



RCPC ROCKRIDGE COMMUNITY PLANNING COUNCIL
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August 20, 19

Ms. Rebecca Lind, Planner III
City of Oakland
Bureau of Planning
250 Frank Ogawa Plaza, Ste. 3315
Oakland, CA 94612

Re: Notice of Preparation – California College of Art Redevelopment Project

Dear Ms. Lind:

We are writing on behalf of the Rockridge Community Planning Council (“RCPC”) to comment on the above-referenced Notice of Preparation for a Draft Environmental Impact Report (“DEIR”) on the California College of Art Redevelopment Project (“CCARP”). As you may be aware, RCPC is a 501(c)(3) nonprofit public charity dedicated to the preservation and improvement of the Rockridge section of North Oakland on behalf of its member, the residents of Rockridge. RCPC has been involved in addressing and commenting on land use proposals in and around the Rockridge Area for forty-five years.

The redevelopment of the California College of Art’s Oakland campus, located on the east side of Broadway just north of its intersection with College Avenue, will be one of the largest land use changes to happen to Rockridge since RCPC’s founding. As such, it deserves very careful study, as it is likely to have numerous significant impacts on the surrounding community.

To begin with RCPC is concerned that the City is proposing to begin preparation of a DEIR for the CCARP before a formal application has even been submitted to the City. This is, to say the least, highly unusual. RCPC is concerned that until a formal application is submitted and accepted as complete, the CCARP will, of necessity, be less than fully defined. While RCPC understands that the developers of this project may want to get started on its environmental review as early as possible, beginning that review before a formal application has been submitted risks beginning study of a project whose scope and characteristics are not yet fully defined. There will be an unfortunate tendency for the analysis to “jump the gun” and begin evaluating the project before its impacts can be clearly evaluated. Once the analysis has begun, however, there will also be a natural tendency to not want to back up and restart the analysis to take into account later changes in the project.

It should be kept in mind that, “An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 938.) If the project changes after work on the Draft EIR has begun, the City will have a duty to assess whether those changes result in any change in the project’s significant impacts. If they do, the EIR will need to be revised and recirculated to allow public comment on the revised analysis. This will result in additional cost

and delay. It would be far better to wait until a formal project application has been submitted and accepted as complete.

The City has already experienced a somewhat analogous problem with the adjacent “Shops at the Ridge” project (formerly, the Rockridge Shopping Center). There, not only was the full EIR for both Phase I and Phase II projects completed and certified, but vesting approvals were granted for both phases. That included defining various mitigation measures and conditions of approval, some of which were deferred until the construction of Phase II. However, due to changed circumstances, Phase II has never been constructed, and now appears unlikely to be built. Consequently, some mitigation measures (e.g., evaluation and mitigation of cut-through traffic on neighboring streets) have never been implemented, leaving some project impacts from phase I of the project potentially unmitigated.

RCPC would caution the City against repeating that error in evaluating this very large and long-range project. The City should insist that environmental review not begin until a formal application has been filed and deemed complete. This may require doing separate environmental reviews of portions of the project. To avoid that resulting in “piecemealing” the environmental review, the City should consider beginning with a broad programmatic review of the overall project, perhaps coupled with a more detailed review of the initial phase of the project. That way, both broad and more specific impacts, mitigation measures, and alternatives can be studied at appropriate levels of detail.

TRANSPORTATION

Perhaps the most obvious impacts of the CCARP will be those on transportation. The project site is located just off of Broadway, one of the most important of Oakland’s major arterials, and the primary route for traffic towards Downtown Oakland from the north. In particular, while it is true that Highway 24, after going into the “maze” interchange, continues south into Downtown Oakland as Highway 980, Broadway represents the most direct routing for traffic from east of the Oakland Hills to reach Downtown.

Of particular concern for the CCARP is the Broadway/Pleasant Valley/51st Street intersection just south of the project site. That intersection is already heavily impacted by the major projects that have been completed in its vicinity. These include Phase I of Shops at the Ridge, the Merrill Gardens Senior Housing Project, the Baxter on Broadway Project, and the redevelopment of Kaiser’s Oakland Medical Center in the area around the Broadway/MacArthur Blvd. intersection. Each of these projects has further burdened the Broadway/Pleasant Valley/51st St. intersection. Still to come are the RadUrban mixed use project now under construction at 51st and Telegraph and the Kaiser Permanente highrise tower at 21st and Broadway. This intersection is already fully built out at all of its corners, so there appears little ability to add lanes to increase the intersection’s capacity, which appears already to be exceeded at peak commute hours. In addition, there are a series of signalized intersections along Broadway in this area that are in close proximity to each other and are not yet synchronized, and the Broadway/College intersection has been proposed for reconfiguration to make it into a “T” intersection, further complicating the traffic logistics. Analysis of traffic on Broadway, College Ave., 51st Street, Pleasant Valley Boulevard, Broadway Terrace, 40th Street, and MacArthur Boulevard, as well as nearby segments of Highways 24, 980 and 580 need to be included.

