

Oakland Chinatown Coalition  
Oakland Chinatown Chamber of Commerce  
Asian Health Services

October 24, 2003

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RE: Jack London Square Redevelopment Project  
SCH #2003022086

Dear Ms. Cappio:

Embedded in our comments on the Jack London Square Redevelopment DEIR are two values shared by the Oakland Chinatown Chamber of Commerce and Asian Health Services. First, we support efforts to rejuvenate Jack London Square. We believe that Oakland can and should promote the development of a vibrant waterfront district. We believe just as fervently that Oakland has a responsibility to protect the existing vitality of Chinatown from risks posed by the Project's unintended effects on the environment, such as spillover traffic, air pollution and noise. This DEIR unfortunately does not account for the Project's long-term impacts on Oakland Chinatown.

The DEIR is designed to review the environmental effects of all entitlements that this Project will need through its 2025 buildout. Given the inevitable uncertainties of market for development so far into the future, the DEIR takes the *theoretically* conservative approach of defining a Project that "will likely be less than the maximum envelope of development analyzed in the EIR."<sup>1</sup>

In *practice*, however, the conservatism that defines an overly-large project does not carry through to other aspects of the analysis. For example,

- the Region of Impact is not large enough to encompass all of the impacts that the overly-large Project would generate ;
- proposed mitigations do not match the Project's size (i.e., more effective and extensive mitigations than those proposed would be feasible for a project of the defined size);
- no alternatives with lesser impacts are examined; and
- the Project is actually larger than the Project Description when all parking is included.

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<sup>1</sup> Page III-4

The DEIR reflects little concern that the over-sized Project will generate unavoidable impacts that are substantially greater than a more realistically sized project in apparent anticipation that Findings of Overriding Need will unquestionably be made. If this DEIR is not substantially revised, any development project fitting under the umbrella of the over-sized Project could be built. Among the impacts likely to be overlooked and to escape mitigation by this process are those in Chinatown. This deficiency of the DEIR is structured into some of the study's most basic assumptions.

## PROJECT DESCRIPTION

### Clarify the application.

The Project evaluated in the DEIR is presented as “the most intensive combination of ... proposed variations and uses, considered to be the worst-case scenario from an environmental impact perspective”<sup>2</sup>. Please clarify whether approval of the approved Project will apply to only the specific development programs described in Appendix A; e.g., would the parking area in Site G would have to be *either* 380ksf (Variant 0), *or* 260 ksf (Variant 1), *or* 420 ksf (Variant 2)? Or would approval of Project would allow Site G to include any amount of parking within the described range (e.g., between 260 ksf and 420 ksf.)? Or do the areas in the matrix represent maximum amounts, with no minimum requirements?

The Project description<sup>3</sup> states that the Project mentions approximately 1,293 parking spaces, comprising 480 ksf of parking, located on two sites (F2 and G)<sup>4</sup>. Appendix A indicates the area devoted to parking could be more than 1 ½ greater (751 ksf on three sites (F2, G, and F3). Since high parking availability contributes to high single occupancy vehicle (SOV) rates and lower transit use, the maximum number of parking spaces should be the basis for a conservative analysis of modal split and trip generation.

### The amount of parking included in the Project Description gives a misleading picture of the amount that will be required.

In addition to the 1,293 spaces lists, buildings will be required to include their own parking as mitigation for the impact of inadequate parking<sup>5</sup>. For example, the hotel on Site F3 will be required to include additional parking at the rate of 1 – 1.25 spaces per room. The Project Description therefore gives an incomplete and misleading picture of the scale of the Project, which could be easily corrected by incorporating this mitigation into the Project. The massive amount of additional parking has not been factored into the vehicle trip generation numbers that are the basis for the analysis of traffic operating conditions. The additional parking will change the numbers, if for no other reason than its effect on the modal split. Since there is no analysis of the impact of the parking mitigation (as CEQA requires), the integrity of the entire transportation analysis is compromised.<sup>6</sup>

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<sup>2</sup> Page III-4

<sup>3</sup> Page III-6

<sup>4</sup> Page III-7

<sup>5</sup> Page IV B-53

<sup>6</sup> Shoup, Donald, « The Trouble with Minimum Parking Requirements », *Transportation Research Part A*, Vol. 33 (1999), pp. 549-574

## LAND USE, PLANS AND POLICIES

### Does the Project comply with Public Trust requirements?

The text indicates that the Project area is subject to the Public Trust.<sup>7</sup> Please include a map that indicates Public Trust boundaries. Clarify whether office, retail, and entertainment uses that are programmed for Public Trust sites will be Trust-compliant, water-related uses. If they are not, indicate how the Project would be modified to bring it into compliance.

