



South of the Nimitz Improvement Council
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formal association of business and property owners interested in shaping the future of the SoNi District, the area between the Nimitz Freeway and the Oakland-Alameda estuary, stretching from Fallon Street to Adeline Street. Active participation and generous contributions by all are encouraged.

October 24, 2003

Claudia Cappio
City of Oakland Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

RE: Jack London Square Redevelopment Project (ER 03-0004)

Dear Ms. Cappio:

SoNiC has made numerous attempts to meet with City staff, EIR consultants, and even the developer in order to understand what the DEIR is saying about "transportation, circulation, and parking" impacts of the proposed project. Without understanding these impacts and ensuring reasonable accuracy, it is impossible for SoNiC (or anyone else) to assess the potential "air quality" impacts that may be caused by the proposed project. Although on October 9 you personally proposed a meeting to discuss transportation, circulation, and parking, you have apparently been unable to schedule it.

SoNiC asked that you extend the comment period beyond the October 24 cutoff so that such a meeting could take place, but so far we have had no response to our request.

Table II-1 in the draft EIR lists **Significant Unavoidable Impacts** of the project in three areas:

1. Transportation, Circulation, and Parking
2. Air Quality
3. Cultural Resources

Without the information requested, SoNiC is unable to effectively comment on the first two areas and generally concurs with comments made by Oakland Heritage Alliance in the third area. However, in order to meet the 24 October 2003 deadline imposed by the City, SoNiC offers the following comments and requests that another draft EIR be circulated before final is prepared:

TRANSPORTATION, CIRCULATION, AND PARKING (pages IV.B-1 through IV.B-68, Appendix C)

There are six **Significant Unavoidable Impacts** listed in Table II-1 plus 19 impacts listed as **Significant but Mitigable**. However the 68 pages of analysis, beginning on page IV.B-1, do not provide adequate information to reach these conclusions. Critical information is missing.

Example 1. There are just 15 intersections through which all vehicular traffic must pass to come into or depart from the Jack London District, yet the existing level of service (LOS) and delay has been identified for less than half of those intersections (see attached map and compare with Table IV.D-2). LOS and delays must be measured at all 15 intersections before any meaningful analysis can be done. This data should have been (but wasn't) included in the JLD/TIS.

Example 2. The Existing Street and Highway System section, which includes a description of Local Access roadway system, needs to be rewritten, hopefully by someone who can spend some time in the Jack London District. Third Street, described in the last sentence, is the major east-west street in the district. It is a truck route and the primary route for oversize truck traffic. This is not acknowledged or analyzed in any way in the DEIR. Embarcadero is described as an east-west arterial street that "terminates at Market Street to the west." Anyone who has driven west on Embarcadero knows that this is not accurate. The "flow of traffic" on Webster Street is NOT "impeded by stop signs" at 2nd and Webster, but it probably should be. Madison Street is not mentioned at all, despite feeding significant traffic into the district, and the 1-way block between 4th and 5th is not noted or analyzed. The fact that there are 21 lanes feeding traffic into the district and only 16 exiting traffic from the district is apparently unknown to the author of this section. An accurate description of the existing roadway system should be provided and then analyzed before any conclusions are drawn.

Example 3. There is insufficient data about existing parking lots on which to make a reasonable assessment of the impact of their removal: Amtrak Lot, Lots 5,7,9, Embarcadero/Broadway (Valet) lot, and Meadow/Lawn lot are all apparently proposed for removal, and should be identified in conjunction with Table IV.B-3. How many spaces will be removed; who uses them currently; when do they use them; and where (if anywhere) will the displaced vehicles find replacement stalls? Accurate data needs to be included in the EIR and analyzed accordingly.

Example 4. In the discussion of existing off-street parking (page IV.B-11) the draft EIR states "The observed occupancy for the weekday mid-day period was 53 percent for the private lots." While this may be an accurate observation, it in no way reflects the availability of off-street parking and in no way "assures that the parking demand analysis in the EIR is conservative." The appropriate data (that needs to be collected) is whether any spaces might be available for rent – for use by any of those vehicles seeking a parking space. Many spaces in private off-street parking lots are rented, but not necessarily occupied throughout the day. They are used by salespeople and others whose work requires them to use a vehicle to make calls outside the area. New data is needed or a different conclusion is required.

Example 5. The draft EIR notes that the "highest concentration of pedestrian activity occurs along several corridors including Webster Street, the Embarcadero, ...", but fails to note the need for a safe crosswalk on the west side of Webster at Embarcadero. This intersection has a number of problems that will be exacerbated by the proposed project. This omission must be corrected in the EIR and assessed to determine if it should be rectified as part of the proposed project (if not sooner).

