

Friends of Knowland Park

<http://www.saveknowland.org>

Ruth E. Malone, Co-Chair

Friends of Knowland Park

10700 Lochard Street, Oakland, California 94605

June 21, 2011

To: Mayor Jean Quan, Council Members Larry Reid (President), Rebecca Kaplan, Desley Brooks, Jane Brunner, Nancy Nadel, Ignacio De La Fuente, and Libby Schaaf

From: Ruth Malone, Co-Chair

Friends of Knowland Park

RE: Amendment to the Oakland Zoo Master Plan
Case File Nos. CM09-085, CP09-078 & ER09-005

Dear Mayor and Council Members:

As you know, we have appealed the Planning Commission's decision to accept the Subsequent Mitigated Negative Declaration/Addendum and "approve" the proposed Amendment to the Oakland Zoo Master Plan. The following additional comments respond to the several hundred pages of additional materials submitted by the City and Zoo since the Planning Commission decision. Repeatedly, the City has misstated the evidence, omitted key documents that should have been part of the whole project review, and parroted language from Zoo management, rather than fulfilling its regulatory mandate under CEQA.

Comments on Staff Report

Paragraph three of the Summary suggests that only the Master Plan amendment for Phase I of the project is being discussed. This should be clarified for legal purposes, such as by restating the recommendation to "approving the Master Plan Amendment and the Phase I tree permit."

Fiscal Impact

We are pleased to see at least some additional (if very general) information provided about the amount and sources of public funding for Zoo operations and the proposed expansion. We have been seeking additional information about funding for the project and the Zoo for many months. We also note for the record that we had repeatedly requested budget projection information from the Zoo, which declined to disclose this information to the public and maintained it had no obligation to do so. Just last week we finally received part of some requested reports about the Zoo itself (not the proposed project), but it had to be obtained through a Sunshine Act records request. In a climate of fiscal austerity, approval of a project of this magnitude on public lands should require full transparency. It should not be so difficult for the public to review this information in the context of other budget items.

The fact that “at this time,” the Zoo is not asking for more money for the project is not reassuring, particularly given the fact that, as noted in the staff report, “the City, as the owner of the Zoo and Knowland Park, could be held responsible for the conditions of approval and mitigation measures if EBZS and/or its successor is unable to meet these obligations.” We also reference the request from Dr. Parrott dated February 15, 2005 and attached with a cover letter dated March 22 2005 from the City Administrator, in which the EBZS requested to delay implementing living wage provisions because “we do not have the cash.” The letter discusses asking the City for a short-term loan and states that the Zoo is “one or two rainy weeks from not being able to pay our bills.” [**Attachment A: Request from the EBZS to Delay**] Given a few more rainy years, we could be facing a similar request to provide additional funding for operational costs or even for completing a massive project with unanticipated cost overruns.

The staff report also claims that “the same issues are present if the 1998 Master Plan is implemented.” In fact, the approved 1998 project was an entirely different, smaller-scale project estimated at much lower cost to build and that would have significantly less impact on the most sensitive habitat and on remaining parkland uses.

To date, the public has never been able to review projected budgets for either capital or operational expenses associated with this proposed project.

Description of Proposed Revisions

The description of the proposed revisions does not accurately and fully convey the scale and scope of the changes to the project, which is misleading. For example, it refers to “reconfiguration” of the animal exhibits, but does not note that they have been moved into an area located atop sensitive habitat, most of which was less impacted under the 1998 approved project.

Item four addresses the “relocation” of what was approved as a 7500 square foot, one-story, low-profile visitor center, but does not make clear that in the new proposed project the building has quadrupled in size, tripled in stories, and now contains multiple other uses, including office space.

The previous approved project had *no* veterinary hospital, so it is misleading to refer to it in this context as “replacement”, as is done with the gondola. This is an *addition* of an *entirely new* 17000 square foot medical facility in an area very close to nearby homes. It is inconceivable that the City would permit any other private developer to get away with adding an entire 17000 square foot medical facility to an existing development without requiring a full environmental impact report. We can only assume that this is being pushed through in this way because the Zoo management is worried about having the new facility for accreditation purposes. However, the failure of Zoo management to anticipate the need for such a new facility and include it in the earlier approved plan does not justify bypassing CEQA by claiming that its addition is not a substantial change.

