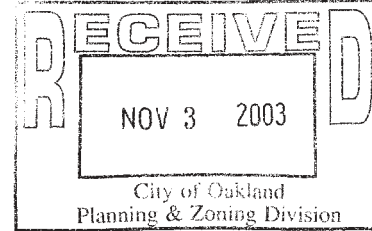


Oakland Chinatown Coalition
Oakland Chinatown Chamber of Commerce
Asian Health Services

November 3, 2003

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



BY FAX: 510 238 6538
BY e-mail: lwarnet@oaklandnet.com

Subject: Comments on the Uptown Mixed Use Project Draft Environmental Impact Report
Case No. ER03-0007
State Clearinghouse No. 2000052070

Dear Ms. Warner:

Thank you for providing us the opportunity to comment on the DEIR. We strongly support the goals of this Project to provide environmentally sustainable housing for people with a wide range of incomes. The community that we serve is well aware of the many benefits of living in the Downtown. Our community has one of the lowest rates of automobile ownership and a smaller proportion of our residents drive to work than almost anywhere else in the city.

Nonetheless, we are heavily impacted by traffic. As the DEIR points out on page 90, "Traffic signals on both Franklin and Webster are coordinated to facilitate through traffic on these two key roadways."

The heavy use of Chinatown streets as thoroughfares creates an uncomfortable dilemma for our community when a project is proposed that does not take the quality of our environment into account. The Uptown Project has the potential to address Oakland's, including Chinatown's, urgent need for affordable housing accessible to transit. Unfortunately, the Uptown Project also will contribute to traffic patterns that have created hazardous conditions for Chinatown's many pedestrians.

We believe that the Environmental Impact Report can be a good opportunity for the Uptown Project to take full account of our environmental quality. In the comments that follow, we have pointed out where the DEIR has failed to do so, and urge revisions that will enable us to support the Uptown Project without reservations, as we would prefer.

We are available to help in any way we can.

Yours truly,

Jennie Ong
Oakland Chinatown
Chamber of Commerce

Sherry Hirota
Asian Health Services

Attachment: Comments on Uptown DEIR

COMMENTS ON THE UPTOWN PROJECT DEIR

Definition of the Project is unclear:

The Project site, which consists of a nine-block area, is located within the Uptown District of Oakland, as shown in Figure I-1. The proposed Project includes the following components: approximately 1,300 residential units, 1,050 student beds and faculty units, and 43,000 feet of commercial space. Associated Project components include a 25,000 square-foot public park, 1,959 parking spaces, and the development of one public street within the Project site. The additional public street is intended to shorten block lengths and provide enhanced access within the Project site. Implementation of the proposed Project would result in the development of a mixed-use neighborhood in the Uptown District. Please refer to Chapter III, Project Description, for more details.

The text above¹ distinguishes “proposed Project components” from “associated Project components,” but without explanation. It appears that some components of the associated Project are public improvements (the park and the new street) but the reason for distinguishing between the Project and the parking is unclear, especially since the parking spaces are distributed throughout the Project area.

The status of Blocks 8 and 9 are also unclear. Table III-1² shows no development on Block 8. The text indicates that Block 8 is a fallback site for the Sears Auto Center.³ Does this mean that Block 8 will be dropped from the Project if the Auto Center is rebuilt on Block 9, and vice versa? Or will the site host additional development that is in some way associated with the Project? If it is reasonably foreseeable that both sites will be developed, the full development program must be evaluated in this EIR. In addition to concerns that piecemeal environmental review understates impacts, there is the possibility that the ninth block would be developed for a substantial amount of additional retail use to fully serve the new Uptown residential neighborhood. If it is foreseeable that the development of blocks 9 and 10 would result in a 9-block project with 25% or more retail use, the EIR must not rely on AB436 exemptions.

2

REQUESTS

- 1. Explain differences between Project components and associated Project components.

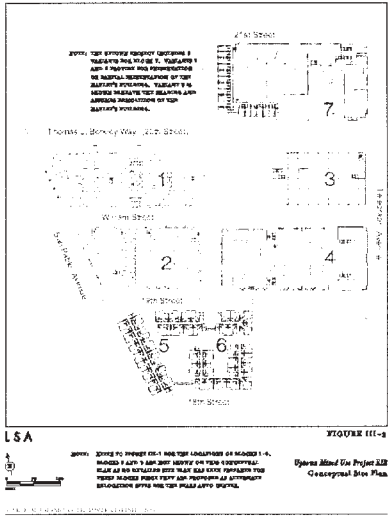
- 2. Provide information about the development of blocks 8 and 9 explain how the City expects to provide environmental review of the entire 9-block Project.

