

OAK TO NINTH AVENUE PROJECT

Addendum #1 to the Certified Environmental Impact Report

State Clearinghouse No. 2004062013

Prepared for:
City of Oakland CEDA

June 7, 2006

OAK TO NINTH AVENUE PROJECT

Addendum #1 to the Certified Environmental Impact Report

State Clearinghouse No. 2004062013

Prepared for:
City of Oakland CEDA

June 7, 2006

436 14th Street
Suite 600
Oakland, CA 94612
510.839.5066
www.esassoc.com

Los Angeles

Orlando

Petaluma

Sacramento

San Francisco

Seattle

Tampa

202622



TABLE OF CONTENTS

Oak to Ninth Avenue Project Addendum #1 to the Certified Environmental Impact Report

	<u>Page</u>
I. INTRODUCTION	
A. Background	I-1
B. Purpose of the EIR Addendum	I-1
II. “NO PARCEL N” DEVELOPMENT SCENARIO	
A. Description.....	II-1
B. Environmental Effects.....	II-3
III. POTENTIAL TRAFFIC IMPACTS TO RECONFIGURED 12TH AND 14TH STREETS	
A. Background	III-1
B. Potential Traffic Impacts	III-1
IV. FURTHER RESPONSES TO COMMENTS ON THE EIR	
A. California Department of Transportation (Caltrans)	IV-1
B. Metropolitan Greater Oakland Democratic Club (MGO) Comments and Responses	IV-11
C. Cynthia Shartzer Comments, and Responses Previously Submitted to the Planning Commission.....	IV-16
D. Rajiv Bhatia Correspondence of March 3, 2006; March 8, 2006; March 22-23, 2006; and April 12, 2006, and Responses.....	IV-20
APPENDICES	
A. Traffic Impacts Resulting from New Site Plan.....	A-1
B. Project Traffic Impacts on 12th/14th Streets	B-1
C. Fehr & Peers’ Response to Rajiv Bhatia Letter of March 3, 2006 regarding Pedestrian Injuries related to the Oak to Ninth Development	C-1
D. ENVIRON’s Evaluation of UC Berkeley Health Impact Assessment Recommendations For the Oak to Ninth Project	D-1
LIST OF TABLES	
III-1 LOS Results for 12th/14th Street Roadway Segment	III-2
IV-1 Ramp Junction LOS Results	IV-1
IV.B-2 rev Existing Intersection Level of Service (LOS) and Delay seconds/vehicle).....	IV-4
IV.B-5 rev 2010 AM and PM Peak Hour Intersection Level of Service (LOS) and Delay (seconds/vehicle)	IV-6

LIST OF TABLES (cont.)

IV.B-6 rev 2010 AM and PM Peak Hour Mitigated Intersection Level of Service
(LOS) and Delay (seconds/vehicle).....IV-7

IV.B-7 rev 2025 AM and PM Peak Hour Intersection Level of Service (LOS) and
Delay (seconds/vehicle).....IV-8

IV.B-8 rev 2025 AM and PM Peak Hour Mitigated Intersection Level of Service
(LOS) and Delay (seconds/vehicle).....IV-10

LIST OF FIGURES

II-1 Illustrative Plan of “No Parcel N” Development Scenario II-2

CHAPTER I

Introduction

A. Background

On March 15, 2006, the City of Oakland Planning Commission certified an environmental impact report (EIR) for the Oak to Ninth Avenue Project (ER04-0009). Prior to and since the Planning Commission's action, the project sponsor has been asked to consider a number of matters regarding the project and its potential impacts. Also, comments on the Draft EIR that were not received for inclusion in the certified Final EIR document have been received by the City. This Addendum is a comprehensive compendium of the new analysis and responses to address these matters.

B. Purpose of the EIR Addendum

The City has prepared this Addendum to the 2006 certified EIR¹ for the Oak to Ninth Avenue Project (Addendum) to provide additional analysis for 1) an alternative project site plan (eliminating Parcel N development and redistributing 300 dwelling units), and 2) the project's potential effects on the proposed reconfigured 12th and 14th Streets adjacent to Lake Merritt, and 3) to present responses to additional comments received on the EIR, some of which were previously submitted to the Planning Commission.

The information provided in this Addendum does not change the environmental analysis contained in the certified EIR. The scope and analysis presented in this document were prepared consistent with to the requirements of Section 15162 and 15164 of the California Environmental Quality Act (CEQA) discussed below. The City will use this Addendum, together with the 2006 certified EIR, when considering its action on the project.

CEQA Framework for the Addendum

According to CEQA Guidelines Section 15164, an addendum to a previously certified EIR may be prepared if some changes or additions are necessary to the EIR but none of the conditions described

¹ This document generally refers to the certified "EIR" which, pursuant to CEQA, consists of the Draft EIR (DEIR) and the Final EIR (FEIR) / Response to Comments document for the project.

below for preparation of a subsequent EIR have occurred (CEQA Guidelines Section 15162) (*emphasis added*):

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration *due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects*;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration *due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects*; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA allows the lead agency or responsible agency to prepare an addendum to a previously certified EIR if only minor technical changes or additions are necessary (but none of the above conditions have occurred). The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

Based on the analysis conducted and provided herein, this addendum concludes that the alternative project site plan or the potential effects to the proposed reconfigured 12th and 14th Street at Lake Merritt analyzed herein would not constitute a major revision to the certified EIR; that there is no substantial change in circumstances as a result of the potential project change that would cause new or more intense significant impacts; and that there is no new information of substantial importance that identifies new or more intense significant impacts (CEQA Guidelines Section 15162). Thus, preparation of an addendum to the certified EIR is appropriate pursuant to CEQA.