Description of proposed project phases

We have strongly and repeatedly objected to the proposed timetable, under which the proposed perimeter fence would be constructed years before construction would begin on the proposed California project. This would fence the public out of treasured open space with no gain. Should the Zoo find itself financially or otherwise unable to complete the project for any reason, the public will have permanently lost open space with nothing to show for it. Given that the previous project was approved 13 years ago and has never been constructed, the same thing could well happen again.

We note for the record that the project was recommended for approval by the Planning Commission on a split decision, with only 4 Planning Commissioners present and 1 of them saying more environmental review was needed.

Key Issues and Impacts—Staff Response

1. Please see letter from our attorney, Catherine Engberg of Shute, Mihaly, and Weinberger, which addresses the City's denial that this substantially new project, with new unmitigated impacts, requires a full EIR under CEQA.
2. While the City and Zoo have submitted voluminous reports, they are riddled with inaccuracies, omissions, and errors. This undermines their "substantiality" for purposes of CEQA evaluation.
3. Please see letter from our attorney which addresses the claim that the City is "precluded" from requiring a full EIR for this project. Further, the response erroneously suggests that the City does not need to adhere to regulations of the U.S. Environmental Protection Agency.
4. The City misrepresents the case in claiming that "An EIR would not result in additional or better analysis, different mitigations [sic], or different conclusions." The City continues to fail to state clearly in writing for the benefit of policymakers and the public that a full EIR would indeed result in additional analyses, *including a full consideration of alternatives to the proposed project that could have fewer significant impacts.*
5. Parks and Recreation Advisory Commission: Given the fact that PRAC members received our voluminous written comments and documentation only when they arrived for the meeting, so that one commissioner asked timorously for a 5 minute recess to review them before voting (which was granted somewhat grudgingly) and that another commissioner stated at the meeting that she did not understand the MND/A and had not read it (or our comments in response), it is clear that a meaningful review was not conducted by the advisory body.
6. "Manipulated" photograph: The bias inherent in the City's statement that Friends of Knowland Park "manipulated" a simulation photograph from the SMD/A stands, and the City's response is simply ludicrous and false. Since the only change to the simulation photograph was to crop the periphery of the photo, it is quite obvious to any clearheaded person that the viewpoint in the image presented, which is *exactly the same* as that in the original simulation, *could most certainly be seen from the same point as that in the simulation.* Cutting edges from an image does not render it a different image or viewpoint. See Comments on Attachment H.

7. Inconsistency with General Plan: Discussed below in comments on Attachment H.
8. ALL documents referenced in the Draft SMD/A should have been made available to every member of the public along with the SMD/A itself. It is entirely irrelevant whether Mr. Kanz is or is not a “member”; our appeal is made on behalf of the public and the procedural omission is one of many we have experienced in trying to track this project.
9. Informing the Planning Commission that Friends of Knowland Park had not responded to the EBZS critique of a conceptual alternative plan suggests an expectation that FOKP should have done so.
10. No further discussion of letters
11. CEQA Notice of Determination: See letter from our attorney regarding NOD issues.
12. Tree permit: As the project has not been approved, the Tree Permit is not effective at this time. No trees should be permitted to be removed until the matter is settled. Further, the approval of the project without a full tree survey and the trees clearly identified for the public that are to be removed denies the public of the opportunity to evaluate this aspect. While the Zoo would be required to apply for another tree permit associated with later phases, approval of the project in advance of this information deprives the public of the ability to appraise fairly whether the mitigation measures associated with tree losses are adequate or reasonable.

Alameda Whipsnake

It is unacceptable for mitigation for the permanent impacts on Alameda Whipsnake habitat to be the use of a conservation easement in Knowland Park where Alameda Whipsnake habitat already exists. Please see submission from the East Bay Chapter, California Native Plant Society, and the California Native Grasslands Association, and letter from Shute, Mihaly and Weinberger.

Native Grasslands

Please see submission from the East Bay Chapter, California Native Plant Society and the California Native Grasslands Association, and our attorney’s letter.

Mitigation Funding and Enforcement

Please see submission from the East Bay Chapter, California Native Plant Society, and the California Native Grasslands Association.

