

## M e m o r a n d u m

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)

32

**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.

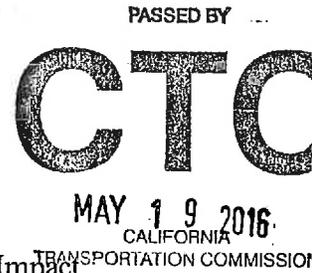
The project will essentially provide a pivotal connection from the Lake Merritt Channel to the new Embarcadero Bridge, promoting bicycling and pedestrian travel to diminish automobile use.

Attachment

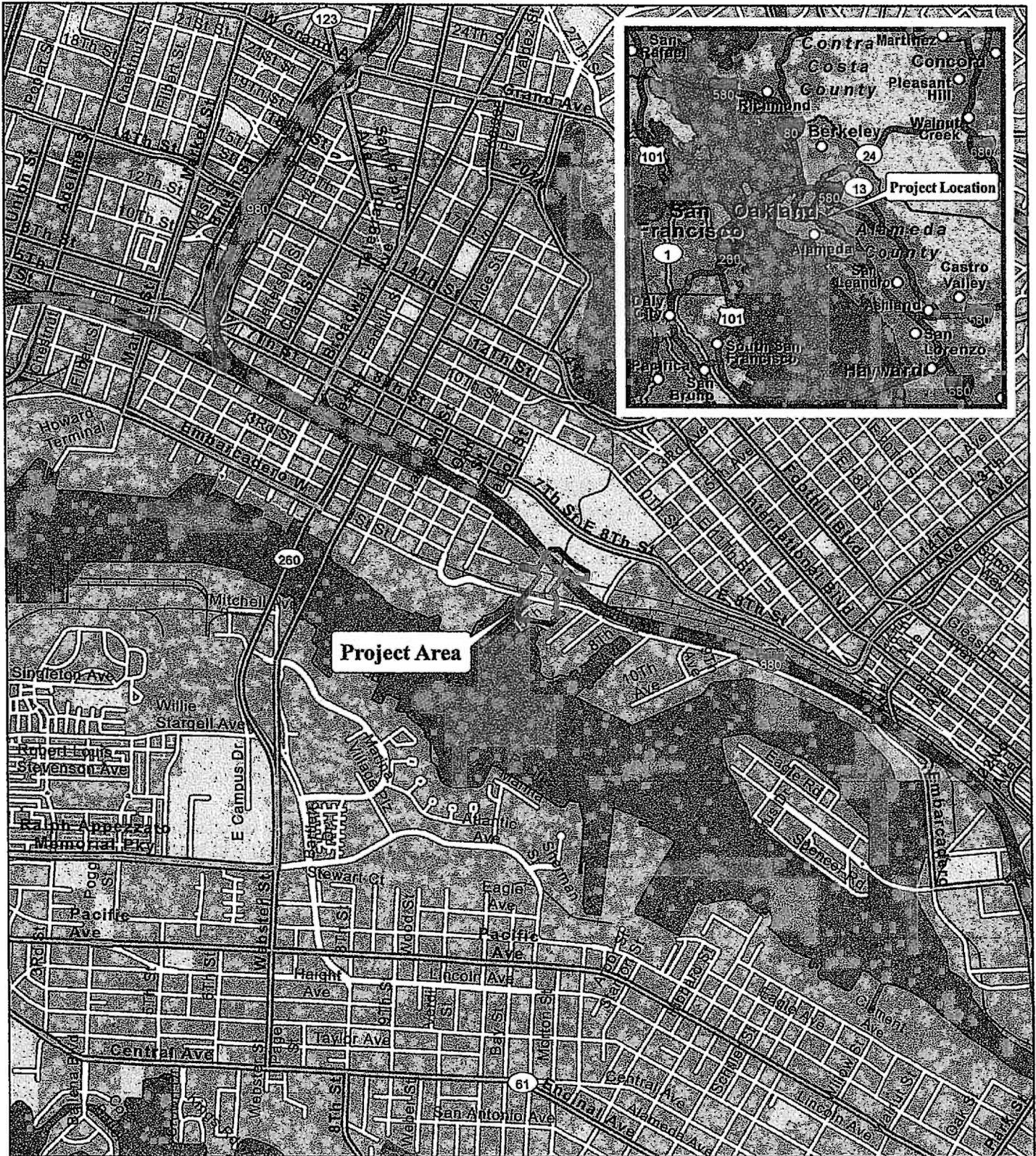
- Resolution E-16-~~31~~<sup>32</sup>
- Project Location
- City of Oakland E-mail Dated May 5, 2016

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding  
04- Alameda County  
Resolution E-16-3132

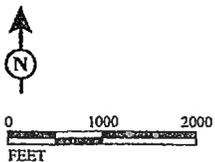


- 1.1 **WHEREAS**, the City of Oakland (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Lake Merritt to Bay Trail Bicycle/Pedestrian Bridge Project
- 1.2 **WHEREAS**, the City has 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



