



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
PUBLIC HEALTH DEPARTMENT

Alex Briscoe, Director  
Muntu Davis, MD, MPH, Acting Director

Community Assessment, Planning and Evaluation

Chuck McKetney, DrPH  
Director

1000 Broadway, 5<sup>th</sup> Floor  
Oakland, CA 94607

(510) 267-8020  
Fax: (510) 268-7012

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Alicia Parker  
City of Oakland  
Department of Planning, Building and Neighborhood Preservation  
Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
Via e-mail: [aparker@oaklandnet.com](mailto:aparker@oaklandnet.com)

**RE: Central Estuary Implementation Guide Supplemental EIR and Public Health Concerns**

Dear Ms. Parker:

The Alameda County Public Health Department (ACPHD) is writing to share our comments regarding the Central Estuary Implementation Guide Supplemental Environmental Impact Report (SEIR). ACPHD has documented the social and health inequities in Oakland that continually disproportionately impact low-income communities and communities of color. As the agency responsible for protecting the public health of Alameda County residents, our role is to analyze and comment on the public health impacts of planning processes for consideration in decision making.

First, we would like to thank the Strategic Planning staff for consideration of public health and for involving ACPHD early in the Central Estuary Specific Planning process. While gathering health data to prioritize community needs, we found that this is an area where existing residents are already impacted with disproportionately high emergency department visit rates compared to the Alameda County rates for: asthma, coronary-heart disease, assault, mental disorders, motor vehicle crashes obesity-related reasons and stroke (See Section X, Public Health of the Existing Conditions Report, September 2009). ACPHD has made recommendations that would help the City create a plan that would address the health issues impacted by the built environment and economic development as well as ideas for paying for implementation costs. These issues include: poor air quality, land use conflicts, poor access to active transportation and goods and services, lack of affordable housing, social cohesion, safety issues, and poor access to good-paying jobs.<sup>1</sup>

**After reviewing the SEIR, ACPHD is still concerned that there are considerable health risks to new and existing residents and that there is a lack of clarity regarding implementation of mitigating these risks.** The SEIR's analysis found several significant and unavoidable impacts:

- Air quality: exposure to odors and gaseous toxic air contaminants;
- Greenhouse gas emissions for both mobile and stationary sources;
- and transportation: impacts at various intersections, freeway and roadway segments traffic at railroad crossings.

**Should the City of Oakland decide to override the considerations of significance, the City should adopt the utmost stringent mitigations and actions to ensure implementation and enforcement is realized.** This will also help reduce and prevent costs to the already burdened healthcare system.

<sup>1</sup> See ACPHD letters to CED Committee on February 9, 2010 and April 20, 2010 and to Strategic Planning on December 21, 2011.

## *Sensitive Land Uses and Public Health*

### *Air quality*

ACPHD is very concerned with allowing increased density of sensitive uses, particularly residences and schools, in the area because of the high health risks. In addition to identifying air quality as a significant and unavoidable impact, the SEIR found that a Particulate Matter Exclusion Zone, which would prohibit most new housing in locations within 1000 feet of large sources of particulate matter emissions – railroads, freeways and major roadways – conflicts with the industrial land retention policy. However, the commingling of industrial and residential land uses proposed perpetuates these impacts. The area near Owens Brockway and the West Sub-area are particularly problematic. From a health perspective, no new housing should be sited here. However, **should the City of Oakland move forward to write a Statement of Overriding Consideration, we strongly recommend the City strengthen the Standard Condition of Approval (SCA) A, B and C, Exposure to Air Pollution (See Appendix A below) and implement the actions and mitigations to reduce exposures for existing and new residents.** This includes recapturing the value of rezoning the land for community benefits and ensuring funds for implementation particularly for populations who are most susceptible to poor air quality – children, seniors and people with pre-existing health conditions (More explanation below).