The staff response says that “staff believes” that EBZS has demonstrated that it is financially capable of implementing the conditions of approval and mitigation measures.” Yet considerable evidence previously submitted and documented herein suggests that a) the mitigations proposed are both inadequate for authentic mitigation and more expensive to implement than described; and b) the Zoo relies heavily on public funding and has in the past required short term funding to meet month to month operating expenses. Given the City’s strong “belief” and the troubled history of this project in terms of the City’s inability or reluctance to fairly, fully and impartially evaluate the environmental effects of the project, it is highly improbable that it will require Zoo Management to provide the additional *possible* financial assurances discussed in Appendix J, Condition of Approval #31. Thus proper implementation has not been assured.

Knowland Park Stewardship

The Staff response erroneously claims, drawing apparently on Zoo Management assertions, that mitigation measures concerning invasive plants were not required under the 1998 approved project because they referred only to the California exhibit. However, this is an inaccurate representation not supported by examination of the actual documents. The Mitigation Measures for the 1998 approval specifically discuss not only the California 1820 exhibit area but other areas affected by the proposed Master plan, including specifically “the riparian zone of lower Arroyo Viejo Creek.” The 1998 Mitigation Measures state that the revegetation element would include “a tracking system for areas treated, a record of the source and species of plant materials used, methods of installation and maintenance, and an assessment of the success of each effort” of revegetation. There is no evidence whatsoever that such a tracking and recordkeeping system was ever implemented, despite the Zoo reporting its completion of the Arroyo Viejo restoration effort, which was part of the 1998 approved Master Plan Amendment (SMND/A, p. 2-4, 2-5) and not a “voluntary” initiative, as inaccurately characterized in the staff report (p. 14). Further, the Zoo acknowledges (Attachment M, page 1) that “Monitoring reports”...are required and the Zoo has initiated contact with City staff in order to prepare the required report.” However, these reports should have already been prepared and filed if the previous mitigation measures were being fully implemented and enforced, since the creek restoration was completed in 2008.

Dumping

The City accepts and parrots, apparently without going to the trouble to conduct any investigation whatsoever of the documented dumping sites, the Zoo’s claim that it has never dumped in Knowland Park since Dr. Parrott’s tenure began. While it is possible that some construction debris has been dumped there by other persons or before Dr. Parrott began, manure dumping at the site of the proposed visitors’ center most certainly continued well into the 2000s, as the many neighbors who walk in the park and saw and smelled the piles can attest. It is notable that Dr. Parrott does not address this dump site in the Zoo response. The staff report mentions only “construction debris of unknown origin” but gives no indication that staff investigated the site.

In fact, as the Google earth photograph reproduced below shows, there is credible photographic evidence that manure dumping in the park continued into the 2000s. It stretches the imagination to suggest that outside parties with large loads of manure drove inside the secured Zoo/park gates to this remote location to repeatedly dump piles of it there and move it around. Thus either Dr. Parrott is unaware of the activities of his employees, or he is being untruthful about the dumping in this area. Either interpretation is inconsistent with good stewardship of the park.

Visitor's Center/Eucalyptus dumping location:

In this image, dated January 1, 2003, note the fresh piles of manure being dumped, and heavy machinery tracks pushing it off into the sides into the Chamise, Chaparral and Oak Woodlands.



This dumping site also contains construction debris, asphalt, and sewer materials, which are noted in the report. However, multiple community members are prepared to testify to having personally seen large piles of manure at this site since 2000. The astonishingly tall hemlock growing there now provides additional evidence that this ground has been heavily fertilized with manure.

In addition, the invasive Eucalyptus trees didn't exist up there in 1992, as noted in the following satellite image from 1993, and were likely seeded there from dumping during Dr. Parrott's tenure. Both of the large Eucalyptus trees in the Western meadow are situated on dumping grounds:



The Zoo has extensive Eucalyptus trees down in the existing Zoo. The most likely scenario is that the Zoo repeatedly collected the manure, Eucalyptus, and other plant debris, and dumped it in Upper Knowland Park. The ground is disturbed by heavy machinery, the Eucalyptus takes root, and there is lots of nitrogen-rich soil to speed the growth of these Eucalyptus trees. We believe it is highly likely that the Zoo's practices introduced Eucalyptus trees into Knowland Park, since they grow nowhere else in the vicinity. It is simply false to state that Dr. Parrott stopped the Zoo from dumping in Knowland Park as of 1986, and these practices, and misinformation provided about them by Zoo Management and repeated by the City without any investigation having been conducted, do not inspire confidence in the Zoo's ability to serve as a steward for the entire park or to carry out fully required mitigations.