Addendum to the Measure DD EIR for the LM2BT Project  
Project Location and Regional Vicinity Map

SOURCE: ESRI StreetMap North America (2012)

I:\MAN1202 oak-bike bridge\figures\Addendum\Fig\_1.ai (11/11/2015)

## Hopkins, Garth@DOT

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**From:** Payne, Catherine <CPayne@oaklandnet.com>  
**Sent:** Thursday, May 05, 2016 11:08 AM  
**To:** Oseguera, Jose@DOT  
**Cc:** Tannenwald, Diane; Lee, Heather; Merkamp, Robert  
**Subject:** City of Oakland LM2BT project CEQA

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 29<sup>th</sup>, 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,

**Catherine Payne**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612  
| Phone: (510)238-6168 | Fax: (510) 238-3254 | Email: [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com) | Website:  
[www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

## CITY OF OAKLAND



1 FRANK H. OGAWA PLAZA · 3<sup>RD</sup> FLOOR · OAKLAND, CALIFORNIA 94612

Office of the Mayor  
Libby Schaaf  
Mayor

(510) 238-3141  
FAX: (510) 238-4731  
TDD: (510) 238-3254

May 12, 2016

Mr. Bob Alvarado, Chairman  
California Transportation Commission  
1120 N Street, MS-52  
Sacramento, CA 95814

**RE: Support for the City of Oakland's application to the California Transportation Commission for the Lake Merritt to San Francisco Bay Trail Gap Closure Project**

Dear Chairman Alvarado:

On behalf of the City of Oakland I want to express our support of the City of Oakland's application to the California Transportation Commission for the Lake Merritt to San Francisco Bay Trail Gap Closure Project.

This is the crucial missing link for bicycles and pedestrians to safely traverse between the 500 mile regional Bay Trail and the Lake Merritt trail systems. The State and Region's concept of connecting the various paths that are around Lake Merritt to the Estuary is well conceived and has been in various plans for decades. The City of Oakland is excited about moving forward with this much needed final project.

The massive I-880 corridor and the Union Pacific railroad tracks divide the two attractive and extensively utilized trail systems. Unfortunately, since it is the most direct route between Lake Merritt/Laney College and the waterfront, people trade their personal safety for expediency, dodging trains, large trucks and cars, to cross illegally from one side to the other.

In addition, the proposed bridge will allow local and regional users to safely connect to public transportation such as BART, AC Transit, Amtrak Capitol Corridor, and the Alameda-Oakland Ferry. Students at Laney College and the Jack London Aquatic Center along with other pedestrians and bicyclists will be able to reach developing areas such as the Brooklyn Basin, Jack London Square and the proposed Lake Merritt BART Station Transit village. A well designed safe ADA Accessible Class I Multi-Use Path that closes this gap in the city's bicycle and pedestrian systems will act as a destination and will draw local and regional users.

I thank you for your consideration and support.

Sincerely,

A handwritten signature in black ink, which appears to read "Libby Schaaf".

Libby Schaaf  
Mayor of Oakland

2.2c.(8)

**APPROVAL OF PROJECT FOR FUTURE  
CONSIDERATION OF FUNDING:**

**04 – ALAMEDA COUNTY  
LAKE MERRITT TO BAY TRAIL BICYCLE/PEDESTRIAN BRIDGE  
CONSTRUCTION OF AN ELEVATED PEDESTRIAN AND  
BICYCLE BRIDGE.  
(FEIR) (PPNO 2190J) (ATP)**

INFORMATION ON THIS ITEM WILL BE  
PROVIDED PRIOR TO THE MAY 18-19, 2016  
CALIFORNIA TRANSPORTATION COMMISSION MEETING

Tab 54  
E-16-31

**NOTICE OF DETERMINATION**

To: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: California Transportation Commission  
Attn: Jose Oseguera  
1120 N Street  
Sacramento, CA 95814  
(916) 653-2094

**Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.**

Lake Merritt to Bay Trail Bicycle/Pedestrian Bridge Project  
**Project Title**

2006122048	Catherine Payne	(510) 238- 6168
<b>State Clearinghouse Number</b>	<b>Lead Agency Contact Person</b>	<b>Area Code/Telephone</b>

**Project Location** (include county): The project is located along the southern portion of Lake Merritt Channel, generally where he Channel meets the Oakland Estuary in the City of Oakland, Alameda County.

**Project Description:** 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 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.

