roads and hydrants, width of fire and emergency vehicle access roads, and vegetation management. (Memorandum from Philip Basada, P.E., Fire Prevention Bureau, to Heather Klein, City Planner (Sept. 29, 2017), attached as Attachment T to the Project's COAs.

4. **COA 61**, requiring Fire Department review and approval of the improvement plans for each final map to ensure compliance with standards for water supply and distribution, access roads, and on-site hydrants, among other issues related to fire safety.

5. **SCA HAZ-4: Fire Safety Phasing Plan**. Prior to approval of construction-related permit, the project applicant shall submit a Fire Safety Phasing Plan for City review and approval, and shall implement the approved Plan. The Fire Safety Phasing Plan shall include all of the fire safety features incorporated into each phase of the project and the schedule for implementation of the features.

When Required: Prior to approval of construction-related permit
Initial Approval: Oakland Fire Department
Monitoring/Inspection: Bureau of Building

6. **SCA Implementation Measure HAZ-4.1**. To further implement SCA HAZ-4, Fire Safety: The project sponsor and construction contractor shall ensure that during Project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.

7. **SCA HAZ-5: Wildfire Prevention Area – Vegetation Management**.

a. **Vegetation Management Plan Required**. Prior to approval of construction-related permit. The project applicant shall submit a Vegetation Management Plan for City review and approval, and shall implement the approved Plan prior to, during, and after construction of the project. The Vegetation Management Plan may be combined with the Landscape Plan otherwise required by the Conditions of Approval. The Vegetation Management Plan shall include, at a minimum, the following measures:

- i. Removal of dead vegetation overhanging roof and chimney areas;
- ii. Removal of leaves and needles from roofs;
- iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation;
- iv. Trimming back vegetation around windows;
- v. Removal of flammable vegetation on hillside slopes greater than 20%;
- vi. Pruning the lower branches of tall trees;
- vii. Clearing out ground-level brush and debris; and
- viii. Stacking woodpiles away from structures.

When Required: Prior to approval of construction-related permit
Initial Approval: Oakland Fire Department
Monitoring/Inspection: Oakland Fire Department

b. Fire Safety During Construction. During construction. The project applicant shall require the construction contractor to implement spark arrestors on all construction vehicles and equipment to minimize accidental ignition of dry construction debris and surrounding dry vegetation.

When Required: During construction
Initial Approval: N/A
Monitoring/Inspection: Bureau of Building

8. SCA PSR-1: Compliance with Other Requirements. The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

The following applicable Standard Conditions of Approval that address fire safety planning and wildfire prevention are stated in full in Section 4.7, Hazards and Hazardous Materials:

- SCA HAZ-4: Fire Safety Phasing Plan.
- SCA HAZ-5: Wildfire Prevention Area – Vegetation Management
 - a. Vegetation Management Plan Required.
 - b. Fire Safety During Construction.

Local 55 also expresses concern that the City's standard conditions of approval (SCAs) requiring the preparation of a Fire Safety Phasing Plan (SCA HAZ-4) and Vegetation Management Plan (SCA HAZ-5) constitute deferred mitigation and that such plans must be prepared *now*. This is incorrect. First, these plans are required by the City's standard conditions of approval. SCAs are not mitigation measures and apply generally to development projects in Oakland, even if CEQA-exempt.

Second, even if these SCAs were mitigation measures, CEQA allows an agency to require the preparation of a plan as a mitigation measure, particularly when the details to prepare the plan are not known at the time of project approval, as long as the mitigation measure includes clear performance standards, such as the requirement to meet the requirements of existing rules or regulations. At this time, the phasing, method of building construction (for example, light metal frame has different fire proofing requirements than wood framing, although both types of framing are appropriate for residential construction), and building design (including, for example, the location of exits) are undetermined, making it impossible for OKVA to prepare the Fire Safety Phasing Plan required by SCA HAZ-4. In addition, because the Project's vegetation will be altered by construction, it is premature to prepare the Vegetation Management Plan required by SCA HAZ-5.

Nevertheless, although not required by CEQA, the Project applicant asks the Planning Commission to adopt the following additional implementation measures that clarify and reinforce the requirements already encompassed by SCAs HAZ 4 and HAZ-5:

- SCA Implementation Measure HAZ-4.2: To further implement SCA HAZ-4, Fire Safety, each Developer’s Fire Safety Phasing Plan shall demonstrate to the satisfaction of the City’s Fire Safety Division that the construction proposed by the Developer during each phase meets the requirements of the City’s Fire Code (Municipal Code Chapter 15.12). The Plan’s details must include, but are not limited to, information addressing the following requirements:
 - Fire apparatus access by phase,
 - Fire protection water supply by phase,
 - Means of egress by phase, and
 - Storage of combustible materials during construction.

- SCA Implementation Measure HAZ-5.1: To further implement SCA HAZ-5, Wildfire Prevention Area – Vegetation Management, the Vegetation Management Plan shall demonstrate to the satisfaction of the City’s Fire Safety Division that the Project meets the requirements of Chapter 49 of the California Fire Code, as amended by the City through Municipal Code Chapter 15.12. Among other requirements, Chapter 49 includes requirements pertaining to maintaining defensible space, clearance of brush and vegetative growth from electrical transmission and distribution lines, and ignition source control.

The Fire Division Has Not Requested Construction of An On-Site Fire Station.

Finally, Local 55 suggests that the City may later determine that an additional fire station is needed and that “it would be difficult to redesign the Project site following approval to build an additional on-site fire station if deemed necessary.” Since Local 55 wrote its letter, the City’s Fire Safety Division has finished its review of the Project and made recommendations that in the memo dated September 29, 2017. *The Fire Division’s recommendations do not include construction of a new on-site fire station.*

The SEIR explains that there are existing three fire stations within approximately 5 miles of the Project site: Station 26 at 2611 98th Avenue, Station 23 at 7100 Foothill Boulevard, and Station 21 at 13150 Skyline Boulevard. Local 55’s primary concern about Station 26 is the ability of trucks to cross I-580. However, there are three I-580 crossings near Station 26 and the project: Keller Avenue, Golf Links Road, and Fontaine Street. It would be unlikely for all three to be inaccessible. In addition, trucks coming from Station 23 could cross I-580 at Edwards Avenue, providing yet another option. If there came a point when there was no feasible vehicular access across I-580, trucks from Station 21, which is located on the same side of the freeway as the Project site could respond to an emergency.

We respectfully submit that the City has taken all reasonable and feasible steps to impose adequate fire protection measures on the Project.

Sincerely,

A handwritten signature in black ink that reads "Sam Veltri". The signature is written in a cursive style with a prominent initial "S" and a distinct "V".

Sam Veltri

Klein, Heather

From: Jennifer Viegas <jenviegas@gmail.com>
Sent: Wednesday, October 18, 2017 2:55 PM
To: Klein, Heather
Subject: Request to Register Public Comment for Agenda Item #6 (Oak Knoll Project)

Dear Planning Commission,

I would like to register my and my mother's joint public comment on Agenda Item #6 for this evening's Commission meeting (Oak Knoll project discussion item, 10/18/2017):

As 50+ year residents of the Oak Knoll/Sequoyah neighborhood, we strongly support the following SunCal goals:

- Preservation of the knoll and northeast woodlands as open space
- Restoration of the Rifle Range Creek corridor as a greenbelt
- A suitable community center to replace Club Knoll
- Reasonable housing density
- Mitigation of environmental impacts

We are disappointed by the decision to restore and relocate Club Knoll, a building that is in disrepair and that was not even original to the initial development of the site. The restoration will take valuable funds and effort away from the rest of the project.

We are also disappointed by the self-interested individuals—with little or no connection to this neighborhood—who wish to influence the project in order for monetary or other short-term gains. These include politicians with goals that would hurt the character of the neighborhood, its ecosystems, the value of existing properties here and more.

We have watched the City's mismanagement lead to problems on the adjacent Mountain Blvd. corridor, such as torching of cars, excessive dumping and other crimes—all of which we have mentioned at our neighborhood police beat meetings. These crimes should be viewed as fire and environmental hazards that could put all of us at risk here in Oakland. So too could overly dense housing.

In terms of retail, we used to shop at the Safeway store on Golf Links Road, where there was also a shopping center in the 60s and 70s. We also shopped at Skyline Market on Skyline Blvd.

This neighborhood was designed to have such supportive retail, but poor policing and crime coming in from other adjacent neighborhoods contributed to the closure of all of these stores. The past therefore tells us that retail must be carefully managed in this neighborhood, with security concerns in mind, in order to prevent the same problems from happening again.

In a perfect world, we would like to see the Oak Knoll land brought back to its natural state, benefitting air quality, wildlife, the health of Oakland residents, and more. Such as it is, and based upon what we have heard in the many meetings we have attended, SunCal has the neighborhood and Oakland's best interests in mind with their current plan. We urge you to focus on the long-term effects of the plan, instead of more short-term desired gains from those wishing to make money off of the construction and in other ways.

Sincerely yours,

Jennifer and Elaine Viegas
25 Sequoyah View Court

--

Jennifer Viegas
Publisher
San Francisco Bay Times
Senior Correspondent
Discovery News and Seeker, news services for the Discovery Channel
www.discovery.com
www.seeker.com
510-569-4408
jenviegas@gmail.com
www.twitter.com/jenniferviegas

Elaine Viegas
Retired
General Services Administration
510-507-1842

Klein, Heather

From: Angie Tam <havefun1000@yahoo.com>
Sent: Wednesday, October 18, 2017 3:44 PM
To: Klein, Heather; Scott Gregory
Cc: Adhi Nagraj; Jahmese Myres; jfearnopc@gmail.com; Tom Limon; cmanusopc@gmail.com; amandamonchamp@gmail.com; Emily Weinstein
Subject: PLN 15-378, ER 15-004 Oak Knoll; Toler Heights defense of 27 acre park
Attachments: In Defense of southwestern park.pdf

Dear Planning Commissions and City Staff.

Here's our Defense of the 27 acre southwestern park on Mountain Blvd. in the Oak Knoll Project.

I urge you to say "NO" to the "Land Use Diagram Amendment" and preserve park access to residents below i580.

Access to park is an environmental justice issue which is a stated goal of the Reuse Plan by President Clinton's Executive Order.

Attached pdf.

Sincerely

Thank you,

Angie Tam
Howard Dyckoff
Nedra Williams

Residents of Toler Heights.

General Policy in Open space element supports the 27 acre Park in its current location on Mountain Blvd. OSCAR Strategic Plan identified Toler Heights neighborhood as underserved area without access to parks, and made it a **priority**. (see map, last page) Staffs are acting against a Major Recommendation. Recreational spaces / community gardens / public facilities are needed. More usage encourages safety. Flatland's need for parks is repeated multiple times in the Executive summary. Area below i580 are historically disadvantaged.

12 policy/ element in the Executive summary (page XVII – page XXV) bullet points support the park in the Mountain Blvd. location and its possible uses. **3 policy /element** in Executive summary bullet points supports the Hardenstein parcel. That's 12 vs. 3, which reflects the legislature's priority.

The Reuse Authority / Navy are aware of the Oakland General Plan: OSCAR Element. Because the OSCAR (1996) preceded the ReUse plan EIR (1998), by two years. It chose the Mountain Blvd site. In addition the park was there originally. Toler Heights neighbors remember using the Mountain Blvd Park. Southwestern park is 27 acre, Hardenstein parcel is only 15 acre. #3 city will pursue “no net loss” goal for its urban park.

The current General Plan “Land Use diagram” originated from the “Development Plan” which was put into place by the City Council through a ordinance 12065 and resolution 74129. There's a historical archive on Oak Knoll in the City Website. (I have emailed Scott and Heather of the url 10 day prior to this event's Planning Commissions meeting) and asked the content be put into the evidence file.)