Example 6. Several pages are devoted to a discussion of "Vehicle Trip Generation" that might be caused by the proposed project, but nowhere is there a table showing trips that are currently generated by existing uses in the Jack London District. Without this data, it is impossible to evaluate the impact of the additional trips due to the proposed project. Adding 25,000 trips each weekday and 30,000 on Saturday and Sunday (per Table IV.B-10) is useless information unless the reader knows what these numbers are being added to and how great the projected increases will be.

Example 7. As noted on page IV.B-29, certain events (4th of July and Lighted Yacht Parade) attract more than 20,000 attendees resulting in "severe parking shortages and traffic congestion in the Jack London District." Yet the draft EIR's analyses of transportation, circulation, and parking conditions "judge impacts on conservatively based average conditions, and do not quantify conditions during the high-season retail period or Port-hosted special events, or when 'blockbuster' movies attract higher-than-usual movie theater attendance." Without quantifying the extreme conditions (both high and low), it is impossible to determine what "conservatively-based average conditions" might be. This must be corrected. And the EIR must include some sort of estimate of the number of times per year that these "average conditions" will be exceeded. Stating in the DEIR that "transportation infrastructure should not be designed to accommodate traffic volumes or parking demands that are higher than typical conditions" is no excuse for failing to collect and present relevant data in the EIR.

Example 8. The draft EIR states that for 4th of July and the Lighted Yacht Parade, "the Port and the City work on a coordinated strategy to manage the higher traffic level and parking demand, and these efforts are expected to continue." This statement requires some explanation as it is SoNiC's understanding that the role of the Port has, for the most part, been transferred to the developers of the proposed project, who currently manage most of the real estate and special events at Jack London Square. Is there a requirement that the developer do ANYTHING to "manage the higher traffic level and parking demand" caused by these special events? Doesn't the CHP play an important role in managing the higher traffic level by closing one or more freeway off ramps? Doesn't the current City budget eliminate most police overtime that has, in the past, been used to pay OPD personnel to work during such events? And if the area approaches gridlock on a more frequent basis, can any of these strategies be implemented to manage traffic and parking demand? Should any be included as mitigation measures for the proposed project?

Example 9. Intersection impacts are analyzed in the draft EIR using various assumptions for the year 2005 and the year 2025. While it may be appropriate to make a long range forecast of conditions in 2025, the EIR should also look at conditions in 2010 (or 2015 at the latest), as the 20 years between 2005 and 2025 is a VERY long time in an area undergoing the dramatic changes the Jack London District has seen in the last decade.

Example 10. The discussion of "Intersection Impacts" that begins on page IV.B-30 needs to be translated into a language that a layperson of average intelligence can understand. Is Appendix C relevant to this discussion? Why? Is the JLD/TIS relevant? How? Who made which assumptions? Are the "trip distribution percentages" in Table IV.B-11 assumed to remain the same from 2002 though 20025? Why is it assumed that "access from the intersection of Embarcadero and Webster Street to the F sites would not be provided"? What are the implications of the assumption that "office employees would park ... on Sites F2 and G in proportion to the amount of parking available"? What assumptions were made about use of the new parking structure proposed for the Amtrak Parking Lot? Who would use it? When? For how long? What sort of traffic would be generated at what times of day? What streets would be used to access the garage from each of the 15 Jack London District gateways? What streets would be used to leave from the garage via each gateway?

Example 11. Nowhere in the analysis is large truck traffic mentioned. How many square feet of industrial uses remain in the Jack London District? What is the daily truck traffic through the district (to the Port; to the various freeway on ramps; etc.) and to the district (industrial uses such as Prime Smoked Meats and Hansen Good Coffee), and what effect does it have (the wholesale produce market loading activity is noted, but that's all)? How will trucks use the existing roadways to service the various uses in the proposed project? What intersections will they use? Where will they load and unload? What about garbage trucks and smaller delivery trucks (UPS, FedEx, etc.)? What do the various analytical methodologies assume for truck traffic? Are those methodologies appropriate for the Jack London District and other areas with industrial users?

