

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 18-19, 2016

Reference No.: 2.2c.(8)
Action

YELLOW REPLACEMENT ITEM

From: SUSAN BRANSEN
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LAKE MERRITT TO BAY
TRAIL BICYCLE/PEDESTRIAN BRIDGE PROJECT (RESOLUTION E-16-31)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Addendum, and certification of unavoidable significant noise impacts for the Lake Merritt to Bay Trail Bicycle/Pedestrian Project (Project) in Alameda County for future consideration of funding?

RECOMMENDATION:

Staff recommends the Commission accept the FEIR, Addendum and certification of unavoidable significant noise impacts and approve the project for future consideration of funding.

BACKGROUND:

The City of Oakland (City) is the California Environmental Quality Act (CEQA) lead agency for the project. The proposed project involves the construction of an elevated pedestrian and bicycle path that would provide access from the Lake Merritt Channel to the new Embarcadero Bridge, closing the existing gap in the regional bicycle and pedestrian trail system between Lake Merritt trails and the San Francisco Bay Trail. The elevated pathway would form an "S" curve along the proposed alignment and begin on the east side of the Channel just north of the I-880 overcrossing, cross to the west side of the Channel beneath I-880, then cross back to the east side of the Lake Merritt Channel before passing over the Union Pacific Railroad tracks and Embarcadero Road.

On February 13, 2008, the City adopted the FEIR for the Lake Merritt to Bay Trail Bicycle/Pedestrian Bridge project under CEQA.

The FEIR determined that environmental impacts were isolated to the generation of noise levels that would exceed the City's long-term construction noise standards.

In a May 5, 2016 email to the Commission (attached) the City certified that the Addendum filed on March 1, 2016, concerning the Measure DD (a City of Oakland bond measure) EIR did not identify any new or worse impacts than were identified in the 2008 Measure DD EIR and therefore, a Statement of Overriding Considerations was not required for the Addendum.

Although the City was unable to locate the Statement of Overriding Considerations, they have certified in the attached email that noise due to construction of this project was an unavoidable impact and would not worsen this previously identified impact, nor would the project result in new, significant impacts per the analysis provided in the Addendum.

The project will essentially provide a pivotal connection from the Lake Merritt Channel to the new Embarcadero Bridge, promoting bicycling and pedestrian travel to diminish automobile use.