## TRANSPORTATION, CIRCULATION, AND PARKING

### The Project Study Area, or Region of Impact (ROI) for Traffic Operating Conditions needs to include Chinatown.

The ROI for traffic operations is too small to capture all of the traffic impacts for a project this large. Chinatown intersections are conspicuously missing from the study area. One of the consequences of this omission is that the DEIR does not contain data on Chinatown intersections that is comparable to information on the intersections in the study area. Field surveys were used to modify– or validate – the LOS calculated by the traffic model for intersection in the study area.

The omission of Chinatown is inconsistent with the three factors that the DEIR nominally relied on to select intersections defining the study area: (1) proximity, (2) importance to traffic circulation in the area, and (3)“expected dispersion of project-generated traffic volumes on the area’s road network.”<sup>8</sup> A fourth factor needs to be added: (4) intersections impacted by non-Project traffic that has been diverted by Project congestion.

Each of the four factors argues for inclusion of Chinatown intersections in the Study Area.:

1. The intersections that the DEIR screened into the study can be used to define “proximity to the project site” Chinatown clearly falls within a circle comprised of the analyzed intersections. See Figure A.
2. Webster Street intersections must be included among those important to the area’s traffic circulation,. It is only southbound arterial, between Broadway and Oak connecting Grand Avenue to the Embarcadero. The DEIR itself acknowledges the importance of Webster as the connecting link between Chinatown and the Jack London District.<sup>9</sup> It also is the primary route for traffic traveling to the Jack London District from a large portion of the city north of Grand.
3. Chinatown intersections – especially along Webster, Harrison, and Franklin – belong in the study area because they will host Project traffic trying to escape unavoidable LOS F delays at intersections along Broadway.

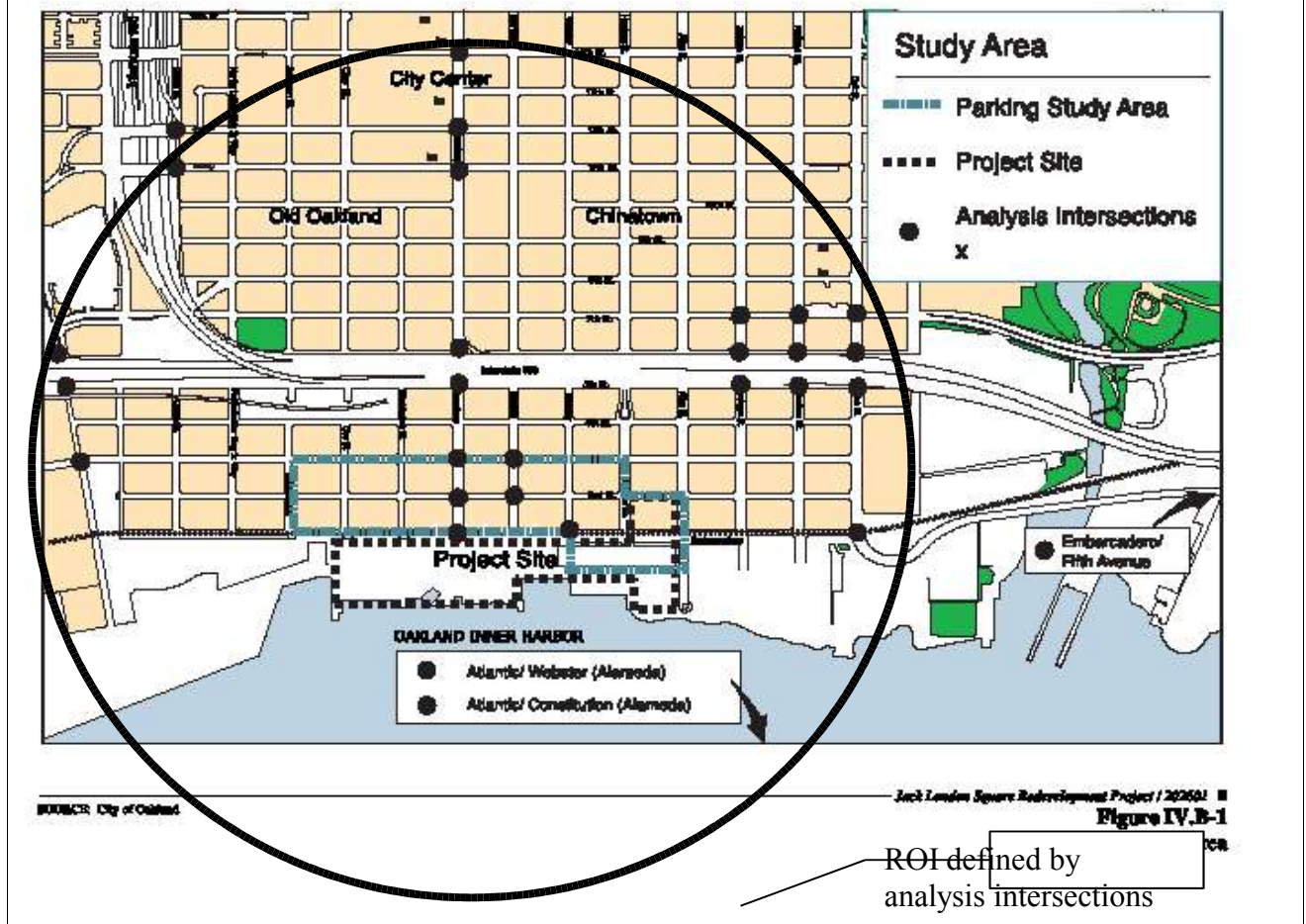
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<sup>7</sup> Page IV A-1