The resolution 74129 incorporated the Reuse Plan as part of the General Plan.(Page 4 of the ordinance.)

The primary purpose of the Redevelopment Plan is to implement the Final Reuse Plan to be adopted by the Oakland Base Reuse Authority....The Redevelopment “land use diagram” is the General Plan “Land Use Diagram.” The public parcel is residential and the Mountain Blvd park is shown there.

Furthermore, there's an anti-discrimination and anti-segregation covenant/ clause protecting this piece of land in perpetuity, even after the demise of the Redevelopment Agency. The wall on Mountain Blvd reminds me of Detroit's segregation wall. The navy did not want physical structure dividing established community. This discourages Toler Heights residents from accessing the commercial area by blocking their views. Further, the Hardenstien Parcel's location is deep inside a residentially area / possibly future gated communities which is exclusive. Trayvon Martin was killed in this type of environment. We have African American youths; I am concern for racial profiling on “next door app” if Hardenstine becomes the neighborhood park. To take away the 27 acre park and simultaneously create more open space in the hills (Northerwestern area) is overtly showing favoritism for one set of neighbors against another set who are historically without political power. It's also against the ruling of the Planning commissions of 2006. This could be discrimination, by unequal protection under the law.

The 2006 deputy director's determination of modification of the Land Use Diagram is **NOT legally valid**. It never went through City council approval. According to the Supreme court, **an ordinance may not be repealed or amended “without action of equal dignity to that required in its enactment.”** (Saginaw v Consuemrs Power Co. 213 Mich 460. 469) .

The 2006 deputy director's determination of the modification of the Land Use Diagram which staff is using to support the Hardenstein parcel still shows a park on Mountain Blvd. All maps (Reuse plan :

all alternatives, 2006 EIR, 2006 community plan, Redevelopment plan map) previous to this new 2006 plan have shown a substantial sized park starts at the corner and side of Sequoyah Rd / Mountain Blvd and extend into the commercial area. The boundaries on Mountain Blvd is at the end of the Creek. Further more, aerial photograph shows man made area of recreational courts either a tennis or a racquetball court or a swimming pool. Parcel #160 which is designated as open space in FOST stated a racquetball court used to be there. There are physical evidence (aerial photographs) of these man made landmarks that identify the park.

Below is the 12 policy / elements supporting the 27 acre park and its use on Mountain Blvd.

2. Specific, measurable criteria are established for the City to follow when acquiring new parkland in the hills and in the flatlands. A priority will be placed on flatland open space acquisition, with other means (conservation easements, less permissive zoning on steep slopes, EBRPD participation, etc.) used to maintain open space in the hills.
5. The emerging community gardens movement is supported and promoted. A new community-based gardening program is recommended, with City staff providing technical support.
5. Oakland's major creeks are identified as the framework for a system of open space corridors linking the hills to the bay, while also providing much-needed open space in flatland neighborhoods. Specific access improvements to creeks on public properties (Sanborn Park, etc.) are recommended. On private properties, a variety of erosion control, vegetation management, and building setback requirements are recommended.
2. Where feasible, open space (or natural landscape features) will be used as a way to define the edges of the city and individual neighborhoods.
3. Development will be required to protect and enhance views and create new points of visual interest where appropriate.
3. The City will pursue a "no net loss" goal for its urban parklands. The total park area covered by buildings in the future must be less than the new park area created or enhanced through acquisitions and capital improvements.
10. A commitment is made to prioritizing investment in underserved areas, as identified in a series of maps showing areas without access to parks.
5. Private or non-profit projects which meet public recreational needs are encouraged, particularly where lower income communities are served.

3. A strategy for making parks safer is established. Components include increasing park activities and bringing new users to the parks; incorporating physical design changes (lighting, fencing, signage, emergency response features, etc.); using vandal-resistant construction; providing program alternatives for youth; improving law enforcement and neighborhood watches; promoting civic responsibility; and addressing equipment and environmental hazards.

1. Recreational programs should be diverse and equitably distributed. Future recreation programs should be designed to meet the needs of the communities they serve and to reflect local priorities.

6. Programs which meet the needs of certain target groups, including young children, youth-at-risk, seniors, very low income households, homeless, and disabled persons are established as priorities.
7. Increased citizen involvement and participation is encouraged, using the Recreation Advisory Councils as building blocks. Interaction between OPR staff, park neighbors, and community groups is encouraged. Community participation in park construction, landscaping, maintenance, and safety is encouraged. Involvement of the local arts community in park design and improvement is also encouraged.

3 elements/ policy For the Hardenstine Parcel: The Hardenstein parcel is inaccessible, blocked by houses on sequoyah Rd. A look with Google satellite map/ street view show no discernable entrance into the area on sequoyah rd.. Hardenstine parcel is not a Ridge or a Knoll as there's the "Eastern Ridge, South Knoll and Nothwest Knoll," Hardenstine parcel is not on any of these feature. Photo attached in next following email.

1. The Element calls for conservation of the city's remaining oak woodlands, redwood forests, native perennial grasslands, and riparian areas. Precise mapping of these plant communities is recommended. Standardized mitigation measures for development on properties containing these plant communities are suggested, and the use of conservation easements to protect these resources is encouraged.

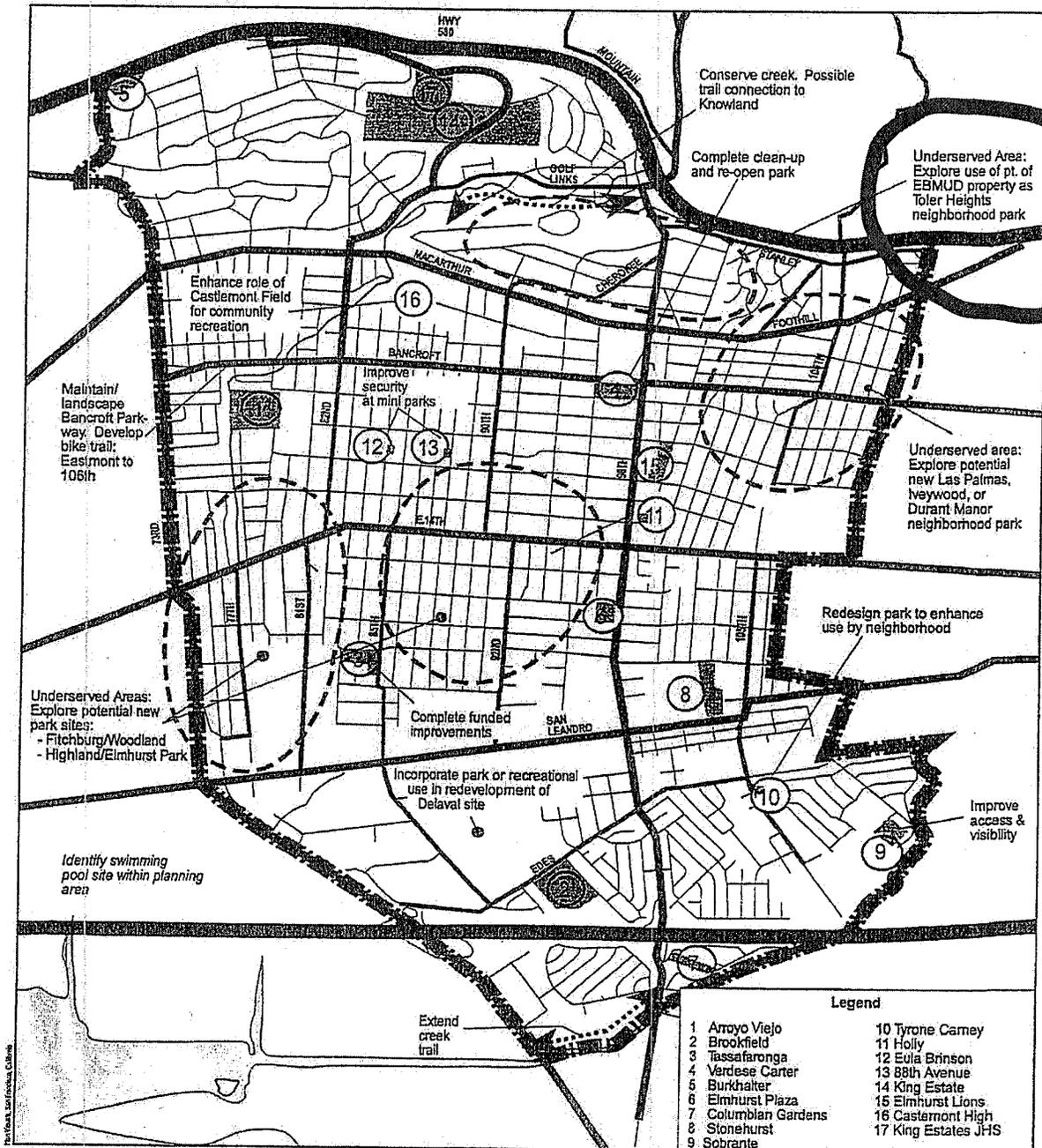
3. Tree removal is discouraged without due cause; continued enforcement of the tree preservation ordinance is recommended.

1. The basic elements of Oakland's landform (hills, canyons, shoreline, creeks, etc.) are to be respected and conserved as development occurs.

NEXT Page: Strategic plan recommendation

City of Oakland Strategic Plan: Elmhurst Major Recommendations

OSCAR policy: #10 a commitment is made to prioritizing investment in undererved areas, as identified in a series fo maps showing areas without access to parks. (red circle: /Toler Heights is underserved)



1/4 Mile

City of Oakland
Open Space, Conservation, & Recreation Element
Figure 26: Elmhurst
Major Recommendations
Source: Oakland Office of Planning & Building, 1995

Klein, Heather

From: Angie Tam <havefun1000@yahoo.com>
Sent: Wednesday, October 18, 2017 3:55 PM
To: Klein, Heather; sgregory@lamphier-gregory.com
Cc: nagrajplanning@gmail.com; Jahmese Myres; tlimon.opc@gmail.com;
cmanusopc@gmail.com; amandamonchamp@gmail.com; EW.Oakland@gmail.com;
Howard Dyckoff; Nedra Williams
Subject: Pln 15-378 e15-004 oak Knoll , hardenstein photo

Hello planning commission

Here is a photo showing hardenstein parcel. It not part of the eastern ridge, or the south or northwest Knoll. The highlighted area is the hardenstein parcel. It outside of these navy designated land feature.

It's one side of a steep canyon, by looking at the topography map, not usable as a park with amenities.

Sincerely
Angie tam

Sent from my iPad



Source: SSA, 2007

Oak Knoll 200222
 Figure IV A-1
 Aerial Photograph of Oak Knoll Site

Topography - Replacement open space is very hilly, same as the knoll map

Eastern Ridge

Admiral Hill elevated flat area

South Knoll

P139 of 461
 SEIR 2007
 P IV, A-3
 P IV A-3
 Description of the knolls
 Admiral Hill is in the South

Klein, Heather

From: Alisha C. Pember <apember@adamsbroadwell.com>
Sent: Wednesday, October 18, 2017 3:58 PM
To: nagrajplanning@gmail.com; EW.Oakland@gmail.com; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jkmyres@gmail.com; Klein, Heather; sgregory@lamphier-gregory.com
Cc: Christina Caro
Subject: Public Hearing Agenda Item No. 6: Oak Knoll Mixed Use Community Plan Project (Email 1 of 2)
Attachments: 3426-025acp - 2017 10 17 ORRD Comments to PC _Oak Knoll.pdf

Good afternoon,

Please see the attached Comments regarding Oak Knoll Mixed Use Community Plan Project, Exhibits A-C will follow in a second email.

