

**CITY OF ALAMEDA RESPONSES TO
ADDITIONAL COMMENTS ON THE ALAMEDA POINT
ENVIRONMENTAL IMPACT REPORT**

**(Submitted into the Public Record as Part of the City Council
Public Hearing on February 4, 2014)**

DEPARTMENT OF TRANSPORTATION

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ALA-260-R0.26
SCH#2013012043

Mr. Andrew Thomas
City of Alameda
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Dear Mr. Thomas:

Alameda Point General Plan and Zoning Amendments, Master Infrastructure Plan, and Old Town Center and Waterfront Plan – Response to Comments

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Alameda Point project. The following comments are based on the Response to Comments.

Response 2-9

In our comment letter to the Draft Environmental Impact Report, we recommended the City of Alameda (City) develop uniform Traffic Demand Management (TDM) strategies for Alameda Point. These strategies should be included and its feasibility analyzed in the environmental document since it would provide guidance for future development within the proposed plan. Response 2-9 only indicates that a TDM program will be developed and does not specify any quantitative goals within the plan. Without quantitative traffic reduction goals, it is difficult to measure the effectiveness of these TDM programs. We recommend the City proactively guide and incorporate TDM measures and goals within environmental documents rather than develop these measures after project approvals.

Should you have any questions regarding this letter, please call Yatman Kwan, AICP of my staff at (510) 622-1670.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

City of Alameda Response to Letter from the State of California Department of Transportation on Alameda Point EIR Dated January 9, 2014

The State of California Department of Transportation raised an issue regarding the Alameda Point Environmental Impact Report (EIR) in a letter dated January 9, 2014. The City's response to this issue is provided below:

The Draft EIR describes and the City of Alameda General Plan includes "quantitative traffic reduction goals" for the Alameda Point Transportation Demand Management Program. Specifically, the Draft EIR describes and establishes the General Plan goals for a 10% reduction in residential trips and a 30% reduction of non-residential trips during peak-hours as the quantitative measures that will be monitored annually to ensure successful trip reduction. Draft EIR Mitigation Measure 4.C-2a (TDM Program) on page 4.C-37 specifically establishes the 10% and 30% reduction goal.



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January 28, 2014

VIA EMAIL

Honorable Mayor Gilmore
& City Council Members
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

RE: Alameda Point Project Final Environmental Impact Report
February 4, 2013 City Council Meeting

Dear Mayor and Councilmembers:

The Sierra Club calls attention to two issues that are inadequately addressed in the EIR: The proposed regional park on the Northwest Territories and the impact to a resident pod of Pacific Harbor Seals.

Regional Park

The Sierra Club has concerns with response #15-6. This response to the Golden Gate Audubon Society's comment letter is off the mark.

The GGAS DEIR comment states:

The maps in the project description should be amended to reflect that the Northwest Territories will be managed as a regional park.... GGAS believes that the designation on the color maps (e.g., Figs. 3-1, 3-6, 3-7) is important because it normalizes the expectation among the community and decision-makers that the NWT portion not developed by the VA will be a regional park. The development of the park, preferably a naturalistic, wetland-oriented park, is a major part of the US Fish & Wildlife Service's assessment in its 2012 Biological Opinion for the Navy-VA transfer and redevelopment. The DEIR should reflect that fact.

The city's response states:

15-6 See comment 15-5 [below]. The Northwest Territories was designated for open space uses in the General Plan in 2003. The proposed zoning designation is consistent with the existing General Plan designation and is consistent with USFWS' assessment in the 2012 Biological Opinion.

15-5 The comment does not pertain to the adequacy of the environmental review. The proposed action being considered is the application of an Open Space zoning district on the lands

commonly referred to as the Northwest Territories. As described in the draft zoning ordinance being considered for adoption, the use of this land under the proposed zoning would be limited to those uses that support public open space uses and natural habitat. Every park in Alameda is zoned “open space.”

The EIR identifies three proposed parks (Enterprise Park, adaptive reuse park, de-pave park) within its Open Space Framework but fails to identify the regional park. While the zoning is appropriate for the creation of these proposed parks, the omission of one park designation is inconsistent. Furthermore, Enterprise Park, the adaptive reuse park, and the de-pave park have no source of funding at this time, whereas there is money now available to begin building a regional park from the East Bay Regional Park District’s Measure WW. The regional park designation would normalize community expectations that upgrades will be made and confer a status of certainty at least equal to the unfunded parks identified in the report.

The US Fish & Wildlife Service’s 2012 Biological Opinion regarding the impacts to the endangered California Least Tern assumes that beneficial natural habitat will be introduced to the Northwest Territories via construction of the regional park. Construction of the park would remove old pavement, building slabs and numerous obsolete structures, add grassland, and enhance the wetland environment. Failure to go beyond the zoning designation and identify a commitment to construct the park threatens to leave a landscape in place that negatively impacts the climate and potentially impacts the well being of the endangered California Least Terns.