Example 12. The discussion about trains in the middle paragraph on page IV.B-32 is misplaced and confusing. Part of it belongs in the "Setting" section and part somewhere else in the section on "Project Impacts and Mitigation Measures", not in the "Methodology" subsection. While passenger trains may have a noise impact on the proposed project, freight trains must be taken into account in the analysis of traffic at several intersections (Embarcadero at Oak, Webster, Franklin, Broadway, Washington, and Clay Streets). Currently this does not appear to be the case. The draft EIR refers to a preliminary draft of the *Jack London Square Operations Study* as the source for a statement that there are few if any "vehicle queuing problems, with the longest queues extending only one block." While this may have been true in 1999 or 2000, it is not true in 2003 at the intersection of Embarcadero & Oak or at the intersection of Embarcadero & Broadway. The EIR must present additional information about the frequency and timing of freight train delays expected at each intersection in 2005, 2010, and 2025, and propose appropriate mitigation measures. Idling motor vehicles can adversely affect air quality, so signs might be posted instructing motorists (especially truckers and bus drivers) to turn their motors off while waiting for a freight train to pass. SoNiC

wonders if Union Pacific Railroad was consulted during preparation of the draft EIR, and if it has been notified about the DEIR's completion and afforded an opportunity to comment.

Example 13. Someone should go back and look at the intersections of Jackson & 5th and Jackson & 6th during PM rush hours (say 5:00 to 6:30). Current LOS is probably worse than those shown in Table IV-B-2, and the assumed 2005 intersection improvements (described on page IV.B-32) must be reconsidered for at least two reasons: (1) most or all of the work is under the control of CalTrans, not the City, and with the current budget crisis in Sacramento, it may be unreasonable to assume the work can get done by 2005, and (2) the value of these improvements for improving intersection operation has not been described or demonstrated in the draft EIR.

Example 14. The draft EIR contains no discussion of the possibility of gridlock throughout the Jack London District or portions thereof. Gridlock is well known to anyone who has attended a 4th of July event at Jack London Square. While it is unlikely the proposed project will generate that level of traffic, gridlock may still occur at certain times in certain areas unless carefully managed. During AM peak hours, access to the proposed garage on Site G as well as to all on-street and off-street parking and businesses in the Jack London District east of Franklin Street will be limited to 6 gateways with a total of 8 lanes inbound. Assuming 2nd, 3rd, and 4th streets are impassable at Franklin Street due to activity at the wholesale produce market, the only access from the west will be via one lane on Embarcadero, turning north on Webster and west on 2nd. The other 5 inbound gateways are shown on the attached map (see nos. 9, 10, 11, 12, and 14). An analysis of various intersections should be done with special attention given to LOS at Embarcadero & Webster, 5th & Jackson, Madison, and Oak, plus 3rd & Oak, Madison, Jackson, Alice, Harrison, and Webster. Some consideration should also be given to LOS at the garage entrance at 2nd & Harrison. Since PM peak hour is expected to be worse than AM peak hour, an analysis of all 15 gateways should be performed for 2005 and 2010 with and without the proposed project.

Example 15. When a discussion of "Parking Impacts" in a draft EIR begins with a reference to a Court decision (see pages IV.B-22 and IV.B-46), it is reasonable to assume that an attorney wrote at least part of that section and probably edited the entire thing. While attorneys may know a lot about Court cases and CEQA, they probably don't know much about parking demand and supply. And they certainly don't inspire confidence that the information is going to be presented clearly and straight-forwardly. In this instance, it seems likely the attorney was brought in to carefully word a section of the EIR where the parking expert suggested project impacts were likely to be significant and unavoidable, but the developer (and the Port? the City?) didn't want to spend the money needed to mitigate the potential impacts. Whatever the case, SoNiC requests that a peer review of this section be performed by the lead agency, using a different parking consultant, selected in consultation with SoNiC. The purpose of the peer review will be to remove the legal language, to present facts as facts, assumptions as assumptions, and estimates as estimates, and to propose a range of possible mitigation measures in simple language that everyone can understand. Square footages and buildout totals should be added to Table IV.B-16 to facilitate comparison with Table IV.B-17. Data about removal of existing parking lots (see Example 3 above) should be incorporated into Table IV.B-17 rather than buried in footnote 23. Assumptions in footnote 23, Tables IV.B-18 & 19, and Appendix C must be verified or corrected. The unmet demand for parking created by the proposed project (1,611 spaces weekdays and 2,579 spaces weekends per Table IV.B-19) must be addressed with mitigation measures that are reasonable, workable, and enforceable. The cumulative increase in parking demand in the Jack London District that the project will contribute to must be fully analyzed and mitigated, if appropriate. Peer review of the parking sections in the DEIR is critical to presenting an acceptable final EIR to the various decision making bodies who must make discretionary decisions on this project.