A hard copy of our Comments will be hand delivered at this evening's hearing.

If you have any questions, please contact Christina Caro.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 voice, Ext. 24
apember@adamsbroadwell.com

This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

aclemena@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

MILA A. BUCKNER
DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
MARC D. JOSEPH
RACHAEL E. KOSS
LINDA T. SOBCZYNSKI

October 18, 2017

Via Email and Hand Delivery

Adhi Nagraj, Chair
Honorable Members of the Planning Commission
City of Oakland
City Hall, City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza
Oakland, CA 94612
Email: nagrajplanning@gmail.com; EW.Oakland@gmail.com; jfearnopc@gmail.com;
tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com;
jkmyres@gmail.com

Via Email Only:

Heather Klein (hklein@oaklandnet.com)
Scott Gregory (sgregory@lamphier-gregory.com)

**Re: Public Hearing Agenda Item No. 6: Oak Knoll Mixed Use
Community Plan Project**

Dear Chairperson Nagraj and Honorable Members of the Planning Commission:

We are writing on behalf of Oakland Residents for Responsible Development ("Oakland Residents") regarding Oak Knoll Mixed Use Community Plan Project ("Project").¹

Oakland Residents and its technical consultants have reviewed the Planning Commission Staff Report for the Project ("Staff Report"), and find it deficient in

¹ Oakland Residents submitted comments on the Draft Supplemental Environmental Impact Report ("DSEIR") for the Project in October 2016, comments to the Landmarks Preservation Advisory Board ("LPAB") on May 8, 2017, and comments to the Planning Commission on June 21, 2017. All prior comments are incorporated by reference. Oakland Residents reserves the right to supplement these comments at later hearings and proceedings on this Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
3426-025acp

October 18, 2017

Page 2

several ways. The Staff Report explains that the Applicant is no longer pursuing a Development Agreement for the Project, but that the City has nevertheless adopted some of the deal terms that had been proposed for the Development Agreement into revised Conditions of Approval ("Conditions"), such as flexible Project phasing. By so doing, the City is effectively proposing to provide concessions to the Applicant in the form of Conditions that would otherwise require the Applicant to provide reciprocal community benefits to the City if those same terms were contained in a Development Agreement. Oakland Residents submits that this use of conditions of approval undermines the City's ability to negotiate for additional community benefits from the Project.

Revisions to the Project identified in the Staff Report also result in new and potentially significant impacts that were not analyzed in the FSEIR. For example, revised Conditions 23 and 24, which address Project phasing, would allow the Applicant to simultaneously construct several components of Phase 1 (Village Center, residential development) concurrently with Phases 2 and 3 of the Project. Our experts conclude that simultaneous construction of Project phases would significantly increase the Project's construction impacts, including impacts on air quality and traffic impacts. Removal of the City-owned Barcelona Parcel from the Project is similarly likely to have significant impacts from eliminating a planting area that is slated for use as on-site mitigation to help satisfy the Applicant's on-site mitigation requirements under Mitigation Measure BIO-2. These impacts were not analyzed in the FSEIR, and are not addressed by the FSEIR's existing mitigation measures.

Finally, the Staff Report fails to respond to our June 21, 2017 comments on the FSEIR, and fails to remedy any of the errors and omissions identified in those comments. In particular, the Staff Report fails to remedy inadequacies in the FSEIR related to traffic and biological resources issues, still fails to adequately mitigate several potentially significant Project impacts, and fails to correct errors in the FSEIR which impermissibly defer analysis and mitigation of potentially significant impacts. The Commission may not recommend certification of the FSEIR until it fully complies with CEQA, and may not recommend approval of the Project until these defects are remedied.

The Commission lacks adequate information and the requisite substantial evidence to make the necessary recommendations to the City Council to approve the Project at this time. The Commission should continue its hearing on the Project to

3426-025acp

October 18, 2017

Page 3

a future date after the City corrects the errors and omissions in the FSEIR and other proposed Project approvals.

We prepared these comments with the assistance of air quality expert Jessie Jaeger of SWAPE;² expert traffic engineer Daniel Smith;³ and conservation biologist and wildlife ecologist Scott Cashen.⁴ Their comment letters and all attachments thereto are incorporated by reference as if fully set forth herein.

I. CHANGES IN THE PROJECT ARE LIKELY TO RESULT IN POTENTIALLY SIGNIFICANT IMPACTS THAT WERE NOT ANALYZED IN THE FSEIR

A. Project Phasing

Revised Conditions of Approval No. 23 and 24 provide that “the Developer shall have the right to develop the Project at such time as the Developer deems appropriate” provided that all public improvements for Phase 1 are complete. These Conditions would allow the Developer to front-end construction of the public improvements for Phase 1, then to construct the building developments of Phase 1 together with the building developments for Phases 2 and 3. This could result in simultaneous construction of all three Project phases. Conditions of Approval No. 23 and 24 therefore present a significant change in the Project Description and impact analysis included in the FSEIR, because the FSEIR analyzed the Project’s construction impacts based on the sequential staging of construction of Phases 1, 2, and 3. This violates CEQA’s requirement that an EIR consider the “whole of an action,”⁵ and results in a failure to disclose potentially significant impacts.

1. Concurrent Construction of Project Phases is Likely to Result in Significant, Unmitigated Air Quality Impacts from Construction Emissions.

The FSEIR analyzed construction emissions separately for each phase of the Project, and did not analyze emissions for overlapping or concurrently constructed

² SWAPE’s technical comments and curriculum vitae are attached hereto as Exhibit A.

³ Mr. Smith’s technical comments and curriculum vitae are attached hereto as Exhibit B.

⁴ Mr. Cashen’s technical comments and curriculum vitae are attached hereto as Exhibit C.

⁵ 14 CCR § 15378; *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1297.

3426-025acp

Project phases.⁶ The Staff Report also fails to quantify this potentially significant impact.

SWAPE previously commented on a nearly identical term that was proposed for the Development Agreement, which would have allowed construction of two or more Project phases to overlap, potentially allowing all three phases of the Project to be constructed at the same time. SWAPE conducted a quantitative analysis of the construction emissions associated with overlapping construction of the Project's three phases, similar to the scenario contemplated under revised Conditions 23 and 24. SWAPE's analysis demonstrated that, if the three Project phases were constructed concurrently, the Project would result in significant, unmitigated air quality impacts with respect to ROG and NOx emissions, as follows (ROGs = 57.1 lbs/day, NOx = 120 lbs/day)⁷:

Maximum Daily Construction Emissions (lbs/day)					
Activity	ROG	CO	NO_x	PM10	PM2.5
Phase I, Phase II, Phase III	57.1	190.7	120	29.1	11.5
BAAQMD Regional Threshold (lbs/day)	54	-	54	82	54
Threshold Exceeded?	<u>Yes</u>	No	<u>Yes</u>	No	No

SWAPE concluded that these emissions would exceed the 54 pounds per day (lb/day) significance thresholds set by BAAQMD, resulting in significant air quality impacts.⁸ The City failed to respond to these comments, and has not disputed SWAPE's conclusion regarding the significant air quality impacts that would result from concurrent construction of the Project phases.

Conditions 23 and 24 would create an almost identical result, allowing the Developer to begin development of Phase 2 and Phase 3 at any time, provided the prerequisite public improvements required for Phase 1 have been completed.

Each of the three Project phases involves substantial construction activities. The FSEIR explains that Phase 1 of the Project "would include removal of existing

⁶ DSEIR, p. 4.2-23 ("Emissions were estimated separately for each of the construction phases of the Project, and for both on-site crushing and off-site hauling scenarios under Phase I.")

⁷ See SWAPE June 21, 2017 Comments re Oak Knoll, p. 3.

⁸ *Id.*

3426-025acp

October 18, 2017

Page 5

on site concrete pads and pipelines, creek improvements, grading and construction of roadways in the Village Center area of the site, development of the Village Center and construction of 232 townhomes and 100 single family homes as part of the residential development in the south and west portions of the site"⁹ Phase 2 involves the development of most of the Uplands neighborhoods, and Phase 3 involves development of the North Creekside neighborhood.¹⁰ Phase 2 and 3 would involve grading and construction for 263 homes and 340 homes, respectively, as well as roadway development in the east, west, and north areas of the site. The earthwork volume for cut and fill is anticipated to be approximately 1 million cubic yards in Phase 2 and approximately 430,000 cubic yards in Phase 3.¹¹

SWAPE explains that, if Conditions 23 and 24 were approved, it would effectively allow the Developer to concurrently develop Phase 2 and Phase 3 during construction of the 232 townhomes and 100 single family homes proposed in Phase 1, resulting in potentially significant construction emissions:¹²

As currently proposed, Conditions of Approval No. 23 and 24 would allow the same development schedule, save for the public improvements required for Phase 1, which would have to be constructed before any work is initiated on the other phases. Thus, construction emissions associated with concurrent Project phase construction under Conditions 23 and 24 would be equal to amounts we identified in our June 2017 comments (57.1 lbs/day of ROG, 190.7 lbs/day of CO, 120 lbs/day of NOx, 29.1 lbs/day of PM10, and 11.5 lbs/day of PM2.5), minus the emissions associated with those public improvements...It is likely that any reductions in construction emissions associated with separating out the construction of public improvements of Phase 1 may not reduce the Project's ROG or NOx emissions to less than significant levels.

The FSEIR fails to separately quantify the construction emissions related to the public improvement portions of Phase 1 from the construction emissions associated with remaining portions of Phase 1 (construction of the townhomes and single family homes). The Staff Report similarly contains no such analysis. Thus,

⁹ FSEIR, p. 4.2-23.

¹⁰ FSEIR, p. 3-44.

¹¹ FSEIR, p. 4.2-23.

¹² Exhibit A, pp. 3-4.

October 18, 2017

Page 6

the City has failed to demonstrate that the air quality impacts that may occur if Conditions of Approval No. 23 and 24 are approved would be any less than the emissions identified in SWAPE's June 2017 comments. Moreover, the air quality mitigation measures currently proposed in the FSEIR do not address the increased emissions from overlapping construction phases. Therefore, the City has no evidence on which to conclude that the Project's construction air quality emissions would be mitigated to less than significant levels with the existing mitigation measures described in the FSEIR if Conditions of Approval No. 23 and 24 are approved.

This analysis must be performed in a revised FSEIR, and any significant construction air quality impacts must be mitigated to less than significant levels, before the Project can be approved.

2. Concurrent Construction of Project Phases is Likely to Result in Significant, Unmitigated Traffic Impacts.

Traffic engineer Daniel Smith similarly concludes that proposed Conditions of Approval No. 23 and 24 are likely to cause more severe construction-related traffic impacts than disclosed in the FSEIR.

Mr. Smith explains that, if Conditions 23 and 24 are approved, the Applicant may choose to front-end construction of the public improvements for Phase 1, and then simultaneously construct the remainder of Phase 1 together with Phases 2 and 3, resulting in considerably more severe construction traffic impacts than the impacts that were disclosed in the FSEIR.¹³ Mr. Smith explains that the FSEIR's traffic study analyzed a straight line growth in non-Project background traffic from the existing conditions to the Year 2040 projection. The traffic study then projected the growth of Project traffic related to the sequential time schedule for completion of the three phases of the Project, with Phase 1, Phase 2, and Phase 3 being completed at different times. Finally, the FSEIR selected the timing of the Project's required off-site traffic improvements based on the Project's projected contribution of traffic at each intersection during and following each Project construction phase, resulting in MMRP requirements that presently allow off-site traffic improvements to occur at later stages in the Project.¹⁴

¹³ Exhibit B, p. 2.