Furthermore, the US Fish & Wildlife Service’s biological opinion specifically states that the regional park will contain “multiple asphalt-paved parking areas for approximately 800 cars, covering 5 acres.” The agreement between the VA and the city for the VA clinic and columbarium project reiterates that a park will be built on the city’s land north of the VA project. Because the proposed regional park designation has unwontedly been omitted in the DEIR, the traffic generated by park usage has neither been acknowledged nor analyzed. The anticipated auto traffic to and from this regional park pertains to the adequacy of the environmental review.

Harbor Seals

The EIR fails to identify the old recreational dock on the south side of Alameda Point as a haul out for harbor seals. In its March 1, 2013 comments to the Alameda Point Notice of Preparation on an EIR, the Golden Gate Audubon Society (GGAS) identified this harbor seal haul out under the section entitled “All Wildlife Values Should Be Considered and Preserved.” The GGAS letter states, in part, “Other wildlife species concerns include: Harbor Seals that haul out on dock where ferry maintenance operation is scheduled to be built.”

The EIR only acknowledges that harbor seals have historically used Breakwater Island as a haul out, but fails to identify the only known haul out site being used during the preparation of the EIR, namely the recreational dock on Alameda Point’s south shore. Construction of the Water Emergency Transit Authority’s (WETA) Central Bay Operations and Maintenance Facility, scheduled to commence in 2014, will displace the harbor seals without providing for any mitigation measures. The only mitigation

measures recommended by WETA for harbor seal impacts are for seals that may be sighted in the water during demolition, dredging, and construction. In other words, the contractor will be careful not to disturb the pod of approximately 10 harbor seals AFTER they have been displaced by demolition of their haul out.

Pacific harbor seals are protected from disturbance under the Marine Mammal Protection Act. The harbor seal haul out should be acknowledged and mitigation measures identified for their displacement resulting from construction of the ferry facility.

Sincerely yours,

Norman La Force

Norman La Force, Chair
Chapter Legal Committee

City of Alameda Response to Letter from Sierra Club on Alameda Point EIR Dated January 28, 2014

The Sierra Club raised two issues regarding the Alameda Point Environmental Impact Report (EIR) in a letter dated January 28, 2014. The City's response to these two issues is provided below:

I. Regional Park

The zoning ordinance amendment for Alameda Point before the City Council on February 4, 2014 designates the Northwest Territories as open space. This was part of the project description studied by the Alameda Point EIR.

II. Harbor Seals

The Sierra Club letter comments on the need for mitigation for the displacement of small numbers of harbor seals (approximately 10 individuals) as a result of removal of a dock by the WETA project. The City is aware of the WETA project, which is being undertaken by a different agency (the San Francisco Bay Area Water Emergency Transportation Authority) and is not part of the Alameda Point Project.

The Alameda Point Project EIR considered impacts to harbor seals. Specifically, the discussion of Impact 4.E-1 in the EIR determined that impacts of noise from pile driving and effects of vessel traffic (noise, close approach, harassment, and potential for collisions) were potentially significant, and identified three mitigation measures – Mitigation Measures 4.E-1a, 4.E-1b, and 4.E-1c - to reduce the impacts to a less-than-significant level. The Alameda Point Project EIR concluded that there would no significant impact due to habitat loss for this species, because Breakwater Island provides ample haul-out habitat for harbor seals, and the Project will not alter that haul-out habitat.

In addition, the WETA project was included in the analysis of cumulative impacts to biological resources, on page 4E-92 of the Draft EIR, as one of the foreseeable projects that could result in cumulative impacts on biological resources in combination with the Alameda Point Project. Because the Alameda Point Project would not result in the loss of harbor seal haul-out habitat, it would not contribute to any cumulative impact, significant or not, to harbor seal habitat.

WETA's Mitigated Negative Declaration (MND) for its project concluded that harbor seals could be significantly impacted during construction of the WETA project, and identified a mitigation measure to reduce the impacts to a less-than-significant level. That MND did not address the impacts of the removal by the WETA project of a dock supporting up to 10 individual harbor seals. In the opinion of the City's biological resources expert, the loss of this dock would not result in a significant impact to harbor seals resulting from habitat loss, because the ample haul-out habitat provided on

Breakwater Island would support any individuals displaced by the WETA project. Therefore, there would be no significant impact on local populations of this species. Thus, the mitigation measures described in WETA's MND to minimize impacts during construction, coupled with the abundant availability of haul-out sites on Breakwater Island, are adequate to avoid substantial impacts to the species.