Since 95% of the housing units in the project are proposed to be market-rate, auto ownership and use characteristics should be assumed to be similar to those for that demographic in the North Oakland/Piedmont area. For the most part, that will likely mean two cars per household, and both drivers using their car for daily commutes. While the project site is close to a bus stop for an AC Transit transbay bus, and fairly close to the nearest bus stop on the 51A route, transit use should be presumed similar to the demographic for the market-rate units to be constructed.

With the adoption of Public Resources Code § 21199 in 2013, the Legislature signaled a transition from level of service (“LOS”) analysis of transportation impacts to evaluating changes in vehicle miles traveled (“VMT”). There is no question that VMT analysis provides important information on energy use and GHG production from transportation sources – important impacts to be evaluated, especially for a major project such as this. However, there are places, like here, where LOS analysis remains relevant and necessary, particularly for the information it provides about routing choices commuters will make, which affect not only congestion and local air pollution hotspots but also both VMT and “cut-through” traffic on local residential streets, which affects pedestrian and bicyclist safety as well as quality of life for residential areas. For all these reasons, both LOS and VMT analyses should be done for this project. All intersections within 1 mile of the project site and all major intersections within 3 miles of the project site should be evaluated for impacts on LOS.

TRANSIT

As mentioned above, the project is fairly close to an AC Transit transbay bus stop, and not too far from a stop on the 51A line. However, the fact that the 51A and 51B lines now split at the Rockridge BART station may make use of the bus line less attractive for those commuting to the U.C. Berkeley campus. Likewise, the project’s location more than ½ mile from the Rockridge BART station will reduce the likelihood of project residents using BART, unless the project provides shuttle service to/from the BART station. The EIR should also evaluate the project’s effects on the use of private transit (e.g., taxi, Uber, Lyft, etc.), which should be factored in for its effects on both LOS and VMT. Any mitigation measures proposed to incentivize transit use should be evaluated for their feasibility and effectiveness using publicly available data for nearby Bay Area populations with similar demographics.

PARKING

The Legislature has also stepped in to make clear that parking deficiencies are not to be considered an environmental impact. While that may be true, having inadequate parking available contributes to other still-recognized environmental impacts, including increasing VMT, fuel consumption, air quality, and GHG production impacts if drivers end up driving around the area searching for an available parking space. In addition, lack of adequate parking can lead to public safety impacts if frustrated drivers end up parking in illegal spaces such as along fire lanes near fire hydrants, and blocking handicapped spaces and ramps. Consequently, the EIR needs to analyze the adequacy of the parking proposed for the project, and if it is inadequate, propose mechanisms to address the resulting issues, such as incentives to reduce car ownership and enhanced enforcement of parking regulations needed to maintain public health and safety.

EMERGENCY ACCESS

The EIR should evaluate the availability and ease of emergency vehicle access including police, fire, and EMT service vehicles, as well as the adequacy of evacuation routes in case of a fire or other emergency on the project site. In particular, the EIR should look at the necessity of having more than one emergency access route to/from the site, and how emergency access might be affected by disasters such as major fires or earthquakes. The EIR should also consider whether it would be appropriate to require any on-site emergency services (e.g., fire and rescue services for the 19-story tower).

POPULATION, HOUSING, AND DISPLACEMENT

A major aim of the proposed project is to add roughly 600 units of housing on the project site. This will result in a substantial increase in the area's population. Impacts from that population increase, including the need for utilities, public services (including police, fire, library, and park & recreation personnel and facilities) should be addressed.

The vast majority of the housing units are proposed to be market-rate, with 5% (~30 units) reserved as affordable housing for artists. The level of affordability and the criteria to qualify for the affordable units have not yet been defined. This will be the third major housing development within a three-block area devoted almost exclusively to market-rate housing. Yet the City of Oakland appears to already be adequately addressing the market-rate component of its Regional Housing Needs Allocation ("RHNA"). What is not yet being adequately addressed are the below-market-rate components. The EIR needs to evaluate how this major project will affect Oakland's ability to comply with all its RHNA targets.