Mismatch between Intended Use of EIR and Level of Information Provided

The City intends to use this EIR “for all discretionary approvals necessary for the Project,”⁴ which we must assume includes project level review of all entitlements. However the DEIR provides only a bare outline of the development program—for the Sears Auto Center (that it will include “approximately 10,000 square feet of retail space for the auto center and 50 on-site parking spaces”). Neither block 8 nor block 9 is included in Figure III-2 illustrating the conceptual site plan.

3

¹ DEIR page 1
² Page 42
³ page 45
⁴ page 48



REQUEST

3. Provide project-level information about blocks 8 and 9 or commit to providing supplemental environmental review.

3
cont.

Application of AB 436 (Public Resources Code 21159.25 to Cumulative Analysis

The DEIR states that it includes an analysis of cumulative impacts even though provisions of AB436 exempt the this Focused EIR from that requirement.⁵ We believe that the cumulative impacts analysis must comply with CEQA, even if it is not required by CEQA. A certified EIR containing an inadequate or inaccurate analysis could create misunderstanding and confusion, especially if cited in subsequent environmental review analyses.

4

Ensure that LUTE EIR mitigations are implemented by the Uptown Project.

Although this DEIR states that it incorporates mitigation measures required by the 1998 Land Use and Transportation Element EIR (LUTE EIR),⁶ it appears that some have been overlooked.

LUTE Transportation Mitigations - Appendix A, for example, is uninformative about transportation mitigations⁷ because it does not specify what the improvements are. The transportation mitigation in its entirety states:

3.1: Implement roadway improvements and transit improvements to reduce congestion on arterial roadways.

5

REQUESTS

4. Describe the improvements to arterials that the City is committed to implementing, and report on the City's achievements since 1998, as determined by the mitigation monitoring process.

⁵ page 3
⁶ Page 3
⁷ Appendix A, page S-2

5. Determine if traffic mitigations proposed for the Uptown Project might conflict or be inconsistent with improvements required by the LUTE EIR. We are particularly interested in an analysis of the combined effects – both direct and indirect –on Chinatown pedestrians and traffic patterns.

5
cont.

LUTE Public Service Mitigations - The scope of the Focused EIR⁸ does not address public services impacts even though the LUTE EIR requires analysis and further mitigation of such impacts as part of the approval process of major land use decisions in the Downtown.⁹ These requirements must be incorporated into environmental review of project approvals. As a major project in the Downtown, the Uptown Project is required to address its effects on service levels citywide. For example, Mitigations D. 5 –1 a – e, copied below, require an analysis of the citywide impacts of the Project's demand for Police, Fire, Library, and Recreation services. (Some of these mitigations reappear in Mitigations D 6, 7, and 8.)

D.5-1a: In reviewing major land use or policy decisions, consider the availability of police and fire protection services, park and recreation services, schools, and library services in the affected areas, as well as the impact of the project on current service levels.

D.5-1b: Develop target ratios of police officers and firefighters to population for annual budgeting purposes. These ratios should be used to assess the feasibility and merits of service fees on new development which finance additional police officers and fire fighters

D.5-1c: Increase police foot patrols and cruisers in high visibility downtown areas and locate funding sources to support them.

D.5-1d: Analyze the distribution of services provided by the public and privately operated civic and institutional uses, identify underserved areas of the City and increase services in these areas.

D.5-1e: Solicit comments from the Oakland Police and Fire Departments on major new development proposals to ensure that law enforcement and fire protection impacts are appropriately addressed and mitigated.

6

It is possible that the Notice of Preparation anticipated the necessity to include service impacts in the EIR: included on its list of Probable Environmental Effects is “utilities and service systems.”¹⁰ However, the DEIR Scope transforms this topic into “utilities and infrastructure,”¹¹ The Table of Contents takes this focus on facilities (to the exclusion of services) a step further by listing the topic as “Infrastructure and Utilities.”

Concerns about the Project's potential impacts on City services are heightened by the fact that most of the property tax revenues generated will be dedicated to the Redevelopment Agency as tax increment funds which will not be able to pay for City services, not even for maintenance of new park associated with the Project.