Open Space

The City continues to deny any significant impact whatsoever on the use and enjoyment of remaining adjacent parkland, from which the proposed expansion will be far more visible and audible than the previous project would have been. This is due to siting virtually ALL of the animal exhibits and buildings up over the ridgeline, which is a major change from what was proposed in the 1998 plan. While the fence line location was drawn at that time to incorporate the "off-site breeding center" after one animal exhibit was moved in the earlier plan, and this decision accounted for how far the expansion extended into upper Knowland Park, it was by definition "off site" and thus a quieter and more low-impact feature than having the majority of the exhibits, buildings, walkways, etc moved into this area, which directly faces the remaining park across a small valley. Zoo management has engaged in a cynical "bait and switch" with the community and disregarded both the content and the spirit of its signed Memorandum of Understanding with community groups.

In turn, the City has failed utterly to account for this plan's significant and unmitigated effects on the peaceful enjoyment and preservation of remaining adjacent parkland. Further, the portion of the park most impacted by the expansion is both the most treasured "heart" of the park for park users and the most sensitive area from a habitat perspective. Rather than treating the park as the "crown jewel" it is, the City has inexplicably not listed Knowland Park on its parks website for years; queries about this have gone unanswered. The existing 1996 Master Plan, which the 1998 amendment is based upon and which represented a true *plan* rather than a *building project*, calls for a much more respectful relationship between the Master Plan components and the park than the currently proposed project, which sites development on the most sensitive parkland and makes no effort to include preserving the character of the parkland as part of the design. In fact, the proposed amendment is inconsistent with the vision of the Master Plan. The Master Plan calls for the California exhibit's "primary message" to be about "California's own natural heritage; what we have lost, why we lost it and how we can preserve what is left." Yet the current plan moves more development onto rare remaining intact stands of native grassland and endangered animal communities. The Master Plan also envisioned the interpretive center as forming "a trail-head for self guided nature walks into the surrounding chaparral, grasslands and oak woodlands that make up the Upper Knowland Park." Such a vision acknowledges the park as itself worthy of preservation and appreciation, and is lacking in the proposed project design.

Amended Master Plan Compared to “1998 Master Plan”

It is misleading and obfuscating to compare the proposed Amended Master Plan to the 1998 Master Plan *Amendment* in the absence of including comparison to the 1996 Master Plan, which was the actual guiding document intended to be used in designing the expansion and which was never replaced by another, only amended to add the California 1820 project changes in 1998. The 1998 *amendment* continued to rely upon the environmental reports prepared for the 1996 Master Plan, adding additional provisions as one of the specific development projects within it was modified.

Further, the comparisons of impact on undeveloped land are misleading. See letter from East Bay Chapter, California Native Plant Society.

It is misleading to include discussion of the entirely newly proposed Veterinary Medical Hospital under the heading “Amended Master Plan compared to 1998 Master Plan” (*Amendment*). There can be no comparison as this building was not a part of the 1998 Amendment.

It is misleading to include discussion of the entirely newly proposed Overnight Camping Area under the heading “Amended Master Plan compared to 1998 Master Plan” (*Amendment*). There can be no comparison as this feature was not a part of the 1998 Amendment.

It is misleading to characterize the doubling in width and addition of turnouts to an existing fire road down the middle of the most important viewpoint in the remaining parkland as an “improvement” to the park itself, since it is clearly being done only to benefit the proposed expansion project.

Consistency with Existing Policy

The 1996 Zoo Master Plan document is only referenced once briefly in the SMND/A (but misleadingly cited as *Amphion, Inc.* as though it were a technical report rather than the Master Plan document itself). This document was not provided to Planning Commissioners to review and no systematic comparison with that document has been completed, but the SMD/A falsely claims consistency with existing planning documents. The original MND was approved on the basis of the 1996 Master Plan, which emphasized avoidance through careful siting as the highest and best form of mitigation. The current proposed amendment is thus inconsistent with the Zoo Master Plan *itself*, as well as inconsistent with the City’s Open Space, Conservation and Recreation portion of the General Plan and past and current practices of the City in reviewing projects.

Table 1: Multiple inconsistencies with the City’s General Plan and existing policies.

TABLE 1: INCONSISTENCIES WITH GENERAL PLAN POLICIES	
Policy T4.1: Incorporating design features for alternative travel. The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking	Inconsistent: No design features of the proposed new project encourage alternative modes of transportation. Design relies heavily on automobile transportation.