This is to advise that the California Transportation Commission has approved the above described project on May 19, 2016 and has made the following determinations regarding the above described project:

1. The project (  will/  will not) have a significant effect on the environment.
2.  An Environmental Impact Report and Addendum was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (  were/  were not) made a condition of the approval of the project.
4. Mitigation reporting or monitoring plan (  was /  was not) adopted for this project.
5. A Statement of Overriding Considerations (  was /  was not) adopted for this project.
6. Findings (  were/  were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: 250 Frank H. Ogawa, Suite 2114, Oakland, CA 94612

*Susan Bransen*  
SUSAN BRANSEN  
*Signature (Public Agency)*  
Date received for filing at OPR:

5/20/16  
*Date*

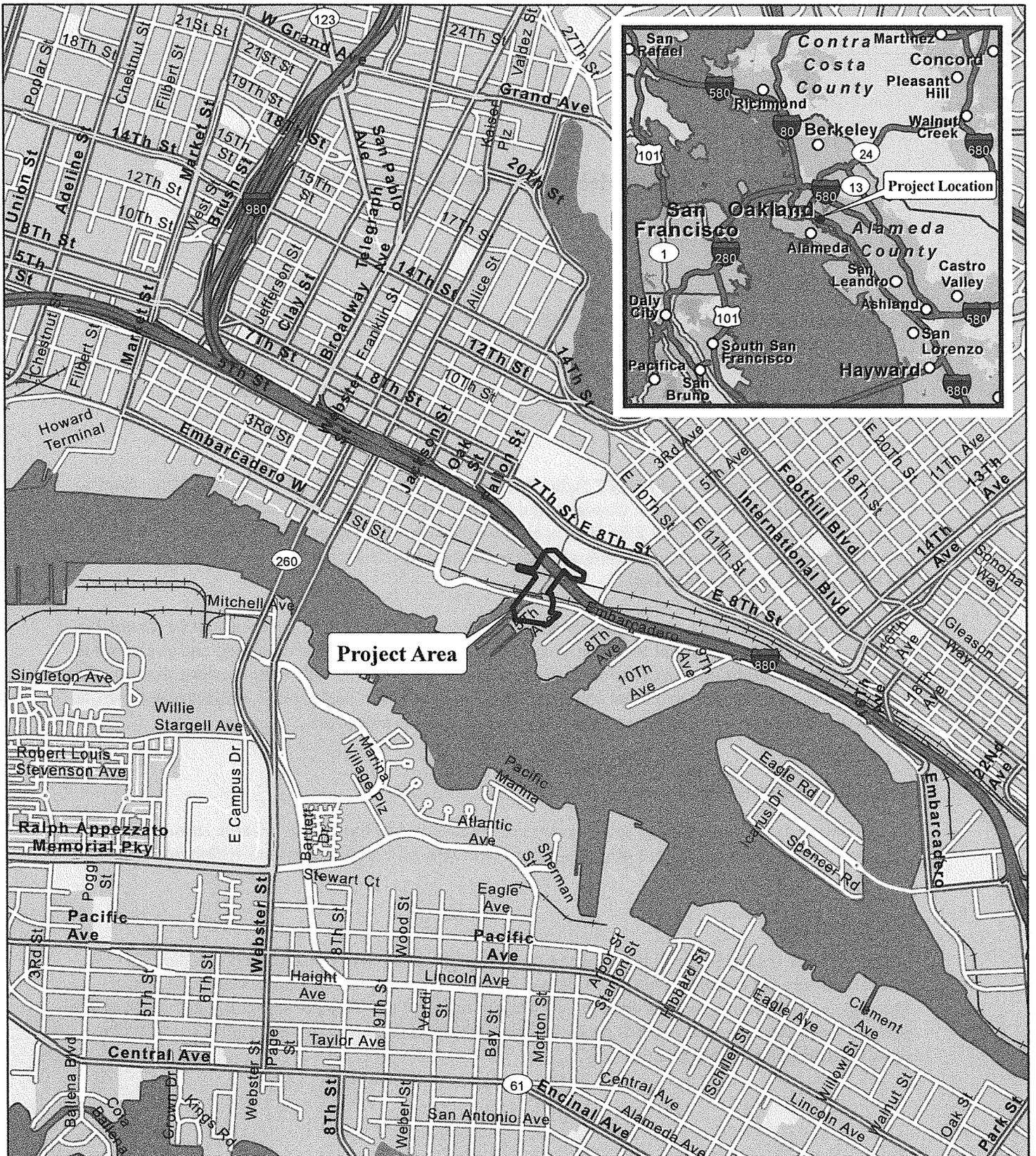
Executive Director  
California Transportation Commission  
*Title*

Governor's Office of Planning & Research  
MAY 23 2016  
STATE CLEARINGHOUSE

# CALIFORNIA TRANSPORTATION COMMISSION

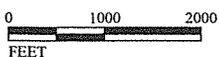
## Resolution for Future Consideration of Funding 04– Alameda County Resolution E-16-31

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**Cc:** [Tannenwald, Diane](#); [Lee, Heather](#); [Merkamp, Robert](#)  
**Subject:** City of Oakland LM2BT project CEQA  
**Date:** Thursday, May 05, 2016 11:08:09 AM

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Sincerely,

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Libby Schaaf  
Mayor of Oakland