<sup>8</sup> Page IV B-4

<sup>9</sup> Page IV B-3

Figure A



4. The most compelling reason to include Chinatown intersections in the study area is that they will be heavily impacted by traffic bound for Alameda that is diverted by congestion on Broadway and 5<sup>th</sup>.

The intersections serving the Webster Tube and the Tube must be considered part of an integrated subsystem in the study area. The DEIR explains that Project Phase I traffic will cause conditions at 5<sup>th</sup> and Broadway to deteriorate from existing LOS F during the PM peak hour, and that Phase II traffic will cause further deterioration, because of backups from the Webster Tube. Since vehicles traveling to Alameda have the option of entering the Tube from Webster Street, it is reasonable to assume that traffic will switch over to Webster whenever the delays at 5<sup>th</sup> and Broadway are longer.

Webster is also likely to become the favored secondary route for vehicles approaching the Webster Tube from 980 and 580 since it connects to both with Grand Avenue.

We should not that we are not advocating that Webster take on an additional burden for delivering traffic to Alameda. However, , given projections of Project traffic we

recognize that the long delays at along Broadway caused by the Project will change the routes that Alameda commuters choose unless there are serious efforts to mitigate the congestion.

**Traffic diverted by Project congestion will worsen the existing conflict on Webster Street between through traffic heading for the Tube, and its role as the “critical pedestrian and bicycle link from the waterfront to Chinatown”<sup>10</sup>**

Determining whether the Project is consistent with the Pedestrian Element requires a study of traffic conditions in addition to volume and LOS, which primarily address the problems of drivers. Impacts on cyclists and pedestrians occur, for example, if the proportion of turning cars increases. Similarly, to the extent the Webster supplements 5<sup>th</sup> Street and Broadway when those routes become impassable, cyclists and pedestrians will be confronting angry and impatient drivers.

**The Criteria of Significance used in the intersection analysis discriminates against downtown residents, including those in California.**

An impact occurs in the Downtown area when traffic degrades to F, as compared to areas outside the Downtown, where falling to LOS E is deemed an impact.<sup>11</sup> There is similar disparity between Downtown and other neighborhoods when the LOS is unacceptable. Given the income levels and ethnicity of Oakland’s downtown population, this appears to be inconsistent with Environmental Justice principles as expressed in AB 1553.

**The Criterion for a Parking Impact will undermine the effectiveness of transit incentives and other measures designed to reduce vehicle trips.**

“... although not mandated by CEQA, for purposes of this EIR, project effects on parking would be considered significant if the project’s estimated parking demand would not be accommodated by the proposed onsite parking supply or by the existing parking supply within a reasonable walking distance of the project site.”<sup>12</sup>

This standard for parking impacts potentially will result in a Project that provide an oversupply parking space because it precludes mitigation of unacceptable traffic conditions with parking disincentives. In a practical sense, this Criterion could make transit mitigations financially infeasible because parking spaces are an expensive tradeoff to transit.