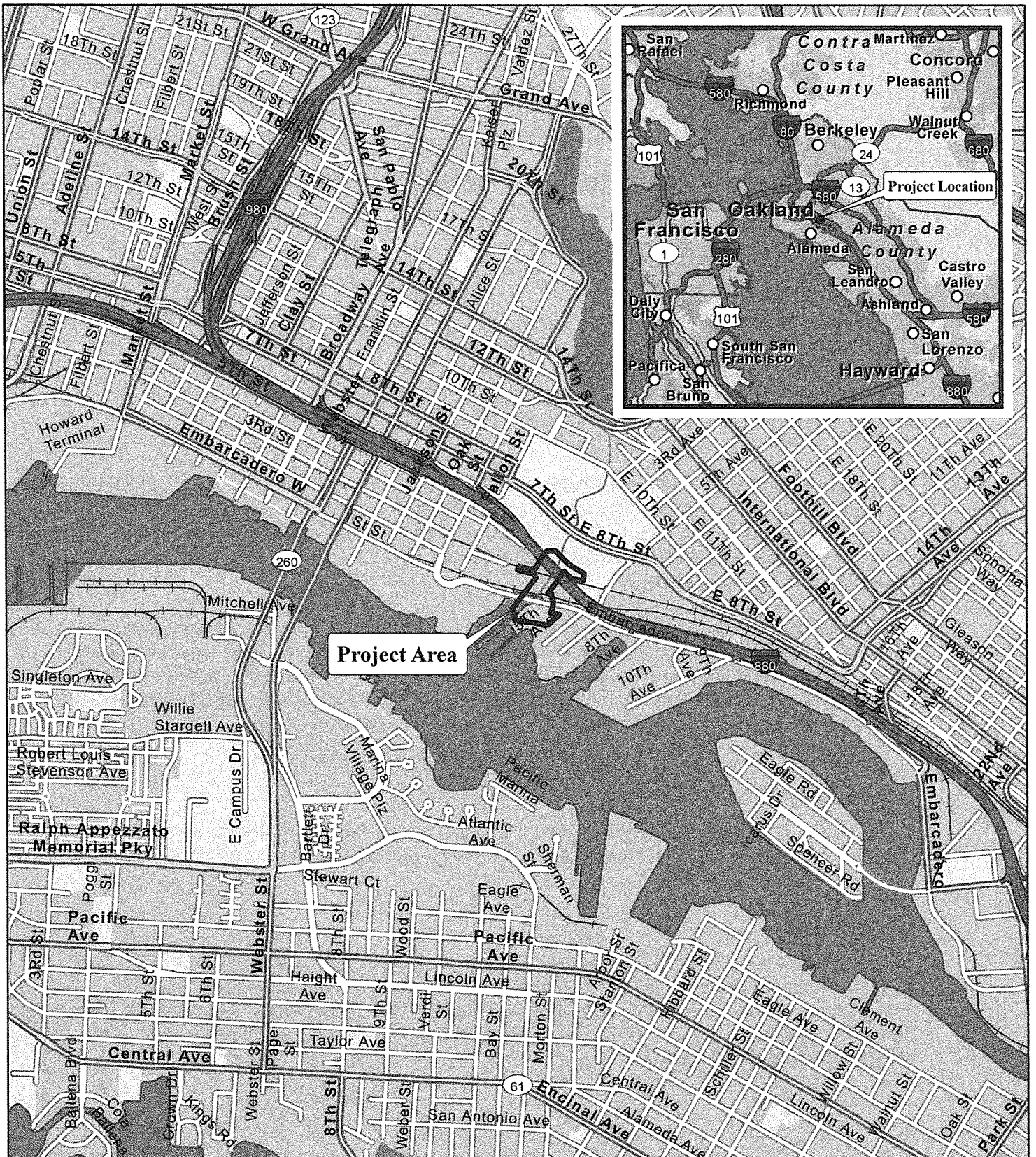
Attachment

- Resolution E-16-31
- Project Location
- City of Oakland E-mail Dated May 5, 2016

CALIFORNIA TRANSPORTATION COMMISSION

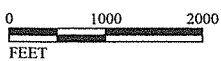
Resolution for Future Consideration of Funding 04– Alameda County Resolution E-16-31

- 1.1 **WHEREAS**, the City of Oakland (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - Lake Merritt to Bay Trail Bicycle/Pedestrian Bridge Project
- 1.2 **WHEREAS**, the City has certified that the Final Environmental Impact Report was completed pursuant to CEQA and the State CEQA Guidelines; and
- 1.3 **WHEREAS**, the project involves the construction of an elevated pedestrian and bicycle path that would provide access from the Lake Merritt Channel to the new Embarcadero Bridge by the Oakland Estuary, closing the existing gap in the regional bicycle and pedestrian trail system between Lake Merritt trails and the San Francisco Bay Trail; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, the City on February 13, 2008, adopted the Final Environmental Impact Report (FEIR); and
- 1.6 **WHEREAS**, the City determined that environmental impacts were isolated to the generation of noise levels that would exceed the City's long-term construction standards; and
- 1.7 **WHEREAS**, the City certified via email dated May 5, 2016 to Commission staff, that the Addendum filed on March 1, 2016, concerning the Measure DD EIR did not identify any new or worse impacts that were identified in the 2008 Measure DD EIR and therefore, a Statement of Overriding Considerations was not required for the Addendum; and
- 1.8 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Addendum, and certification of unavoidable significant noise impacts and approves the above referenced project to allow for future consideration of funding.



LSA

FIGURE 1



SOURCE: ESRI StreetMap North America (2012)

I:\MAN1202 oak-bike bridge\figures\Addendum\Fig_1.ai (11/11/2015)

From: [Payne, Catherine](#)
To: Oseguera, Jose@DOT
Cc: [Tannenwald, Diane](#); [Lee, Heather](#); [Merkamp, Robert](#)
Subject: City of Oakland LM2BT project CEQA
Date: Thursday, May 05, 2016 11:08:09 AM

Good morning, Jose. Per your request, the City of Oakland is providing you with the following statement regarding the CEQA analysis for the Lake Merritt to Bay Trail project. Please let me know if you have questions or require additional information:

1. Although the City of Oakland cannot locate a Statement of Overriding Considerations from certification of the Measure DD EIR in 2008, the EIR clearly identified three significant unavoidable impacts, was certified by the Planning Commission on February 13, 2008 (and, on appeal, confirmed by a City Council resolution on April 1, 2008), and went unchallenged in the court of law.
2. Although the City of Oakland Planning Commission and City Council did not specifically make findings of overriding considerations when certifying the 2008 Measure DD EIR, both decision-making bodies did make findings required under CEQA in their actions on the matter (the Planning Commission made CEQA findings when certifying the Measure DD EIR on February 13, 2008, and the City Council made findings in their resolution denying an appeal of the Planning Commission on April 1, 2008).
3. The Addendum filed originally on March 1, 2016 (with City letter to that effect dated April 29th, 2016) to the Measure DD EIR did not identify any new or worse impacts than were identified in the 2008 Measure DD EIR and therefore no Statement of Overriding Considerations is required related to said Addendum for the LM2BT project at this time. The Addendum identifies one of the three significant unavoidable impacts from the Measure DD EIR as applicable to the Lake Merritt to Bay Trail project, specifically the potential noise impact resulting from pile driving that could generate noise levels that exceed the City's long-term construction noise standards. As noted above, the currently proposed project would not worsen this previously identified impact nor would the project result in new, significant impacts per the analysis provided in the Addendum.

Thank you,

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