¹⁴ *Id.*

October 18, 2017

Page 7

The FSEIR does not currently require the Project's off-site traffic mitigation measures to be constructed as part of the Project's Phase 1 public improvements. Hence, Conditions of Approval No. 23 and 24 would give the Applicant the right to develop the Project well in advance of the timeline for traffic mitigation measures that is currently defined in the FSEIR. Mr. Smith concludes that this revised phasing is likely to cause the public to experience significant traffic impacts that go unmitigated for years. Mr. Smith recommends that FSEIR be amended to require acceleration of traffic mitigation implementation to address the accelerated traffic impacts that are likely to occur under revised Conditions 23 and 24.

B. Barcelona Parcel

The Staff Report explains that Applicant is no longer pursuing purchase of the Barcelona Parcel. Barcelona Parcel is a 5.4 acre, City-owned parcel located in the southwest corner of the site near Barcelona Street and St. Andrews Road. It was formerly part of the Oakland Navy Medical Center, and had been considered for sale to Oak Knoll Acquisition LLC as part of an Exclusive Negotiating Agreement.¹⁵ Biologist Scott Cashen concludes that removal of the Barcelona Parcel requires additional revisions to the Projects Tree Removal Permit and the FSEIR.

1. Tree Removal.

The PUD, PDP, and VTTM have been revised to remove the 17 single-family residential units previously proposed on the Barcelona parcel from the Project's development program.¹⁶ However, the City failed to amend the Project's Tree Removal Permit Package to reflect this change. This is a critical flaw in the Project's proposed permits, for several reasons.

First, the Applicant's Tree Removal Plan identifies multiple "protected" trees that would be removed from the Barcelona parcel. Because the Staff Report fails to include an updated Tree Removal Plan, it is unclear how many trees the Applicant

¹⁵ Staff report, p. 3.

¹⁶ Staff Report, pp. 3, 4 ("The revised VTTM now shows the Barcelona parcel as remaining "Lands of the City of Oakland" and not a part of the Project.").

October 18, 2017

Page 8

intends to remove from the Barcelona parcel, and similarly, how many trees the City is permitting the Applicant to remove from the Barcelona parcel.¹⁷

Second, the City has agreed to designate a 50-foot-wide easement within the Barcelona parcel for public street purposes. According to Standard Condition of Approval #67: "the Applicant shall improve the 'Barcelona Road Reservation' as a public street across APN 048-6870-002...The improvements shall include tree removal, foundation removal, etc., to prepare the area for grading to create the roadbed, installation of utilities that are appurtenant to a public street, and installation of an appropriate emergency vehicle access gate or bollards." However, because the Barcelona parcel "has been removed from the Applicant's Project," it is unclear if the mitigation measures that are required for the Project (i.e., in the SEIR) would, or can, be implemented for construction of the road.

Finally, the map provided with the Staff Report suggests construction of the road through the Barcelona parcel would impact numerous protected trees. The Staff Report, however, provides no discussion of how impacts to those trees would be mitigated, especially given the inability to plant replacement trees within the Barcelona parcel.

These issues must be addressed, and the Tree Removal Permit Package revised to reflect these changes, before the Commission may consider recommending approval of the Project.

2. On-Site Mitigation.

The Applicant's Tree Removal Impact Mitigation Plan identifies a relatively large planting area within the Barcelona parcel that is intended as mitigation for the Project's impacts to biological resources. Because the Barcelona parcel is no longer a part of the Project, the Applicant can no longer use that planting area to help satisfy its on-site mitigation requirement under Mitigation Measure BIO-2. The Staff Report fails to address this issue, and fails to propose any replacement mitigation for the lost planting acreage. The FSEIR must be amended to require replacement mitigation that will assure full compliance with Mitigation Measure BIO-2.

¹⁷ Exhibit C, p. 2.
3426-025acp

October 18, 2017

Page 9

II. THE FSEIR AND STAFF REPORT FAIL TO INCLUDE A FIRE SAFETY PLAN OR WILDFIRE PLAN

The Project's Standard Condition of Approval ("SCA") HAZ-4 defers the creation of a Fire Safety Plan and Wildfire Plan until after Project approval. Oakland Residents previously commented that this improperly defers development and disclosure of critical fire safety response plans based on a subsequent analysis of the severity of potential fire impacts. SCA HAZ-4 therefore relegates critical analysis of fire impacts a post-approval stage, out of sight of public input. This deferred analysis is prohibited by CEQA. The Staff Report fails to correct this omission.

The City must not allow any development Project in the Oakland Hills to be approved without comprehensive fire safety and response plans already in place. The current North Coast wildfires are a chilling reminder of the need for comprehensive fire preparation. The lack of proposed Fire Safety and Wildfire Plans for the Project jeopardizes not only the safety of the Project's future residents, but of all surrounding Oakland Hills communities that would be adversely impacted by fires in the vicinity of the Project site.

Oakland Residents are not the only commenters to raise this issue. The International Association of Firefighters, Local 55, filed comments on September 7, 2017 criticizing the City's reliance on deferred creation of the Fire and Wildfire Plans. The City's own Fire Prevention Bureau submitted a memo on September 29, 2017, listing over a dozen conditions which the Bureau recommends be required for the Project in order to ensure adequate site access and firefighting capability for fire personnel in the event of a fire emergency at the Project site. While proposed Condition 43 would require the Applicant to comply with the conditions identified in the Fire Prevention Bureau memo, these conditions do not represent the comprehensive Fire Safety and Wildfire Plans that are required to be prepared for the Project. Indeed, the fact that the Fire Prevention Bureau is continuing to add conditions to the Project's design to facilitate better fire response at this stage of the Project indicates that the City has not adequately addressed the need for the Fire Safety and Wildfire Plans required by SCA HAZ-4.

It would be irresponsible for the City to allow the Project to be approved without requiring the Applicant to first demonstrate that it has developed legally and functionally adequate fire safety plans. Oakland Residents urges the

3426-025acp

October 18, 2017

Page 10

Commission to remand the Project to Staff to prepare comprehensive and legally adequate Fire Safety and Wildfire Plans before the Project can be recommended for approval.

III. THE VESTING TENTATIVE TRACT MAP FAILS TO COMPLY WITH CITY MUNICIPAL CODES

Oakland Municipal Code Title 16 (Subdivisions) designates the Planning Commission as the "Advisory Agency" for the City with regard to all subdivision approvals.¹⁸ Under the Subdivision Code, the Planning Commission must deny a proposed tentative map if it makes any one of the following findings, including, inter alia:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;...
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or the type of improvements is likely to cause serious public health or safety problems.¹⁹

The Project's proposed Vesting Tentative Tract Map ("VTTM") violates the Subdivision Code because it is inconsistent with the General Plan, and because the Project, as currently proposed to be implemented under the VTTM, is likely to cause unmitigated environmental damage and serious public health and safety problems.²⁰

The Project described in the VTTM is likely to result in violations of the several General Plan policies, notwithstanding the proposed zoning amendments. First, the Project's increased density will create incompatibility with some

¹⁸ Oak. Muni. Code § 16.04.050.

¹⁹ Oak. Muni Code Sec. 16.08.030.

²⁰ Oak. Muni Code Sec. 16.08.030(A), (B), (E), (F).

3426-025acp

October 18, 2017

Page 11

neighboring residential density (which remains at 1 unit per 8000 sf). This would violate GP LU Policy 7.1 (Ensuring Compatible Development). Second, the Applicant's plan to buy affordable housing "credits" in another area of the City rather than include on-site affordable housing is inconsistent with GP LU Policy 6.1, which encourages development that provides housing to households with "a range of incomes." Third, the VTTM (and the Project generally) fails to comply with GP LU Policy 7.6, which requires subdivided parcels to minimize environmental impacts. Our FSEIR comments provided evidence documenting that Project has significant and inadequately mitigated environmental impacts. Additionally, GP HPE Policy 3.1 requires projects to "make all reasonable efforts to avoid or minimize adverse effects" on landmarked historic properties. The proposed VTTM would require relocation of Club Knoll in order to place it in the new "commercial zone." The proposed relocation will have significant adverse impacts on Club Knoll that the City has failed to mitigate. Thus, the VTTM is inconsistent with this policy. Finally, the Project's lack of fire safety plans, and the resulting lack of adequate fire safety measures being identified in the VTTM may cause serious public health and safety problems.

The Commission must require these issues to be corrected in a revised VTTM before it can recommend approval of the Project.

IV. CONCLUSION

For the reasons discussed herein, Oakland Residents respectfully requests that the Commission continue this hearing to a later date after the City has made all necessary revisions to, and recirculation of, the FSEIR and related Project permits.

Thank you for your consideration of these comments. Please place them in the record of proceedings for the Project.

Sincerely,



Christina M. Caro

CMC:acp

3426-025acp

Klein, Heather

From: Alisha C. Pember <apember@adamsbroadwell.com>
Sent: Wednesday, October 18, 2017 4:00 PM
To: nagrajplanning@gmail.com; EW.Oakland@gmail.com; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jkmyres@gmail.com; Klein, Heather; sgregory@lamphier-gregory.com
Cc: Christina Caro
Subject: RE: Public Hearing Agenda Item No. 6: Oak Knoll Mixed Use Community Plan Project (Email 2 of 2)
Attachments: Exhibit A - SWAPE 10 17 Oak Knoll Supplemental Comments - clean.pdf; Exhibit B - D Smith SEM Oak Knoll comments 10-18-17 - clean.pdf; Exhibit C - Cashen comments Oak Knoll Staff Report - final.pdf

Good afternoon,

Please see the attached Exhibits A- C in support of Comments regarding Oak Knoll Mixed Use Community Plan Project.

A hard copy of our Comments will be hand delivered at this evening's hearing.

If you have any questions, please contact Christina Caro.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 voice, Ext. 24
apember@adamsbroadwell.com

This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

EXHIBIT A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405
Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

October 17, 2017

Christina Caro
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

Subject: Comments on the Oak Knoll Mixed-Use Community Plan Project

Dear Ms. Caro:

We originally reviewed the Draft Supplemental Environmental Impact Report ("FSEIR") for the proposed Oak Knoll Mixed-Use Community Plan Project ("Project") and submitted an October 12, 2016 letter addressing the deficiencies in the SEIR's impact analyses. On June 18, 2017 the Oakland Planning Commission ("Commission") released a Staff Report for a June 21, 2017 hearing which included the Final SEIR ("FSEIR") and described several land use entitlements that the Project Applicant was seeking City approval for, including a Development Agreement ("DA"). On June 21, 2017, we submitted a comment letter in response to the June 21 Staff report demonstrating that the proposed DA would result in potentially significant air quality impacts that were not evaluated or addressed in the FSEIR.

The Commission has now released a supplemental Staff Report for its October 18, 2017 hearing ("Staff Report"), which states that the City and Project Applicant have mutually agreed to withdraw from further consideration of the DA, but that the City has incorporated several of the same topics into the Project's proposed Conditions of Approval. Our review of the Staff Report and proposed Conditions of Approval demonstrates that, although the Project Applicant is no longer proposing to enter into the DA with the City, the proposed Project phasing provisions included in the Project's revised Conditions of Approval are likely to result in almost identical significant air quality impacts as those identified in our June 21 letter. As such, an updated SEIR must be prepared in order to adequately evaluate the potentially significant air quality impacts resulting from the revised Conditions of Approval presented in the Staff Report.