Example 16. The mitigation measure for construction period impacts allows for no public input and may create conditions that cause businesses in the vicinity of the Amtrak Station (and elsewhere) to close down or move elsewhere. Construction of the proposed garage on Site G could take up to 24 months and will displace 115 parking spaces, 4 Amtrak bus bays, 2 AC Transit bus stops, and off-

street passenger drop off and pick up. Where will these be relocated during construction? How will the public have any voice in what happens to their businesses and properties?

AIR QUALITY (pages IV.C-1 through IV.C-21)

Methodology (p. IV.C-12). As with traffic impacts, 2005 (or 2006) is a good place to start estimating emissions, but an interim date (before 2025) is essential to understand the impacts that will affect businesses, properties, and people who are now in the vicinity of the project (2010 or 2015). The methodology for analysis needs to be explained in lay terms: what are URBEMIS and CALINE4?

Impact C.2 (p. IV.C-15). Was any traffic data from Dowling Associates use to estimate emissions via URBEMIS other than the "24,914 trips per day" mentioned in discussion? If so what? If not, what about peak hour volumes, intersection wait times, freight train wait times, time spent seeking parking, etc. Do any of these contribute to increased emissions? After the traffic analysis has been revised as required above, revisions may also be needed here.

Mitigation Measure C.2 (p. IV.C-17). This section needs to be rewritten to clarify what is part of the project and what is not. It is VERY confusing as currently written. The proposed shuttle will apparently replace a similar shuttle discontinued by the Port of Oakland due to budget shortfalls earlier this year. No internal combustion engine shuttle should be used if it is required to go through an intersection that has LOS "F". Additional efforts must be made to fully mitigate operational impacts of the project to a less than significant level.

Impact C.3 (p. IV.C-18). Was any traffic data from Dowling Associates use to estimate carbon monoxide concentrations? After the traffic analysis has been revised as required above, if LOS changes are made, revisions may also be needed here.

MISCELLANEOUS

Page III-10, last line. What are the "mass transit nodes" referred to here and where are they located?

Page III-11, 3rd bullet. How does the project described in the DEIR integrate new development with Heinhold's?

Page III-12, last line. Shouldn't the State Lands Commission be mentioned here? Or else the "Port of Oakland" as manager of the "public trust lands" on behalf of the State of California. Coordinate with "California State Lands Commission, Public Trust Doctrine" section on p. IV.A-29.

Page IV.A-2, 2nd paragraph. "Joint living and work quarters" is a specific term used in the Zoning Regulations. It may not apply to all of the buildings listed. SoNiC knows of nothing called "Egghead Lofts"; the Egghouse at 229 Harrison contains 2 joint living and work quarters and 6 warehouse or studio (work-only) spaces. Less than 10% of the building is in residential use. Tower Lofts at 3rd and Alice has been omitted from the list. Prime Smoked Meats and Monahan Paper should probably be recognized in the list of industrial uses.

Page IV.A-27, Development Agreement. More information is needed about the terms that may be specified in the development agreement. "Freezing" current City regulations with respect to the project should be explained. Any development agreement MUST include provisions for reasonable review processes of items not known at this time, such as building design, parking demand, etc. Nothing should be "frozen" for an indefinite period. For example, design review based on adequate plans, materials, colors, etc. might be approved for a period not to exceed 3 years. Parking demand and emission calculations might be good for a similar period. After that, re-approval would be required from the appropriate body. Who will be a party to the agreement?

Page IV.A-29, California State Lands Commission, Public Trust Doctrine. This section should describe the relevant policies, identify which sites are on "public trust lands", and state how the Port proposes to manage these lands "in trust" on behalf of the State of California while also being the landlord for the land beneath the proposed development.