### *Noise and Vibrations*

ACPHD is concerned about the impacts of noise and vibrations in the area. Noise and vibrations are linked to negative health outcomes and further comingling residential infill development with industrial uses will increase these impacts. The SEIR analysis shows that the noise environment for residential land uses along Kennedy Street in the West Sub-area, are already considered “Clearly Unacceptable” for residential development and Union Point Park is considered “Normally Unacceptable” for park areas. The SEIR also says in SCA 29: Noise Control and NO-4 that development facilitated by the CEIG could potentially increase ambient noise levels, but discounted this by saying it is not significant because it increases by less than a 5 dBA permanent increase. Noise modeling for year 2035 indicates that the majority of the existing and future noise-sensitive development within the Plan Area would continue to experience unacceptable noise levels with the cumulative addition of traffic noise beyond the project-related development within the Plan Area. Adding additional noise impacts to an already overburdened area is problematic even if it is incremental from a health perspective. **ACPHD recommends restricting new residential development in areas where noise is projected to deteriorate to unacceptable levels and to add more noise mitigations in these areas (See Appendix A below).**

### *Access to Active Transportation and Safety Issues*

ACPHD is very concerned with potential increased health risks, particularly for youth, seniors and disabled people, due to a lack of pedestrian and bike facilities and public transit that promote physical activity and contribute less greenhouse gases to the environment. Transportation access is important to health, especially for low-income residents, whom tend to have poor access to necessary and health-promoting goods and services. First, we are concerned that the City is allowing increased density of residential uses, particularly multi-family residential in the West Sub-area, in areas that already have limited access to safe pedestrian and bicycle facilities and nearby, frequent and reliable transit. According to the SEIR, the Park Street Triangle is one area with the most collisions. At the same time, positioning new residences near existing residential areas, such as the Central West Sub-area which is adjacent to the Park Street Triangle, maximizes connectivity to transit, bike, and pedestrian facilities and can help improve transit ridership. Improving access and safety will be challenging without substantial resources. Also, the SEIR fails to mention AC Transit bus 51A, which has a couple of stops in the area. **To ensure environmental and community health benefits for new and existing residents, ACPHD recommends prioritizing and funding bicycle, pedestrian and transit improvements as well as more protections from the impacts of trucks (see Appendix A below).**

### *Ensure Implementation of Health and Economic Benefits through Recapturing Land Value Increases*

ACPHD supports retaining industrial land because it is an economic development strategy that may improve health outcomes in Oakland, particularly among those in disproportionately higher risk of poor health outcomes, if coupled with actions to increase job opportunities, local hire and job training for those with a high-school degree or less. This is also an opportunity to increase affordable housing and income for our most vulnerable populations. Research clearly indicates that one of the best ways to improve health outcomes is to increase income levels or reduce poverty. The City’s lack of affordable housing contributes to food insecurity and poor nutrition, especially among low-income children or color, and reduces families’ income for other essential needs. Additionally, a lack of safe, affordable housing can lead vulnerable residents to settle for substandard housing situations, which is a major contributor to the development of serious respiratory and skin infections. **ACPHD recommends utilizing up-zoning revenues and development impact fees for the necessary mitigations and community benefits that prioritize health and economic benefits, such as air quality**

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**and transportation mitigations, local jobs and affordable housing (See Appendix A). Specifically, these benefits should include a requirement that any new housing include a high percentage of affordable housing and job training for new development, prevent displacement and local hire and wage standards for all permanent jobs resulting from the new development.**

Again, ACPHD expresses its appreciation to the City of Oakland for considering our recommendations for addressing public health in the Central Estuary Specific Plan process and SEIR. Please feel free to contact me with any questions or concerns.

Regards,

Chuck McKetney, DrPH  
Director of Community Assessment, Planning, and Evaluation  
Alameda County Public Health Department

cc: Dr. Muntu Davis, Director, Alameda County Public Health Department

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## **APPENDIX A**

### **Recommendations for actions and mitigations for Reducing and Preventing Air Quality Impacts:**

#### SCA A Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

- Measure t) “*Minimize the idling time of diesel-powered construction equipment to two minutes*” is difficult to implement/enforce. Amend this measure to require that all off road construction equipment used within this project site must meet CARB Tier 3 standards.