Air Quality

Failure to Assess Air Quality Impacts from Overlapping Construction Phases

Our review of the key deal terms originally proposed for the DA in the June 2017 Staff Report demonstrated that approval of the DA would not only allow the Project Developer to develop any of the three phases of Project construction at any time, but it would also allow the Developer to potentially pursue all three phases of construction concurrently. The June 2017 Staff Report failed to include an air quality analysis that evaluated the Project's potential air quality impacts under these simultaneous construction scenarios – i.e. if construction of two or more Project phases were to overlap, or the worst-case scenario, in which construction of all three phases of the Project were to occur at the same time. We conducted a quantitative analysis of the construction emissions associated with overlapping construction of the Project's three phases. Our analysis demonstrated that, if the three Project phases were constructed concurrently, the Project would result in a significant, unmitigated air quality impacts with respect to ROG and NOx emissions, as follows¹:

Maximum Daily Construction Emissions (lbs/day)					
Activity	ROG	CO	NO _x	PM10	PM2.5
Phase I, Phase II, Phase III	57.1	190.7	120	29.1	11.5
BAAQMD Regional Threshold (lbs/day)	54	-	54	82	54
Threshold Exceeded?	Yes	No	Yes	No	No

Our analysis demonstrated that the Project's daily emissions of ROG would be 57.1 lbs/day, and daily emission of NOx would be 120 lbs/day during simultaneous Project phase construction. These emissions would exceed the 54 pounds per day (lb/day) significance thresholds set by BAAQMD, resulting in significant air quality impacts.² The City failed to respond to these comments, and has not disputed our conclusion regarding the Project's significant impacts from concurrent phase construction.

¹ See SWAPE June 21, 2017 Comments re Oak Knoll, p. 3.

² *Id.*

The October 2017 Staff Report replaces the Project phasing term that had originally been proposed for the DA with similar Project phasing provisions in proposed Conditions of Approval 23 and 24. Conditions 23 and 24 provide that “the Developer shall have the right to develop the Project at such time as Developer deems appropriate” provided that the public improvements required in Phase I are complete.³ Phase I “public improvements” include roads, parks, bridges, trails, and Rifle Range Creek improvements.⁴ Although the Staff Report explains that “public improvements in subsequent phases are tied to certificates of occupancy for new residential development that is proximate to these public improvements,”⁵ that factor would not prevent the Developer from constructing Phases 2 and 3 concurrently with the remaining building developments of Phase 1 under the proposed Conditions of Approval. Rather, as worded, Conditions 23 and 24 would allow the Developer to begin development of Phase 2 and Phase 3 at any time, as long as the prerequisite public improvements required by the Conditions are complete. This could result in simultaneous construction of all three Project phases in almost the same manner as had been proposed for the DA. As we previously commented, this scenario that was not analyzed in the FSEIR and represents a significant departure from the FSEIR’s original Project Description, which explained that Phases 1, 2, and 3 would be constructed sequentially.

Each of the three Project phases involves substantial construction activities. The FSEIR explains that Phase 1 of the Project “would include removal of existing on site concrete pads and pipelines, creek improvements, grading and construction of roadways in the Village Center area of the site, development of the Village Center and construction of 232 townhomes and 100 single family homes as part of the residential development in the south and west portions of the site” (FSEIR, p. 4.2-23). Phase 2 involves the development of most of the Uplands neighborhoods, and Phase 3 involves development of the North Creekside neighborhood. (FSEIR, p. 3-44). Phase 2 and 3 would involve grading and construction for 263 homes and 340 homes, respectively, as well as roadway development in the east, west, and north areas of the site. The earthwork volume for cut and fill is anticipated to be approximately 1 million cubic yards in Phase 2 and approximately 430,000 cubic yards in Phase 3. (FSEIR, p. 4.2-23).

If Conditions 23 and 24 were approved, they would effectively allow the Developer to concurrently develop Phase 2 and Phase 3 during construction of the 232 townhomes and 100 single family homes proposed in Phase 1. In order to provide an analysis of the air quality impacts that may occur under the provisions of the Conditions of Approval, as is required by the California Environmental Quality Act (“CEQA”), the City should have prepared an updated air quality analysis for the FSEIR that models the Project’s construction-related emissions assuming that Phase 2 and Phase 3 of construction will occur at the same time as construction of the townhomes and single-family homes proposed in Phase 1. Neither the FSEIR nor the Staff Report include any such analysis.

³ Proposed Condition of Approval No. 23 and 24.

⁴ See Staff Report, p. 7.

⁵ *Id.*

Our June 20, 2017 air quality analysis addressed a substantially similar construction scenario, in which all three Project phases would be constructed at the same time. As currently proposed, Conditions of Approval No. 23 and 24 would allow the same development schedule, save for the public improvements required for Phase 1, which would have to be constructed before any work is initiated on the other phases. Thus, construction emissions associated with concurrent Project phase construction under Conditions 23 and 24 would be equal to amounts we identified in our June 2017 comments (57.1 lbs/day of ROG, 190.7 lbs/day of CO, 120 lbs/day of NOx, 29.1 lbs/day of PM10, and 11.5 lbs/day of PM2.5), minus the emissions associated with those public improvements.

The FSEIR fails to separately quantify the construction emissions related to the public improvement portions of Phase 1 from the construction emissions associated with remaining portions of Phase 1 (construction of the townhomes and single family homes). The Staff Report similarly contains no such analysis. Therefore, we are unable to determine the amount of the Phase 1 emissions identified in the FSEIR that are attributable to the public improvements alone. It is likely that any reductions in construction emissions associated with separating out the construction of public improvements of Phase 1 may not reduce the Project's ROG or NOx emissions to less than significant levels.

The City has failed to demonstrate that the air quality impacts that may occur if Conditions of Approval No. 23 and 24 are approved would be any less than the emissions we identified in our June 2017 comments. Moreover, the air quality mitigation measures currently proposed in the FSEIR do not address the increased emissions from overlapping construction phases. Therefore, the City has no evidence on which to conclude that the Project's construction air quality emissions would be mitigated to less than significant levels with the existing mitigation measures described in the FSEIR if Conditions of Approval No. 23 and 24 are approved. This analysis must be performed in a revised FSEIR, and any significant construction air quality impacts must be mitigated to less than significant levels, before the Project can be approved.

Failure to Prepare Updated Health Risk Assessment

Construction will also generate substantial toxic air contaminant ("TAC") emissions, such as diesel particulate matter ("DPM"), throughout the three phases of construction. It is indisputable that overlapping or concurrent construction of the Project's different phases would also increase the Project's TAC emissions, potentially above applicable thresholds of significance. This would result in a significant health risk to the public. The FSEIR and Staff Report fail to include an updated health risk assessment which analyzes TAC emissions from overlapping or concurrently constructed Project phases. This analysis is necessary to accurately determine the worst-case health risk impact from Project construction, and to ascertain whether additional mitigation measures are necessary to reduce the Project's health impacts to less than significant levels. This analysis must be conducted before the Project can be approved.

By failing to conduct a proper analysis of the Project's construction-related air quality impacts under the provisions of Conditions of Approval No. 23 and 24, the Project's impacts on local and regional air

quality are greatly underestimated. A revised FSEIR should be prepared with an updated air quality analysis that accurately describes the Project's air quality impacts.

Failure to Implement All Feasible Mitigation Measures to Reduce Emissions

The FSEIR finds that the Project's operational VOC emissions will exceed applicable thresholds and concludes that the Project will result in a significant and unavoidable operational air quality impact (p. Exhibit Q, p. 35). The FSEIR identifies several mitigation measures that the Project proposes to implement into the Project design in order to reduce this impact to a less than significant level. The FSEIR nevertheless concludes that

implementation of New Mitigation Measures AIR-2.1 and AIR 2.2 could reduce level of ROG emissions by the Project, but not to levels required to be below the significance criterion (54 pounds per day). Therefore, this impact would remain significant and unavoidable" (FSEIR, p. 4.2-28).

The FSEIR's conclusion that the Project's operational VOC emissions would be significant and unavoidable even after implementation of Mitigation Measure AIR-2.1 and AIR-2.2, however, is incorrect, because the FSEIR fails to require all feasible mitigation measures to reduce VOC impacts below a level of significance.⁶

Additional mitigation measures that could be implemented to reduce operational VOC emissions include, but are not limited to, the following:

- Use material that does not require paint;
 - Using materials that do not require painting is a common mitigation measure where VOC emissions are a concern. Interior and exterior surfaces, such as concrete, can be left unpainted.
- Use spray equipment with greater transfer efficiencies;
 - Various coatings and adhesives are required to be applied by specified methods such as electrostatic spray, high-volume, low-pressure (HVLP) spray, roll coater, flow coater, dip coater, etc. in order to maximize the transfer efficiency. Transfer efficiency is typically defined as the ratio of the weight of coating solids adhering to an object to the total weight of coating solids used in the application process, expressed as a percentage. When it comes to spray applications, the rules typically require the use of either electrostatic spray equipment or HVLP spray equipment. The SCAQMD is now able to certify HVLP spray applicators and other application technologies at efficiency rates of 65 percent or greater.⁷

⁶ http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, p. 115 of 125

⁷ <http://www.aqmd.gov/home/permits/spray-equipment-transfer-efficiency>

When combined together, these measures offer a feasible way to effectively reduce the Project's operational VOC emissions, potentially to a less than significant level. As such, these mitigation measures should be considered in an updated SEIR to reduce these emissions to a less than significant level.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Hadley Nolan



Technical Consultation, Data Analysis and
Litigation Support for the Environment

1640 5th St., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

HADLEY KATHRYN NOLAN



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

2656 29th Street, Suite 201
Santa Monica, California 90405
Mobile: (678) 551-0836
Office: (310) 452-5555
Fax: (310) 452-5550
Email: hadley@swape.com

EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY JUNE 2016

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

AIR QUALITY SPECIALIST

SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Modeled construction and operational activities for proposed land use projects using CalEEMod to quantify criteria air pollutant and greenhouse gas (GHG) emissions.
- Organized presentations containing figures and tables that compare results of criteria air pollutant analyses to thresholds.
- Quantified ambient air concentrations at sensitive receptor locations using AERSCREEN, a U.S. EPA recommended screening level dispersion model.
- Conducted construction and operational health risk assessments for residential, worker, and school children sensitive receptors.
- Prepared reports that discuss adequacy of air quality and health risk analyses conducted for proposed land use developments subject to CEQA review by verifying compliance with local, state, and regional regulations.

SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Evaluated environmental impact reports for proposed projects to identify discrepancies with the methods used to quantify and assess GHG impacts.
- Quantified GHG emissions for proposed projects using CalEEMod to produce reports, tables, and figures that compare emissions to applicable CEQA thresholds and reduction targets.
- Determined compliance of proposed land use developments with AB 32 GHG reduction targets, with GHG significance thresholds recommended by Air Quality Management Districts in California, and with guidelines set forth by CEQA.

PROJECT ANALYST: ASSESSMENT OF AIR QUALITY IMPACTS FROM PROPOSED DIRECT TRANSFER FACILITY

- Assessed air quality impacts resulting from implementation of a proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services for a community.
- Organized tables and maps to demonstrate potential air quality impacts resulting from proposed hauling trip routes.
- Conducted air quality analyses that compared quantified criteria air pollutant emissions released during construction of direct transfer facility to the Bay Area Air Quality Management District's (BAAQMD) significance thresholds.
- Prepared final analytical report to demonstrate local and regional air quality impacts, as well as GHG impacts.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF LEAD PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated human exposure and lifetime health risk for over 300 lead products undergoing Proposition 65 compliance review.
- Compiled and analyzed laboratory testing data and produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 Maximum Allowable Dose Levels (MADLs) to determine level of compliance.
- Prepared final analytical lead exposure Certificate of Merit (COM) reports and organized supporting data for use in environmental enforcement statute Proposition 65 cases.