Even though this project is proposed to be primarily residential, it will increase employment in the area, both for the small commercial component of the project and for service workers to maintain and provide services (e.g., maid service, maintenance services, childcare services, etc.) for the roughly new 1,200 residents.¹ These service workers will not be able to afford market-rate housing. Consequently, the pressure of these new employees seeking housing near the site will put further pressure on the already overstressed housing market for the area, and is likely to lead to further gentrification and displacement of lower income households. The EIR needs to evaluate the extent to which the Project can be expected to cause displacement, and if displacement would occur, the resulting increase in VMT from workers commuting to and from the site should be added to the project's transportation impacts.

VISUAL, AESTHETIC, WIND AND SHADOWING IMPACTS

The overwhelmingly evident impact of the project will be the proposed 19-story tower, which will hold the single largest share of housing units in the project. While the architectural nature of the building remains to be defined, the photomontages produced by the project proponents already indicate it is likely to have a very significant visual and aesthetic impact. The impact is likely to be all the more striking because of the tower's proximity to the historic Treadwell

¹ Assuming an average of 2 residents per unit, which would be similar to the area's overall demographics.

Mansion and associated carriage house. Aesthetically and architecturally, it will take enormous care in designing the base of the tower to avoid a dissonant clash of architectural styles that would detract from the value of the two neighboring historic buildings. That would be a significant impact.

In addition, the shadowing impacts of a 19-story building will need to be carefully evaluated. Some of the shadowing impacts may be mitigable based on the location, shape, and design of the tower. In particular, impacts of shadowing on the historic buildings and on the on-site open space areas need to be carefully considered.

Finally, it is well documented that high structures can affect local meteorology, particularly by producing higher wind velocities. In addition to the one 19-story tower, the project is also proposed to include several mid-rise buildings. Especially given that the project site is higher than the surrounding area, the effect of the project on wind speeds and direction should be evaluated, especially with respect to the on-site open space areas. Winds can greatly detract from the value of open space areas, so any project design that would cause increased wind speeds in the project's open space areas should be avoided.

SEISMIC SAFETY

The EIR should evaluate the seismic safety concerns that the project may raise, both in terms of safety and stability of project buildings and the ability of the project and its buildings to continue to be occupied and fully functional after a major seismic event on the Hayward Fault.

CUMULATIVE IMPACTS

The EIR should evaluate the cumulative impacts of the project in conjunction with other past, present, and reasonably foreseeable future projects that could have cumulative impacts in conjunction with this project. This should specifically include the expected build-out of the adjoining "shops at the ridge" parcels, either under the current approved and vested plans for that site or under the plans that have been proposed by the current developer at that site, TRC, Inc., for addition of four five-story residential/mixed use buildings on the western portion of the site, potentially including up to an additional 600 housing units plus commercial space.

In addition, the EIR should consider the cumulative transportation impacts from the "transit village" buildings currently under construction at the Macarthur BART station, the RadUrban project at 51st. Street & Telegraph Ave., the recently-approved Kaiser Permanente highrise building on Broadway at 21st Street, and other as-yet unbuilt components of the Kaiser Permanente Oakland Medical Center located in the vicinity of Broadway and Macarthur Boulevard.

For the Shops at the Ridge Project, the EIR should consider the extent to which the project could/should provided easy access between the two projects, given the disparity in their altitudes. In particular, it should discuss whether any kind of elevator or escalator access is possible, and, if not, how regular shuttle service might be provided between the two sites.

PROJECT ALTERNATIVES

The EIR is required to include a reasonable range of feasible alternatives that would accomplish a majority of the project proponent's identified goals. An obvious alternative would be reducing the height of the proposed 19-story tower to something more consistent with the surrounding area. This could be done by increasing the number or height or other residential building, reducing the overall amount of residential units or their sizes, or by reducing the total amount of open space in the project. Alternatives should explore these options.

The EIR should also evaluate an option of increasing the percentage of the project devoted to affordable housing, whether housing for artists, or those working at or near the project site, or more generally to address the crying need for more below market rate housing in the City. The EIR should also explore an alternative that would involve the cooperative development of this site and the adjoining Shops at the Ridge project site. There are potential synergies that could result from cooperative development, including shared parking between residential and commercial building and enhanced transit access by means of shared transit stops, stations, and shuttle routes. The EIR should also consider a "Green" option that would emphasize sustainability and reducing the "carbon footprint" of the project.

CONCLUSION

RCPC looks forward to reading and evaluating the Draft EIR for this very important project at the border of Rockridge. Please keep RCPC informed on any future progress on the project's review.

Sincerely,



Leonora Sea
Chair, RCPC Board of Directors

Stuart M. Flashman
Chair, RCPC Land Use Committee

cc: Oakland Planning Commission, Oakland City Council, Oakland City Administrator, Oakland City Attorney.