#### SCA B Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter) and SCA C Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)<sup>2</sup>

- The Health Risk Assessment should be made publicly available or at least consult with the BAAQMD.
- Health Risk assessment recommended list of measures should include, but not be limited to the following:  
The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
  - Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
  - Do not locate sensitive receptors near distribution center’s entry and exit points.
  - Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
  - Require an HVAC with filtration or other air take system in the building or in each individual residential unit for sensitive use sites that are within 1000 feet of a significant particulate matter source – freeway, railway, major road – that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used. Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.
  - Incorporate engineering strategies to ensure that new buildings maintain clean indoor air quality. Strategies could include providing mechanical ventilation; keeping building interiors under positive pressure; installing particulate filtration and carbon filtration as needed; and locating air intakes away from pollution sources
  - Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.
  - Install indoor air quality monitoring units in buildings.
  - Incorporate pollution prevention measures into new business operations to ensure that they are as "clean" as possible.
  - Require warehouse and distribution facilities to provide adequate on site truck parking.
  - Inform all potential buyers of all increased health risk associated with living close to major highways and thoroughfares and educate them in the proper use of any installed air filtration
  - Consider limiting building heights adjacent to roadways with high traffic flows. Taller buildings create "urban canyons" which can reduce the dispersion of air pollutants and increase ambient exposure levels. Dispersion analysis could inform where to allow higher buildings
  - Apply California Air Resource Board’s Air Quality and Land Use Handbook regulations for large stationary sources (e.g., refineries, power plants, chemical facilities, etc) and small stationary sources (e.g., dry cleaners, auto body shops, welders, chrome plating facilities, service stations, etc), including: (1) Operating permit rules; (2) Air Toxics "Hot Spots" Law (AB 2588); (3) Local district rules; (4) Air Toxic Control Measures (ATCMs); (5) New Source Review rules.
  - Prohibit schools within 1000 feet of a high traffic road or freeway (100,000 vehicles per day).

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<sup>2</sup> For more information, please see the Sustainable Communities Index at: <http://www.sustainablesf.org/>

- Apply regulations for mobile sources (non-fleet - e.g., cars, trucks, buses), including: (1) Emission standards; (2) Cleaner-burning fuels (i.e., unleaded gasoline, low-sulfur diesel); (3) Inspection and repair programs (i.e., Smog Check)
- Create an air quality and odor complaint hotline and procedure.

### **Recommendations for actions and mitigations for Reducing and Preventing Noise Impacts<sup>3</sup>:**

- Adequately maintain City-owned vehicles and travel surfaces near sensitive land uses with unacceptable noise levels to minimize noise
- Reduce traffic speeds on adjacent residential streets through traffic calming measures (especially traffic circles, semi-diverters, and diagonal diverters).
- If noise is greater than 65 decibels, notify all potential buyers that the property they are occupying has significant noise risks.
- Design units exposed to high noise levels with interior courtyards and patios that open into acoustically protected and shielded areas.
- Incorporate noise insulation materials in new construction, especially near busy roadways or industrial uses
- Promote site planning, building orientation and design, and interior layout that will lessen noise intrusion
- Restrict new residential development in areas where noise is projected to deteriorate to unacceptable levels
- Create an impact fee on new development to pay the fair share of costs of implementing noise mitigations, such as maintaining roads.

### **Recommendations for actions and mitigations for Promoting Active Transportation Options (access to bicycle, pedestrian facilities and transit)**