ACCOMPLISHMENTS

- Academic Honoree, Dean's List, University of California, Los Angeles

MAR 2013, MAR 2014, JAN 2015, JAN 2016

EXHIBIT B



SMITH ENGINEERING & MANAGEMENT

October 18, 2017

Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Subject: Oak Knoll Mixed Use Community Plan Project (ER 15-004)

Dear Ms. Caro:

Per your request, I reviewed the Staff Report and supplemental materials for the October 18, 2017 Oakland City Planning Commission hearing on the Oak Knoll Mixed Use Community Plan Project. My review is specific to the Transportation and Circulation matters. I have previously commented on various versions of the environmental documentation on this Project.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and parking field. I have both prepared and reviewed the transportation and circulation sections of CEQA environmental review documents. My professional resume is attached hereto.

My technical comments follow.

The City Failed to Respond To Comments on the Final Supplemental Environmental Impact Report (FSEIR)

Smith Engineering & Management provided comments on the FSEIR in a letter dated June 20, 2017.¹ Those comments were provided to the Planning Commission at the June 21, 2017 hearing on the subject Project. There has been no response to these comments, and my review of the Staff Report demonstrates that the errors and omissions in the FSEIR that were identified in my comments have not been remedied. Hence, all of my prior comments regarding deficiencies in the FSEIR's traffic analysis and mitigation measures still stand.

¹ The Smith Engineering & Management comments of June 20, 2017 are incorporated herein by reference and by attachment hereto.

Proposed Conditions of Approval No. 23 and 24 Are Likely to Cause More Severe Construction-Related Traffic Impacts Than Disclosed in the FSEIR

Newly proposed Conditions of Approval No. 23 and 24 provide that “the Developer shall have the right to develop the Project at such time as the Developer deems appropriate” provided that all public improvements for Phase 1 are complete.² These Conditions would allow the Developer to front-end construction of the public improvements for Phase 1, and then to construct the building developments of Phase 1 together with the building developments for Phases 2 and 3. This could result in simultaneous construction of all three Project phases. Conditions of Approval No. 23 and 24 present a significant change in the Project Description and traffic analysis included in the FSEIR, because the FSEIR’s traffic analysis projected Project traffic impacts based on the sequential staging of construction of Phases 1, 2, and 3.

The changes in Project phasing proposed by Conditions of Approval No. 23 and 24 are likely to result in significant impacts that have not been addressed or mitigated by the City. If Conditions 23 and 24 are approved, the Developer may choose to front-end construction of the public improvements for Phase 1, and then simultaneously construct the remainder of Phase 1 together with Phases 2 and 3. This would result in considerably more severe construction traffic impacts than the impacts that were disclosed in the FSEIR. The FSEIR’s traffic study analyzed a straight line growth in non-Project background traffic from the existing conditions to the Year 2040 projection. The traffic study then projected the growth of Project traffic related to the sequential time schedule for completion of the three phases of the Project, with Phase 1, Phase 2, and Phase 3 being completed at different times. The FSEIR then selected the timing of the Project’s required off-site traffic improvements based on the Project’s projected contribution of traffic at each intersection during and following each Project construction phase. The FSEIR does not currently require the Project’s off-site traffic mitigation measures to be constructed as part of the Project’s Phase 1 public improvements. Hence, Conditions of Approval No. 23 and 24 would give the Developer the right to develop the Project well in advance of the timeline for traffic mitigation measures that is currently defined in the FSEIR. This is likely to cause the public to experience significant traffic impacts that go unmitigated for years.

The lack of analysis and mitigation of the potential consequences of Conditions of Approval No. 23 and 24 with regard to construction traffic impacts are significant flaws in the FSEIR which must be corrected in a revised FSEIR before the City can consider allowing accelerated construction of the Project.

² See Condition 23 and 24, Staff Report, p. 13.

The City Lacks Evidence to Support the Planning Commission's Proposed Findings With Regard to Construction Traffic Impacts.

In addition to not addressing the accelerated construction proposed by proposed Conditions of Approval 23 and 24, the FSEIR fails to adequately quantify construction traffic impacts during the construction stage of each phase of the Project.

The only quantitative analysis of construction traffic included in the FSEIR includes some sparse quantitative information related to truck hauling during the Project's initial demolition/grading activity. This information is incomplete, because the FSEIR lacks any information related to construction worker vehicles and traffic. In order to accurately analyze the impacts of construction traffic, the FSEIR must identify the number of workers on site during each phase, as well as management and inspection personnel, quantification of their commute travel distances, haul trips associated with import of construction materials and disposal of construction spoils, and trips of service vehicles associated with service and fueling of on-site equipment and food truck traffic. The FSEIR fails to include this basic information, making it impossible to calculate the construction traffic that would be generated by concurrent construction of Phases 1, 2, and 3 that would be allowed under proposed Conditions of Approval No. 23 and 24. Thus, the City clearly lacks evidence to support the proposed FSEIR findings that construction traffic impacts are fully mitigated.

The FSEIR's construction traffic analysis must be amended to correct these flaws, as well as to analyze the compounded impacts on construction traffic if the Project's construction phases occur simultaneously, as would be permitted under Conditions of Approval No. 23 and 24. If impacts are determined to be significant, additional mitigation measures must be incorporated into the MMRP to reduce compounded construction traffic impacts to less than significant levels.

The FSEIR Should Require Acceleration of Traffic Mitigation Implementation to Address Accelerated Traffic Impacts

The City previously proposed including a condition in the Project's Development Agreement that would have accelerated completion of all off-site traffic improvements for the entirety of the Project to require their completion during the first phase of the Project. Such a condition would have appropriately assured timely mitigation of all anticipated traffic impacts before they were actually experienced. The Staff Report now claims that, since the Developer has withdrawn its Development Agreement application, the City has no other means to compel the Developer to install these traffic improvements in advance of the schedule called for in the FSEIR. This conclusion is incorrect. The FSEIR can,

Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
October 17, 2017
Page 4

and must, be revised to require the Developer to accelerate construction of the Project's off-site traffic improvements to address the accelerated Project construction schedule which the City proposes to allow under Conditions of Approval No. 23 and 24.

The FSEIR's traffic study analyzed a straight line growth in non-Project background traffic from the existing conditions to the Year 2040 projection. The traffic study then projected the growth of Project traffic related to the sequential time schedule for completion of the three phases of the Project, with Phase 1, Phase 2, and Phase 3 being completed at different times. The FSEIR ultimately selected the timing of the Project's required off-site traffic improvements based on the Project's projected contribution of traffic at each intersection during and following each Project construction phase.

As discussed above, proposed Conditions of Approval No. 23 and 24 would give the Developer the right to develop the Project well in advance of the timeline for traffic mitigation measures that is currently defined in the FSEIR. This is likely to cause significant traffic impacts that go unmitigated for years under the FSEIR's current traffic mitigation schedule. This factor necessitates early mitigation of Project traffic impacts.

Traffic mitigations should also be accelerated to address accelerated regional growth. Sustained favorable economic conditions in the East Bay region are currently propelling non-Project traffic growth in early years at a rate greater than the straight line growth assumed in the FSEIR. This factor further necessitates early mitigation of Project traffic impacts. The FSEIR should be revised to require the same advanced installation of the off-site intersection improvements that was proposed to be required in the Development Agreement.

Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
October 17, 2017
Page 5

Conclusion

This completes my current comments on the Staff input to the Planning Commission hearing of October 18, 2017.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

SMITH ENGINEERING & MANAGEMENT



DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
October 17, 2017
Page 7

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478



June 20, 2017

Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

**Subject: Oak Knoll Mixed Use Community Plan Project Supplemental EIR
(ER 15-004)**

Dear Ms. Caro:

Per your request, I reviewed the Oak Knoll Mixed Use Community Plan Project Supplemental EIR. My review is specific to the Transportation and Circulation section of the document and the supporting Appendix V. I have also reviewed the California Department of Transportation (Caltrans) comments on the Draft Supplemental EIR and the City's response thereto.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and parking field. I have both prepared and reviewed the transportation and circulation sections of CEQA environmental review documents. My professional resume is attached hereto.

My technical comments follow.

The FSEIR Obscures the Sparsity of Transit Service Available To The Project. The Shuttle Service To/From BART Proposed in the Transportation Demand Management Program Is Too Infrequent To Have Optimum Effect

Because the FSEIR includes school tripper routes in the figures and tables addressing transit services to the Project area as if they were services available to the general public, the FSEIR obscures the true sparsity¹ of transit services to the Project area. The FSEIR also fails to note that the limited routes available to

¹ Limited routes and low frequency of services.

general public use are downhill of the Project site. As a result, persons accessing or returning to the Project site face a steep uphill walk to complete their trip. In this circumstance, the shuttle service to BART proposed in the Transportation Demand Management Program (DSEIR Appendix BB) is a potentially excellent mitigation measure. However, the proposed headway, possibly as long as 40 minutes between shuttles, and that only in 3 hour morning and evening peak periods, is too infrequent to achieve meaningful ridership. With such infrequent service, persons who just missed a shuttle are likely to resort to a ride-hailing service, defeating the purpose of the shuttle. To be effective, shuttles would need to operate at a headway of about 20 minutes.

The City's Response to Caltrans Comments Is Inadequate

The FSEIR characterizes impacts Trans-1, Trans-2, Trans-3, Trans-5, Trans-8, Trans-9, Trans-10, Trans-12, and Trans-14 as significant and unavoidable because they involve impacts to transportation facilities not under the City of Oakland's jurisdiction. In a letter dated October 12, 2016, Caltrans commented that the City and the applicant should implement feasible mitigations to these impacts as required Project mitigation on a fair share basis, operating through the Caltrans encroachment permit process. However, the City's response is ambiguous, stating "*the City will coordinate with Caltrans and the Project applicant on design, funding, and timing for implementation of the mitigation measures that require coordination with Caltrans*". This is inadequate. The SEIR should require the applicant to commit specified amounts of fair share funding toward each mitigation measure to an escrow account for that purpose and coordinate with Caltrans regarding how any other fair share fees will be made good to enable implementation.

The City's Staff Report for the June 21, 2017 Planning Commission meeting makes note that the mitigation measures that relate to roadways under Caltrans jurisdiction cannot go through the Caltrans encroachment permit process until the FSEIR is certified. The Caltrans encroachment permit process is meant to assure that improvements or mitigation measures constructed by other jurisdictions or private parties on Caltrans facilities are operationally sensible, conform to State and (when applicable) U.S. Department of Transportation highway design standards or qualify for reasonable exceptions to design standards and assure that traveler and worker safety is reasonably protected during the construction period. Because Caltrans does not wish to waste staff time reviewing plans for projects that may not be approved by local authorities, it requires that environmental review be completed before entering the encroachment permit process. However, this does not preclude the local jurisdiction from requiring a funding commitment for the mitigation measures from the applicant as a condition for the FSEIR approval.

Caltrans letter of October 12, 2016 also observed that the I-580 off-ramps to Golf Links Road queue excessively and that this must be indicative of worse Level-of-Service at the ramp terminus intersections than presented in the FSEIR. The City's response presents a tedious technical explanation of why it believes the analysis as presented is correct, referring to appendix tables and computation work sheets. Then finally, the response admits that the queuing on the off-ramps is excessive and states that mitigation measures Trans-14 and Trans-15 will address this situation by widening the off-ramps. However, this ignores the fact that those impact conditions are classified as significant and unavoidable and that the City has not yet required the applicant to commit fair share funding toward implementation of mitigation.

