

VII. RESPONSES TO NOP AND EIR SCOPING HEARING COMMENTS

A Notice of Preparation (NOP) and Initial Study were published on December 21, 2007 (Appendices A and B) and circulated to all interested parties and regulatory agencies for 30 days. A public hearing was also held by the Oakland Planning Commission on January 9, 2008, for the City to receive public testimony on the appropriate scope of the EIR. While both the NOP and the EIR scoping hearing generated a number of comments related to the merits of the project and other non-CEQA issues, those comments which addressed the scope of the EIR within CEQA criteria are discussed below. The majority of comments address six topics: culvert daylighting, traffic analysis scope, aesthetic compatibility, shadow analysis scope, building noise operation, and park use.

A. RESPONSES TO NOP/SCOPING COMMENTS

The following general responses address topics identified in written comments received on the NOP and verbal comments made at the Planning Commission scoping hearing that are not analyzed further in the Draft EIR. Comments regarding traffic, aesthetics, and shadow are not addressed here because those areas are addressed in the Draft EIR. Additionally, these comments are not meant to respond to each and every comment but rather provide a general response to the issues raised in the comments. Refer to Appendix C to see actual written comments.

1. Temescal Creek Culvert

Public comments requested that the City review effects of daylighting the portion of the Temescal Creek culvert that is located on the site and effects related to the structural integrity of the culvert and surrounding soil. Daylighting the creek is discussed in Chapter IV.B of this EIR. Regarding the structural integrity of the culvert and surrounding soil, a geotechnical engineer reviewed the project site and the proposal and believes that the site is suitable for the proposed development provided that certain engineering recommendations are followed and that the project can be adequately designed to span over the existing culvert and not exert pressure on the culvert.⁴⁰

Public comments also requested that the City consider the effects of not daylighting the portion of the Temescal Creek culvert that is located on the site. The impacts of not daylighting the creek are discussed in this EIR as part of the existing conditions but are not discussed separately in detail because CEQA requires analysis of a project on the environment, not the analysis of the impact of not taking a certain action. Furthermore, CEQA is concerned with environmental impacts of projects, not impacts to a community's emotional well-being that could be related to not taking a certain action (such as daylighting the creek).

2. Building Operation Noise

⁴⁰ Earth Mechanics Consulting Engineers, letter from H. Allen Gruen, C.E., G.E. to Dan Paris, May 10, 2007.

Earth Mechanics Consulting Engineers, 2007. Report Geotechnical Investigation: Planned Development, 5132 Telegraph Avenue, Oakland, California, June 5.

Section XI of the Initial Study that was published on December 21, 2007 for the project (Appendix A) addressed the building operation noise that would result from building systems in the completed project. The Initial Study found that the mechanical equipment associated with the project that could produce operational noise, such as air conditioning units and chillers, would likely be located within the interior of the project or on the roof of the project well away from nearby public places and nearby uses. The building operational noise would generally be similar to other buildings' operational noise with a less-than-significant impact. Furthermore, building operational noise would be required to comply with the noise standards in the Oakland Planning Code.

3. Park Use

The project's impact on neighboring Redondo Playground is expected to be minimal.⁴¹ Redondo Park is designed for 3-8 year olds. The play structure would be difficult for younger children to climb on and older children would probably not be interested in using the park due to the park's small size. Since the proposed project consists mainly of studio and one bedroom units, there probably won't be a high number of children in general, nor many children of that particular age group. The park does have one or two picnic tables so it could attract someone to read a newspaper or book but the park won't really appeal to adults without children. The adults living at the proposed project would probably use Bushrod or Hardy Park for their recreational purposes.

Additional information on the project's impacts on park use in the surrounding neighborhood can be found in the "Recreation" section of the Initial Study that was published on December 21, 2007, for the project (see Appendix A).

⁴¹ Ceasar, David, e-mail message to Menka Sethi, April 28, 2008 (concerning telephone conversation between David Ceasar, Hauser Architects, and Jim Ryugo, City of Oakland Park Services Manager, April 28, 2008).