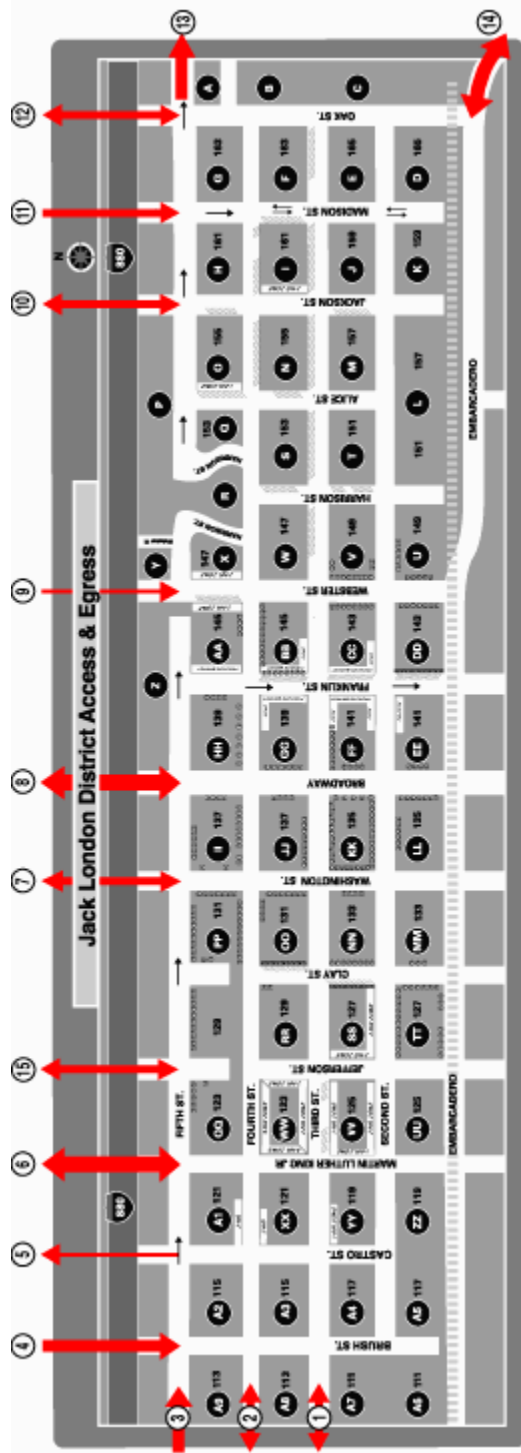
SoNiC wishes there were more time to comment on this document as it is quite confusing and difficult to understand. SoNiC strongly supports the request submitted by Oakland Heritage Alliance to issue a "Revised Draft EIR" for public discussion before proceeding to a Final EIR. Please put this request on a Planning Commission agenda as soon as possible.

SoNiC looks forward to your responses to our concerns.

Sincerely,

Gary Knecht, President
South of the Nimitz Improvement Council (SoNiC)
knechtgary@aol.com

Attachments: Map of JACK LONDON DISTRICT ACCESS & EGRESS



	GATEWAYS TO JACK LONDON	LANES IN	LANES OUT	COMMENTS
1	3 rd @ Market	1	1	3 rd Street is a truck route and provides access from Oak to Port facilities, I-880, and West Oakland
2	4 th @ Market	1	1	4 th Street is a local street that runs from Oak to Market
3*	5 th @ Market	3	0	5 th Street feeds regional traffic to the Alameda tube, I-880, and the Jack London District
4	Brush @ 5 th	3	0	Brush feeds regional traffic from I-980 to 5 th (see above); signs on I-980 direct Jack London Square traffic onto Brush at 11 th Street
5	Castro @ 5 th	0	1	Castro has one lane exiting the district feeding into a 3-lane street accessing I-980 at 12 th Street
6	MLK @ 5 th	2	2	Martin Luther King, Jr Way has two lanes into and out of the district. Signals currently facilitate ingress and impede egress
7	Washington @ 5 th	1	1	Washington is a local street (and posted bike path) that runs from Water to 11 th Street
8*	Broadway @ 5 th	2	2	Broadway is a major street with access to the Alameda tube and I-880 south at 5 th Street
9	Webster @ 5 th	1	0	Webster is 4-lanes, one-way (south) through Chinatown. 2 of those lanes feed the Alameda tube and one provides local access to the Jack London District
10*	Jackson @ 5 th	1	1	An off-ramp from I-980 deposits traffic at 5 th and Jackson; an on-ramp to I-980 and I-880 is at 6 th and Jackson
11*	Madison @ 5 th	2	0	One-way street feeds traffic into the district or onto I-880 south
12*	Oak @ 5 th & 6 th	1	1	Off-ramp from I-880 deposits traffic at 6 th and Oak; Oak Street traffic can pass under the freeway and turn left to gain access to the 6 th and Jackson on-ramp to I-980 and I-880
13*	I-880 @ 5 th & Oak	0	3	1 diamond and 2 other lanes provide access to I-880 south
14*	Embarcadero @ Oak	2	2	Embarcadero offers an alternate route to I-880 south via the 16 th Avenue on-ramp
15	Jefferson @ 5 th	1	1	Jefferson traffic has nominal effect on the Jack London District
TOTALS		21	16	PM peak hour traffic is worse than AM peak hours, as would be expected with 21 lanes in and only 16 lanes out