Mitigation Trans-6 Is Clearly Ineffective and Not A Feasible Mitigation

Purported mitigation measure Trans-6 at the intersection of Golf Links Road and Mountain Boulevard attempts to resolve traffic impacts by restriping lanes at the intersection, signaling it and coordinating the new signal with signals at the intersections of Golf Links Road with freeway ramps on both sides of I-580. However, as the FSEIR observes at page 4.13-69, the mitigation measure might result in queue blockages at the nearby intersections of Golf Links Road with both sets of I-580 ramps. But this does not make traffic impacts at the intersection of Golf Links with Mountain 'significant and unavoidable' as the FSEIR claims. It just means the FSEIR preparers may not have worked diligently enough to define a feasible mitigation.

In fact, aerial views show that there is sufficient undeveloped land to the east of Mountain Boulevard near Golf Links Road that the alignment of Mountain Boulevard could be shifted to the east, significantly increasing the separation between the intersection of Mountain with Golf Links and the intersection of Golf Links with the eastbound I-580 ramps, thereby potentially curing the queue blockage problem. CEQA requires the environmental analysis to consider all feasible mitigation. The DSEIR clearly has not done so in this instance. The preparers must go back to the drawing board and analyze this option.

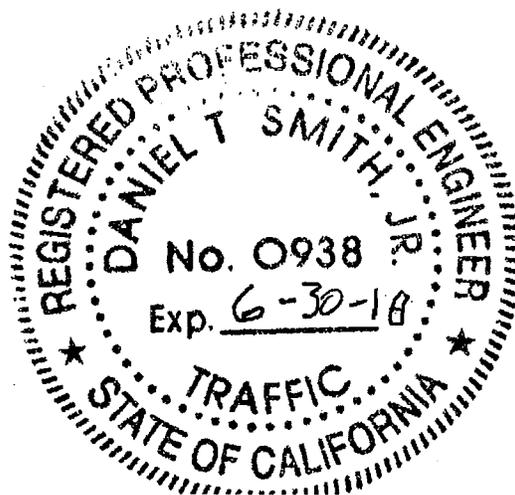
Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
June 20, 2017
Page 4

Conclusion

Given the above, I believe that the FSEIR is inadequate and that the Transportation Demand Management shuttle service and process for fair share implementation of mitigation measures involving Caltrans must be refined.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

SMITH ENGINEERING & MANAGEMENT



DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 3 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

FRANK • TRANSPORTATION • MANAGEMENT

5111 Leidy Road, Union City, CA 94587 TEL 9104890977 FAX 9104890978

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

EXHIBIT C

October 17, 2017

Ms. Christina M. Caro
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: Comments on the Staff Report for the Oak Knoll Mixed Use Community Plan Project

Dear Ms. Caro:

I submitted an extensive comment letter that addressed deficiencies with the biological resources analyses provided in the Draft Supplemental Environmental Impact Report (“DSEIR”) prepared for the Oak Knoll Mixed Use Community Plan Project (“Project”) by the City of Oakland (“City”). Although the City’s Final Supplemental Environmental Impact Report (“FSEIR”) provided responses to my comments, the responses failed to resolve most of the issues I raised. As a result, I submitted an additional comment letter (dated 18 June 2017) that addressed deficiencies with the FSEIR and the City’s responses to my comments. The following comments address the Staff Report that was prepared for the 18 October 2017 Planning Commission meeting.

The Staff Report Fails to Address Prior Comments on the DSEIR and FSEIR

Attachment S to the Staff Report is titled *Public Comments, including Additional Public Comments since June 21, 2017*. Whereas Attachment S includes numerous public comment letters, it fails to mention, or provide a copy of, my 18 June 2017 letter. Furthermore, because the Staff Report fails to address the issues I raised in that letter, I maintain the position that the DSEIR and FSEIR do not adequately address the Project’s impacts on biological resources.

Impacts to Oak Woodlands and Trees Protected Under the City’s Tree Protection Ordinance

Attachment P to the Staff Report provides the Project’s Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMP”). SCA BIO-5 in the SCAMMP requires the Master Developer to submit a Tree Permit application and proposed tree removal/planting plans. According to the SCAMMP (p. 37), this task has been completed because the Applicant submitted: (a) the Tree Permit application and proposed tree removal/planting plans on 21 October 2016, and (b) the Tree Removal Impact Mitigation Plan on 24 March 2017. Neither document, however, reflects removal of the 5.4-acre “Barcelona” parcel from the Applicant’s Project. This is a critical flaw in the Project’s proposed permits, for several reasons:

First, the Applicant's Tree Removal Plan identifies multiple "protected" trees that would be removed from the Barcelona parcel.¹ Because the Staff Report fails to include an updated Tree Removal Plan, it is unclear how many trees the Applicant intends to remove from the Barcelona parcel, and similarly, how many trees the City is permitting the Applicant to remove from the Barcelona parcel.

Second, the City has agreed to designate a 50-foot-wide easement within the Barcelona parcel for public street purposes.² According to Standard Condition of Approval #67: "the Applicant shall improve the 'Barcelona Road Reservation' as a public street across APN 048-6870-002...The improvements shall include tree removal, foundation removal, etc., to prepare the area for grading to create the roadbed, installation of utilities that are appurtenant to a public street, and installation of an appropriate emergency vehicle access gate or bollards."³ However, because the Barcelona parcel "has been removed from the Applicant's Project,"⁴ it is unclear if the mitigation measures that are required *for the Project* (i.e., in the EIR) would, or can, be implemented for construction of the road.

Third, the Applicant's Tree Removal Impact Mitigation Plan identifies a relatively large planting area within the Barcelona parcel that is intended as mitigation for the Project's impacts to biological resources.⁵ Because the Barcelona parcel is no longer a part of the Project, the Applicant can no longer use that planting area to help satisfy its on-site mitigation requirement under Mitigation Measure BIO-2.⁶ The Staff Report fails to address this issue, and fails to propose any replacement mitigation for the lost planting acreage.

Fourth, the map provided with the Staff Report suggests construction of the road through the Barcelona parcel would impact numerous protected trees.⁷ The Staff Report, however, provides no discussion of how impacts to those trees would be mitigated, especially given the inability to plant replacement trees within the Barcelona parcel.

¹ See Appendix A (Tree Removal Plan) to Attachment M (Tree Removal/Replacement Plan) of the Staff Report.

² Staff Report, p. 4.

³ Staff Report, Attachment R-2, p. 35.

⁴ Staff Report, p. 3.

⁵ See Appendix B (Conceptual Mitigation Plan) to Attachment M (Tree Removal/Replacement Plan) of the Staff Report.

⁶ Staff Report Attachment P (SCAMMP), p. 34. Moreover, the Applicant has no ability to establish a restrictive covenant to protect planting areas on City-owned property.

⁷ Staff Report Attachment R-2, Exhibit E. *See also* Appendix A (Tree Removal Plan) to Attachment M (Tree Removal/Replacement Plan) of the Staff Report.

These issues must be remedied before the City may consider approving the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Cashen", written in a cursive style.

Scott Cashen, M.S.
Senior Biologist

Scott Cashen, M.S.

Senior Biologist / Forest Ecologist

3264 Hudson Avenue, Walnut Creek, CA 94597. (925) 256-9185. scottcashen@gmail.com

Scott Cashen has 20 years of professional experience in natural resources management. During that time he has worked as a field biologist, forester, environmental consultant, and instructor of Wildlife Management. Mr. Cashen currently operates an independent consulting business that focuses on CEQA/NEPA compliance issues, endangered species, scientific field studies, and other topics that require a high level of scientific expertise.

Mr. Cashen has knowledge and experience with many taxa, biological resource issues, and environmental regulations. This knowledge and experience has made him a highly sought after biological resources expert. To date, he has been retained as a biological resources expert for over 40 projects. Mr. Cashen's role in this capacity has encompassed all stages of the environmental review process, from initial document review through litigation support and expert witness testimony.

Mr. Cashen is a recognized expert on the environmental impacts of renewable energy development. He has been involved in the environmental review process for 28 renewable energy projects, and he has been a biological resources expert for more of California's solar energy projects than any other private consultant. In 2010, Mr. Cashen testified on 5 of the Department of the Interior's "Top 6 Fast-tracked Solar Projects" and his testimony influenced the outcome of each of these projects.

Mr. Cashen is a versatile scientist capable of addressing numerous aspects of natural resource management simultaneously. Because of Mr. Cashen's expertise in both forestry and biology, Calfire had him prepare the biological resource assessments for all of its fuels treatment projects in Riverside and San Diego Counties following the 2003 Cedar Fire. Mr. Cashen has led field studies on several special-status species, including plants, fish, reptiles, amphibians, birds, and mammals. Mr. Cashen has been the technical editor of several resource management documents, and his strong scientific writing skills have enabled him to secure grant funding for several clients.

AREAS OF EXPERTISE

- CEQA, NEPA, and Endangered Species Act compliance issues
- Comprehensive biological resource assessments
- Endangered species management
- Renewable energy
- Forest fuels reduction and timber harvesting
- Scientific field studies, grant writing and technical editing

EDUCATION

M.S. Wildlife and Fisheries Science - The Pennsylvania State University (1998)

B.S. Resource Management - The University of California, Berkeley (1992)

PROFESSIONAL EXPERIENCE

Litigation Support / Expert Witness

As a biological resources expert, Mr. Cashen reviews CEQA/NEPA documents and provides his client(s) with an assessment of biological resource issues. He then prepares written comments on the scientific and legal adequacy of the project's environmental documents (e.g., EIR). For projects requiring California Energy Commission (CEC) approval, Mr. Cashen has submitted written testimony (opening and rebuttal) in conjunction with oral testimony before the CEC.

Mr. Cashen can lead field studies to generate evidence for legal testimony, and he can incorporate testimony from his deep network of species-specific experts. Mr. Cashen's clients have included law firms, non-profit organizations, and citizen groups.

REPRESENTATIVE EXPERIENCE

Solar Energy Facilities

- Abengoa Mojave Solar Project
- Avenal Energy Power Plant
- Beacon Solar Energy Project
- Blythe Solar Power Project
- Calico Solar Project
- Calipatria Solar Farm II
- Carrizo Energy Solar Farm
- Catalina Renewable Energy Project
- Fink Road Solar Farm
- Genesis Solar Energy Project
- Heber Solar Energy Facility
- Imperial Valley Solar Project
- Ivanpah Solar Electric Generating
- Maricopa Sun Solar Complex
- Mt. Signal and Calexico Solar
- San Joaquin Solar I & II
- Solar Gen II Projects
- SR Solis Oro Loma
- Vestal Solar Facilities
- Victorville 2 Power Project

Geothermal Energy Facilities

- East Brawley Geothermal
- Mammoth Pacific 1 Replacement
- Western GeoPower Plant and

Wind Energy Facilities

- Catalina Renewable Energy Project
- Ocotillo Express Wind Energy
- San Diego County Wind Ordinance
- Tres Vaqueros Repowering Project
- Vasco Winds Relicensing Project

Biomass Facilities

- Tracy Green Energy Project

Development Projects

- Alves Ranch
- Aviano
- Chula Vista Bayfront Master Plan
- Columbus Salame
- Concord Naval Weapons Station
- Faria Annexation
- Live Oak Master Plan
- Napa Pipe
- Roddy Ranch
- Rollingwood
- Sprint-Nextel Tower

Project Management

Mr. Cashen has managed several large-scale wildlife, forestry, and natural resource management projects. Many of these projects have required hiring and training field crews, coordinating with other professionals, and communicating with project stakeholders. Mr. Cashen's experience in study design, data collection, and scientific writing make him an effective project manager, and his background in several different natural resource disciplines enable him to address the many facets of contemporary land management in a cost-effective manner.