⁸ Pages 3 and 51

⁹ Appendix A, page S-11

¹⁰ Appendix A-2, Notice of Preparation page 3

¹¹ Page 51

In addition, the LUTE EIR suggests that a child care center should be included in projects such as Uptown that provides a substantial amount (40%) of family housing.

D.7-1d: Where feasible and appropriate, encourage the inclusion of child care centers in major residential and commercial developments near transit centers, community centers, and schools.

REQUEST

6. To ensure implementation of mitigations required by the LUTE EIR, expand the scope of the EIR to address Project impacts on City services.

6
cont.

Transportation Issues

Study Area – The Study Area includes intersections almost exclusively to the North of the Project¹² even though the map showing trip distribution allocates the greater proportion of local trips to the Project's south¹³ - to Chinatown in particular.

Especially for the analyses of 2010 and 2025 conditions, with and without the Project (the cumulative traffic analysis), it is necessary to define a study area that is large enough to capture secondary impacts of the Project, including its contribution to congestion patterns that divert drivers from using direct routes. Chinatown streets are at particular risk from the combined effects of the Uptown Project, Jack London Square Redevelopment, and City of Alameda redevelopment.

7

REQUEST

7. Extend the Study Area to include intersections along Broadway, Franklin, Webster and Harrison streets in Chinatown.

Freeway segments – Impacts on the freeway system will extend to existing bottlenecks beyond the immediate junctions and ramps listed in Table IV.D-17.¹⁴ Weekend conditions should also be included.

Limiting the portrayal of existing traffic on both regional and local roadways to weekday peak hour conditions gives an incomplete picture of baseline conditions that the Project could impact. Information should be added on daily traffic volumes since the spreading peak limits mitigation options. Weekend data is needed because congestion has become severe and is projected to get worse.

8

REQUESTS

8. Include the junction of 880, 80, and 580, junction of 880, 980, and 24, and the Bridge toll plaza in the analysis of existing conditions.

9. Provide data on daily conditions for both weekdays and weekends.

¹² Figure IV.D-2, page 87

¹³ Table IV.D-8, page 110

¹⁴ page 107

REQUEST

12. Analyze the impact on pedestrians' level of service of all proposed signal changes by analyzing increased delay for pedestrians crossing streets.

11
cont.

Parking – Since the courts do not consider parking shortfalls (less than full demand) to be an environmental impact, and since the DEIR (properly) does not include a significance threshold for parking impacts, it is unclear why the document assumes that parking shortfalls could impact the environment. By considering parking shortfalls to be a potentially significant impact, the DEIR is able to present the Project's *excess* parking (it provides more parking than the City requires) as a virtue and avoid discussin its contribution to traffic congestion.

This Project has been represented to the public as a transit-friendly, anti-sprawl development. Its urban densities and proximity to transit surely enable it to become such, but that advantage is dissipated by the inclusion of 1,959 parking spaces plus street parking for a Project that is required only to have 1,620 spaces. The modal split assumptions used in the trip generation calculations (83% non-transit trips) appear to recognize that Project residents will drive their easily parked cars rather than take advantage of convenient transit.

12

REQUEST

13. Estimate improvements to the rate of transit usage that could be achieved by a substantial reduction in the Project's parking.

Housing Issues

The DEIR states in the text¹⁷ and tables¹⁸ that the Project will develop 2,320 housing units, including 250 (10.8 %) affordable units. California Redevelopment Law requires 15% of new housing units to be affordable, although it does not require their inclusion within the project itself, or even the redevelopment project area.

However, the actual number of housing units (as defined by the Census) in the Project is unclear because the text refers also to student "beds". It is unclear how many housing units the 1,000 student "beds" will comprise. For example, if these beds are clustered around shared kitchen facilities, the number of units would probably be the number of kitchens. If the students take their meals independently, then the number of beds would be the number of rooms.

13

It is also unclear whether the faculty units would be considered affordable under California Redevelopment Law.

REQUEST

14. Clarify the total number of housing units in the Project and the number that can be considered affordable under Redevelopment Law. If additional affordable units are required that will be developed off-site, analyze potential impacts they might generate.

¹⁷ page 74

¹⁸ page 75

Cultural Issues

Chinatown artifacts – The area where Oakland was settled by early Chinese residents (identified in the DEIR as San Pablo between 19th and 20th Streets¹⁹) should be fully characterized before excavation begins. The proposed mitigation of on-site archeologists is insufficient for a site where the probability of valuable artifacts is so great

REQUEST

- 15. Include a full study of the site of early Chinese settlement in the Final EIR..

14

¹⁹ page 214