Policy T 6.5: Protecting scenic routes. The City should protect and encourage enhancement of the character of scenic routes within the City	Inconsistent: Both Golf Links Road and Hwy 580 are scenic routes from which the interpretive center building and the aerial gondola will be visible, obtruding into an otherwise scenic landscape that was not disturbed by 1998 plan.
Policy N 2.1: Facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.	Inconsistent: Falsely claims that proposed project “will help reduce land use conflicts” when it clearly creates new land use conflicts not associated with the 1998 plan due to obtrusive siting of exhibits and fire road widening effects on parkland.
Policy N2.5: Balancing city and local benefits of institutions.	Inconsistent: Loss of rare native grassland and wildlife habitat and destruction of thriving native ecosystems is a loss to the entire city and to future generations of Oaklanders who will not find an obsolete building an acceptable substitute for what was lost.
Policy OS 1.1: Wildland parks	Inconsistent: Does not “conserve native plant and animal communities”; sites development in sensitive areas and areas of extreme fire hazard, does not conserve existing natural resources, creates safety hazards for surrounding communities related to limited wildfire escape routes from project site and additional people who would need to use these.
OS1.3: Development of hillside sites	Inconsistent: Does not conserve ridges, does not maintain regulations which consider plant and animal resources
OS 2.1: Protection of park open space	Inconsistent: Does not protect and enhance the open space character of Knowland Park. Development is visually and auditorily intrusive into park.
OS 3.6: Open space buffers	Inconsistent: This policy suggests using land along freeways for recreational activities which enhance usefulness of such land. There is land adjacent to the existing Zoo that could be utilized as part of the expansion, but this is not being considered.
OS5.1: Improve trail connections within Oakland, emphasizing connections between the flatlands and the hill...parks; lateral trail connections between the hill area parks	Inconsistent: Provides no trail connections between flatlands and Knowland Park; earlier proposed trail doing just this was eliminated; provides no connections between lateral hill parks, missing opportunity to connect with Oak Knoll area and Dunsmuir area open spaces and trails. Proposed walking trail provides no connections to other parks/open space nor to portion of Knowland park above Golf Links Rd. which is inaccessible from portion adjacent to proposed expansion.
OS 5.3: Trail design principles	Inconsistent: Local community has not, contrary to City claims, been involved in planning process for path except through 1998 negotiations. Despite multiple requests, community involvement in recent years has been limited to hand-picked Zoo allies and employees.
OS 8.1:Public access to creeks	False claims: Does not increase public access to creeks as claimed in SMND/A. . Previously proposed trail along creek area has been eliminated. Trail being proposed is nowhere near any creek.
OS9.1: Protection of natural landforms	Inconsistent: Proposed visitor center sited on ridge breaks ridgeline and has more impact than 1998 visitor center.
OS 10.1 View protection: protect the character of existing scenic views in Oakland	Inconsistent: Visual intrusion into scenic views from Knowland Park adjoining proposed expansion area, replacing bucolic natural hillside views with fences and built artificial environment