**The Criterion for Pedestrian Safety gives the false impression that it addresses Chinatown issues.**

The threshold for pedestrian safety impacts is too vague to be useful. It says that impacts on safety occur when there are unsafe conditions.<sup>13</sup>

**The DEIR proposes traffic mitigations that manage traffic flows and ignore vehicle trip reduction techniques.**

Proposed traffic mitigations include installation of traffic signals and signs, and reconfiguration of lanes, and other measures designed to increase the through-put of vehicles. Although the massive scale of the Project presents opportunities to incorporate innovative mitigations into the Project, such as prioritizing Project street use for transit and other HOVs, subsidizing transit operators, or including transit fares in admission to entertainment, none are proposed. TDM

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<sup>10</sup> Page IV B-18

<sup>11</sup> Page IV b-21

<sup>12</sup> Page IV B-22

<sup>13</sup> Page IV B-23

measures appear only in the chapter on air quality rather than transportation. The single transit incentive – a peak hour shuttle service – is inadequate (increased use of transit is discouraged when trips have to fit into short, rigid schedules). It is also interesting that it, unlike the thousands of additional parking spaces, is incorporated into the Project itself rather than required as mitigations that could not easily be canceled and would be monitored.

**The impacts of street “improvements” and traffic controls that the DEIR proposes as mitigations of traffic impacts have not been evaluated for their potential impacts.**

For example, would the reconfiguration of turning lanes at 5<sup>th</sup> and Broadway (increasing the lane space available to vehicles turning south onto Broadway to reach the Jack London District) contribute to additional delay for vehicles approaching Alameda through this intersection, and divert traffic onto Webster Street in Chinatown?

**Calculate the maximum of parking spaces that Parking Mitigation adds to the Project.**

What are the impacts of the parking spaces added to the Project as a mitigation? How much square footage will the required parking add to the Project? What will be the effects in terms of esthetics, stormwater run-off, energy use?

**The discussion of pedestrian safety impacts in Chinatown is inconsistent with the DEIR analysis of transportation impacts.**

The following is a list of flaws in the DEIR discussion of the Project’s pedestrian safety impacts in Chinatown:<sup>14</sup>

- There is no description of baseline safety/hazard conditions;
- The discussion of pedestrian safety in Chinatown is unrelated to the very general Criterion of Significance (“result in unsafe conditions in high pedestrian activity areas”)
- The analysis appears to equate traffic volume with unsafe conditions, but does not explain the relationship between the variables;
- The analysis appears to that the only increase in volume will come from vehicles traveling to Jack London Square from Chinatown and City Center, and fails to account for traffic diverted from the very congested conditions on Broadway.

The DEIR’s estimate of increased volume at buildout on Webster, 7<sup>th</sup>, and 8<sup>th</sup> Streets is 50 vehicles in the a.m. and 65 in the p.m. The DEIR concludes that there is no impact because the additional trips will contribute less than 3 % additional volume to “the existing traffic at the major intersections along those streets in Chinatown”.<sup>15</sup> It is not clear which intersections this statement refers to. The additional vehicles on 7<sup>th</sup> and Webster account for more than 3%.

In any case, these numbers are not consistent with estimates of trips the Project will generate:

Vehicle Trips Generated by Jack London Square Redevelopment<sup>16</sup>

Weekday Trips	daily	am	pm
phase I	18,232	1,200	2,200
Phase II	29,914	1,734	3,035

<sup>14</sup> IV B-58

<sup>15</sup> IV B-58

<sup>16</sup> IV B-25

The DEIR states that half of the Project's traffic will use the freeway system to access the Project area,<sup>17</sup> leaving 1,517 trips on City streets. The DEIR contention that only 65 trips pass through Webster, 7<sup>th</sup> and 8th would mean only 4% of the trips approach the Project by means of Chinatown. The remaining 96% of the trips would use Broadway, 5<sup>th</sup> Street, and other streets with impaired access.

**A proper characterization of Chinatown safety conditions is needed, including an analysis of pedestrian and bicycle collisions.**

### **PROJECT ALTERNATIVES**

The comparison of alternatives<sup>18</sup> indicates that the level of impacts generated by the Project is exactly the same as the level of impacts generated by each of the alternatives, except the No Project Alternative. This indicates that the range of alternatives is too narrow. CEQA requires analysis of at least one alternative that has lesser impacts and achieves Project goals.

The objectives listed for this Project are extremely failure to provide an acceptable alternative deprives the public

### **CONCLUSION**

Thank you for providing this opportunity to comment. We look forward to a Final EIR that fully addresses our concerns. Let us know if we can be of assistance.

Yours truly,

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Sherry Hirota  
Asian Health Services

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<sup>17</sup> IV B-58

<sup>18</sup> Pages V-15 - 34