- Add to SCA 25, Parking and Transportation Demand Management:
  - Businesses with trucks and the City should identify designated areas for heavy duty truck parking, particularly by the Park Street triangle.
  - Examine increases and improvements in pedestrian, bicycle, transit and carpool/vanpool use in conjunction with existing or planned truck routes to prevent conflicts.
  - Require new development to consider the cost of improvements for bicycles, pedestrians and transit access and contribute to a mitigation fund that will be administered by the City.
- The following come from the Sustainable Communities Index<sup>4</sup>
  - Prioritize development projects located near high capacity, frequent, and reliable public transit
  - Establish a residential transit pass program funded by monthly or annual homeowners' fees. The transit pass program should subsidize free or discounted passes for below market rate units
  - Work with local and/or regional transit agencies to provide subsidized transit passes to tenants in below market rate units and other transit-dependent tenants (e.g., persons with disabilities, seniors, and youth) as well as for low-income households (e.g., <200% poverty level), or provide discounts on car-share memberships or discounts on new bicycles and helmets
  - Require or incentivize employers to subsidize employees who commute to work via mass transit, bicycle or foot
  - Ensure that all employees have access to tax incentives for mass transit (e.g., commuter check programs)
  - Provide no-cost shuttles between worksites, homes, and regional public transit
  - Provide secure, covered bicycle parking and changing facilities at workplaces. Provide safe, convenient bicycle parking on streets and in parking garages.
  - Make pedestrian access to public transportation safer and encourage transit ridership by improving walking environments to and around public transit stops through measures such as more pedestrian scale lighting, wider sidewalks, and visible, safe pedestrian crosswalks. Funding could be provided through a development agreement or other means.
  - Include traffic calming design strategies which will increase pedestrian and bicycle safety

<sup>3</sup> For more information, please see the Sustainable Communities Index at: <http://www.sustainablesf.org/>

<sup>4</sup> For more information, please see the Sustainable Communities Index at: <http://www.sustainablesf.org/>

## **Recommendations for actions or mitigations for Preventing Displacement and Increasing Affordable, Healthy Housing<sup>5</sup>**

- Capture a portion of the increased land value from the conversion of commercial land to residential and from increased height limits, to be used for increased affordable housing
- Include soundproofing and/or air filtration systems in noisy and/or high pollution areas
- Use high quality building materials to offset long-term maintenance and repair costs
- Provide density bonuses to developers for increased affordable housing. Density bonuses are when a city permits developers to increase the number of units allowed on a piece of property if they agree to something beneficial for the city such as restricted rents or sales prices or Brownfield clean-up
- Require below market rate units to come in a mix of sizes/number of bedrooms to address the need for affordable housing for different household types (e.g., at least 25% of below market rate (BMR) units have 2-bedroom and at least 25% have 3 or more bedrooms)
- Provide incentives for development of rental property. Examples include tax credits, bond financing, deferral or forgiveness of real estate taxes, water charges, and other public debts owed on rental properties, construction financing, technical assistance, etc.
- Provide permanently affordable and service-enriched housing to reduce the need for temporary homeless shelters
- Discourage the demolition of sound, existing housing by requiring 1:1 replacement of affordable units or in-lieu fees paid to the City's affordable housing fund
- Encourage more landlords to get their property Section 8 certified through incentives such as assistance with the approval process and tenant search.
- Educate tenants and landlords about tenants' rights and responsibilities - especially related to evictions, rent control, deposits, and maintenance
- Encourage development agreements to include rent control commitments and provide model language to support this
- Protect the affordability of units in existing buildings at risk of being converted to market rate housing by discouraging private property owners participating in affordable housing programs from terminating their participation (e.g., federally-insured mortgages, project-based Section 8 rental subsidies, low-income housing tax credit program, restricted by other sources such as tax-exempt bonds, CDBG, HOME, tax increment and density bonus/land use restrictions).
- Use tax increment financing (TIF) to capture a portion of the increased land value from the conversion of commercial land to residential and from increased height limits, to be used for increased affordable housing.
- Require incremental increases in affordable units with incremental increases in heights
- Require that market-rate housing projects provide below market rate (BMR) units at a range of affordability levels including low- and very-low income

## **Recommendations for actions or mitigations to Increase High-quality Employment for Local Residents**

- Use a community benefits agreement to provide and ensure neighborhood economic benefits not otherwise possible via land use and zoning tools (e.g., living wages, local hiring and job training, readiness and placement services, affordable housing, environmental remediation, employer support services, First Source provision, and funds for community programs).
- Implement a community benefits agreement that ensures developers will hire locally and provide prevailing and living wages for construction-related jobs during the development process.
- Target industry sectors that have higher paying entry level jobs to locate in the area and hire locally through a high-wage adult job training program

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<sup>5</sup> For more information, please see the Sustainable Communities Index at: <http://www.sustainablesf.org/>