REPRESENTATIVE EXPERIENCE

Wildlife Studies

- Peninsular Bighorn Sheep Resource Use and Behavior Study: (CA State Parks)
- "KV" Spotted Owl and Northern Goshawk Inventory: (USFS, Plumas NF)
- Amphibian Inventory Project: (USFS, Plumas NF)
- San Mateo Creek Steelhead Restoration Project: (Trout Unlimited and CA Coastal Conservancy, Orange County)
- Delta Meadows State Park Special-status Species Inventory: (CA State Parks, Locke)

Natural Resources Management

- Mather Lake Resource Management Study and Plan – (Sacramento County)
- Placer County Vernal Pool Study – (Placer County)
- Weidemann Ranch Mitigation Project – (Toll Brothers, Inc., San Ramon)
- Ion Communities Biological Resource Assessments – (Ion Communities, Riverside and San Bernardino Counties)
- Del Rio Hills Biological Resource Assessment – (The Wyro Company, Rio Vista)

Forestry

- Forest Health Improvement Projects – (CalFire, SD and Riverside Counties)
- San Diego Bark Beetle Tree Removal Project – (SDG&E, San Diego Co.)
- San Diego Bark Beetle Tree Removal Project – (San Diego County/NRCS)
- Hillslope Monitoring Project – (CalFire, throughout California)

Biological Resources

Mr. Cashen has a diverse background with biological resources. He has conducted comprehensive biological resource assessments, habitat evaluations, species inventories, and scientific peer review. Mr. Cashen has led investigations on several special-status species, including ones focusing on the foothill yellow-legged frog, mountain yellow-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and forest carnivores.

REPRESENTATIVE EXPERIENCE

Avian

- Study design and Lead Investigator - Delta Meadows State Park Special-Status Species Inventory (*CA State Parks: Locke*)
- Study design and lead bird surveyor - Placer County Vernal Pool Study (*Placer County: throughout Placer County*)
- Surveyor - Willow flycatcher habitat mapping (*USFS: Plumas NF*)
- Independent surveyor - Tolay Creek, Cullinan Ranch, and Guadacanal Village restoration projects (*Ducks Unlimited/USGS: San Pablo Bay*)
- Study design and Lead Investigator - Bird use of restored wetlands research (*Pennsylvania Game Commission: throughout Pennsylvania*)
- Study design and surveyor - Baseline inventory of bird species at a 400-acre site in Napa County (*HCV Associates: Napa*)
- Surveyor - Baseline inventory of bird abundance following diesel spill (*LFR Levine-Fricke: Suisun Bay*)
- Study design and lead bird surveyor - Green Valley Creek Riparian Restoration Site (*City of Fairfield: Fairfield, CA*)
- Surveyor - Burrowing owl relocation and monitoring (*US Navy: Dixon, CA*)
- Surveyor - Pre-construction raptor and burrowing owl surveys (*various clients and locations*)
- Surveyor - Backcountry bird inventory (*National Park Service: Eagle, Alaska*)
- Lead surveyor - Tidal salt marsh bird surveys (*Point Reyes Bird Observatory: throughout Bay Area*)
- Surveyor - Pre-construction surveys for nesting birds (*various clients and locations*)

Amphibian

- Crew Leader - Red-legged frog, foothill yellow-legged frog, and mountain yellow-legged frog surveys (*USFS: Plumas NF*)

- Surveyor - Foothill yellow-legged frog surveys (*PG&E: North Fork Feather River*).
- Surveyor - Mountain yellow-legged frog surveys (*El Dorado Irrigation District: Desolation Wilderness*)
- Crew Leader - Bullfrog eradication (*Trout Unlimited: Cleveland NF*)

Fish and Aquatic Resources

- Surveyor - Hardhead minnow and other fish surveys (*USFS: Plumas NF*)
- Surveyor - Weber Creek aquatic habitat mapping (*El Dorado Irrigation District: Placerville, CA*)
- Surveyor - Green Valley Creek aquatic habitat mapping (*City of Fairfield: Fairfield, CA*)
- GPS Specialist - Salmonid spawning habitat mapping (*CDFG: Sacramento River*)
- Surveyor - Fish composition and abundance study (*PG&E: Upper North Fork Feather River and Lake Almanor*)
- Crew Leader - Surveys of steelhead abundance and habitat use (*CA Coastal Conservancy: Gualala River estuary*)
- Crew Leader - Exotic species identification and eradication (*Trout Unlimited: Cleveland NF*)

Mammals

- Principal Investigator – Peninsular bighorn sheep resource use and behavior study (*California State Parks: Freeman Properties*)
- Scientific Advisor – Study on red panda occupancy and abundance in eastern Nepal (*The Red Panda Network: CA and Nepal*)
- Surveyor - Forest carnivore surveys (*University of CA: Tahoe NF*)
- Surveyor - Relocation and monitoring of salt marsh harvest mice and other small mammals (*US Navy: Skagg's Island, CA*)
- Surveyor – Surveys for Monterey dusky-footed woodrat. Relocation of woodrat houses (*Touré Associates: Prunedale*)

Natural Resource Investigations / Multiple Species Studies

- Scientific Review Team Member – Member of the science review team assessing the effectiveness of the US Forest Service's implementation of the Heger-Feinstein Quincy Library Group Act.
- Lead Consultant - Baseline biological resource assessments and habitat mapping for CDF management units (*CDF: San Diego, San Bernardino, and Riverside Counties*)

- Biological Resources Expert – Peer review of CEQA/NEPA documents (*Adams Broadwell Joseph & Cardoza: California*)
- Lead Consultant - Pre- and post-harvest biological resource assessments of tree removal sites (*SDG&E: San Diego County*)
- Crew Leader - T&E species habitat evaluations for Biological Assessment in support of a steelhead restoration plan (*Trout Unlimited: Cleveland NF*)
- Lead Investigator - Resource Management Study and Plan for Mather Lake Regional Park (*County of Sacramento: Sacramento, CA*)
- Lead Investigator - Biological Resources Assessment for 1,070-acre Alfaro Ranch property (*Yuba County, CA*)
- Lead Investigator - Wildlife Strike Hazard Management Plan (*HCV Associates: Napa*)
- Lead Investigator - Del Rio Hills Biological Resource Assessment (*The Wyro Company: Rio Vista, CA*)
- Lead Investigator – Ion Communities project sites (*Ion Communities: Riverside and San Bernardino Counties*)
- Surveyor – Tahoe Pilot Project: Validation of California’s Wildlife Habitat Relationships (CWHR) Model (*University of California: Tahoe NF*)

Forestry

Mr. Cashen has five years of experience working as a consulting forester on projects throughout California. Mr. Cashen has consulted with landowners and timber operators on forest management practices; and he has worked on a variety of forestry tasks including selective tree marking, forest inventory, harvest layout, erosion control, and supervision of logging operations. Mr. Cashen’s experience with many different natural resources enable him to provide a holistic approach to forest management, rather than just management of timber resources.

REPRESENTATIVE EXPERIENCE

- Lead Consultant - CalFire fuels treatment projects (*SD and Riverside Counties*)
- Lead Consultant and supervisor of harvest activities – San Diego Gas and Electric Bark Beetle Tree Removal Project (*San Diego*)
- Crew Leader - Hillslope Monitoring Program (*CalFire: throughout California*)
- Consulting Forester – Forest inventories and timber harvest projects (*various clients throughout California*)

Grant Writing and Technical Editing

Mr. Cashen has prepared and submitted over 50 proposals and grant applications. Many of the projects listed herein were acquired through proposals he wrote. Mr. Cashen's clients and colleagues have recognized his strong scientific writing skills and ability to generate technically superior proposal packages. Consequently, he routinely prepares funding applications and conducts technical editing for various clients.

PERMITS

U.S. Fish and Wildlife Service Section 10(a)(1)(A) Recovery Permit for the Peninsular bighorn sheep

CA Department of Fish and Game Scientific Collecting Permit

PROFESSIONAL ORGANIZATIONS / ASSOCIATIONS

The Wildlife Society (Conservation Affairs Committee member)

Cal Alumni Foresters

Mt. Diablo Audubon Society

OTHER AFFILIATIONS

Scientific Advisor and Grant Writer – *The Red Panda Network*

Scientific Advisor – *Mt. Diablo Audubon Society*

Grant Writer – *American Conservation Experience*

Scientific Advisor and Land Committee Member – *Save Mt. Diablo*

TEACHING EXPERIENCE

Instructor: Wildlife Management - The Pennsylvania State University, 1998

Teaching Assistant: Ornithology - The Pennsylvania State University, 1996-1997

Klein, Heather

From: Jim Hanson <jim.hanson.cnga@gmail.com>
Sent: Wednesday, October 18, 2017 4:55 PM
To: Adhi Nagra
Cc: Klein, Heather
Subject: Oak Knoll SEIR need for better native grassland mitigation
Attachments: Oak Knoll_Planning Commission_10-18-17_CNGA comments.pdf

Dear Planning Chair Nagra,

The California Native Grasslands Association requests that the SEIR and Conditions of Approval be revised to mitigate for any loss of the intact and rare native grassland that is not conserved in the design and construction at Oak Knoll.

Attached is our letter for tonight's hearing..

Thank you for your consideration of this request.

Jim Hanson
Chair, Conservation
510-388-7439



California
Native
Grasslands
Association

P.O. Box 72405
Davis, CA 95617

Phone/Fax 530.297.0500

www.cnga.org
admin@cnga.org

The mission of the California Native Grasslands Association is to promote, preserve, and restore the diversity of California's native grasses and grassland ecosystems through education, advocacy, research, and stewardship.

October 18, 2017

Adhi Nagra, Chair, and Members of the Planning Commission
Heather Klein, Planner
City of Oakland Planning Commission
250 Frank H. Ogawa Plaza Ste. 3315
Oakland, CA 94612
via Email: nagrajplanning@gmail.com, hklein@oaklandnet.com

RE: SEIR and Conditions of Approval need to be revised to mitigate for any loss of purple needlegrass grassland at Oak Knoll

Dear Planning Commission Chair Nagra, Commissioners, and City Staff, Ms. Klein:

The California Native Grasslands Association is a statewide organization that celebrates and works to conserve the richness of our ecologically important native grasslands.

Despite the several comments during your public review, the proposed Supplemental Environmental Impact Report (SEIR) for the Oak Knoll project still unfortunately does not adequately avoid and/or mitigate for the proposed permanent loss of 3.86 acres of the rare and sensitive California native grassland community on the eastern knoll of the project site. Intact native grasslands are threatened and vulnerable across the Bay Area and our state. The SEIR Biological Resources Assessment (WRA, 2015) reports that the native purple needle grass population at Oak Knoll qualifies as a rare plant community in California (Manual of California Vegetation, second edition, 2008).

Based on an inadequate analysis, the SEIR states that permanently eliminating one-third of the intact native grassland and forb area in the Oak Knoll project site is not a significant environmental impact. The primary rationale is that some purple needle grassland still survives at Knowland Park and at other locations. Yet, as your Commission is aware, the Oakland Planning Commission and City Council required that any loss of native grassland for construction of the Oakland Zoo California Trail Project within Knowland Park had to be mitigated, not simply written off - the Commission and Council stipulated that any loss of the purple

needle grass community at Knowland Park had to be mitigated at a 3:1 ratio for any native grassland impacts.

Considering the rarity of the remaining intact purple needle grass grassland population at Oak Knoll, and consistent with the City's planning standards to correct for impacts to Oakland's native plant heritage, we recommend that the SEIR "BIO" section, as well as the project Conditions of Approval, be revised to provide a 3:1 mitigation ratio for any loss to the purple needlegrass grassland there.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Hanson", with a long horizontal flourish extending to the right.

Jim Hanson, Conservation Chair