OS 10.2: Minimizing adverse visual impacts	Inconsistent: Proposed new project obtrudes into views from remaining Knowland parklands, which 1998 plan did not
CO1.2 : Contamination hazard	Does not adequately address SOD soil contamination which could spread toxic tree disease within areas where it has not yet spread.
CO 4.1 Water conservation	Inconsistent: Does not require stormwater catchment and conservation measures
CO 4.3: Reclaimed water	Does not require stormwater catchment, storage and use despite the fact that many local residents are already using these measures to conserve precious water resources and that doing so could decrease runoff problems.
CO 7.1: Protection of native plant communities, specifically mentioning native grasslands	Inconsistent: Sites major development elements precisely atop most rare and high quality native grasslands, per East Bay Chapter, CNPS
CO 8.1: Mitigation of development impact. Calls for City to “strongly discourage” development with unmitigatable adverse impacts	Inconsistent: Native grasslands will be destroyed and there are no proven mitigation measures
CO 9.1: Habitat protection	Inconsistent: Recommends building in areas of habitat for federally endangered whipsnake
CO 11.2 Migratory corridors	Fails to sufficiently appraise or assess impacts for native wildlife
CO 12.1: Land use patterns which promote air quality	Inconsistent: No provisions for minimizing dependence upon automobiles
CO 12.4: Design of development to minimize air quality impacts	Inconsistent: SMND/A underestimates increases in visitorship and traffic, provides no reasonable alternatives to promote transit, bicycle and pedestrian travel to and from the Zoo
REC 1.2: No net loss of open space	False. Proposal is not consistent with Zoo Master Plan document, which calls for siting development on already-disturbed land or within existing Zoo footprint
REC 1.3: Siting of buildings in parks	Inconsistent: Not in accordance with Zoo Master Plan, which calls for development to be sited on disturbed areas and mitigation through avoidance.
REC 1.5: Park Master Planning	Inconsistent: Ignores provisions contained in approved Zoo Master Plan
REC 2.2: Conflicts between Park Uses	Inconsistent: New project creates new conflicts between park uses not present in 1998 plan which had achieved community consensus memorialized in an MOU. New project creates no additional public access to undeveloped portions of the park, contrary to City claims, and renders remaining parkland substantially less attractive.
REC 2.3: Environmentally-sensitive design: Protect sensitive natural areas within parks...respect existing park character	Inconsistent: Sites building and development on most sensitive natural areas; does not respect and maintain existing park character, but obtrudes development into it
REC 9.3: Involvement of neighborhood groups.	False claim: Proposal counters existing agreements with community. Community meetings have involved the Zoo management telling community members what it intends to do, rather than involving them in planning
FI-1: Maintain and enhance the City’s capacity for emergency response, fire prevention and firefighting	Inconsistent: Creates significant new risks from fire by increasing density of people in upper Knowland Park area who would still have only 2 narrow winding access escape routes—Golf Links Rd and Malcolm Ave. Previous plan included additional emergency loop routes through project footprint, reducing this risk.

The draft SMND/A makes multiple claims that are unsubstantiated. For example, it claims (3.8-14, Policy T3.5) that “the proposed Master Plan Amendment would provide for pedestrian and bicycle access to the Oakland Zoo and the rest of Knowland Park.” However, this is misleading. The proposed plan does not include any provisions whatsoever for bicycle access to the rest of Knowland Park, and the proposed footpath does not compensate for the loss of much more extensive walking options on existing fire trails that will be lost under the proposed plan. The proposed plan also includes no provisions for new bikeways that would make it possible for the public to get to the Zoo by bicycle

Comments on Attachment J: Further Revised Conditions of Approval/Mitigation Measures

Page 3:

Second paragraph: Despite the previous assertion in staff comments that the proposed plan would be modified to completely eliminate the amphitheatre, the Revised Mitigation Measure 14c continues to call for “removing the amphitheatre from the stand of chamise-chaparral,” which suggests that it will in fact be sited elsewhere. In addition, a sentence in second paragraph beginning “The location of the California Interpretive Center appears to be partially struck out, leaving ambiguous whether this measure remains part of the required mitigations. In addition, it is not clear why the location of the Interpretive Center would need to be adjusted to the *northeast*, when the recommendation clearly says *east*.”

Additional Concerns

Archeologists consider cultural resources surveys void after five years. Yet it does not appear that new surveys were conducted.

Cumulative Impact

The SMND/A Cumulative Impacts section improperly ignores cumulative impact on remaining wildlife habitat in saying that two development projects are located “too far” from the proposed project to have a cumulative impact. Dwindling wildlife habitat is a well-documented concern, and the report does not compare wildlife habitat available in the south Bay hills area in 1998 with habitat now available, which would permit a more reasonable assessment of cumulative impacts. The Oak Knoll project, in particular, is located well within parameters for movement of various wildlife species in the area.

Comments on Attachment M: Letter from Oakland Zoo

Virtually all the discussion in this letter from the Oakland Zoo is mirrored in City comments, discussed below. However, we remark here on a few specific issues:

Jobs: The Zoo states they “generated a total of 293 jobs” in 2009. Does that mean they generated 293 new jobs? Were these full time jobs with benefits, or were they summer, part-time or one-time jobs?

Funding: The additional materials submitted by the Zoo still provide no specific information about the projections on which their predictions of financial success without additional public monies are based. Given the current fiscal climate, full transparency about funding sources and projections should be required for a project that will have such major impacts on public land and potential financial risks for taxpayers. Zoo management also states that "As of May 2011, the Zoo has raised more than \$35 million in private and public funds..." The full amount of public funding remains difficult to track down, despite numerous requests. Further, in regard to fundraising plans, proving the case for support could be made much easier with a well-done EIR that shows true consideration of alternatives and a choice of a win-win option for the Zoo, the community, and the environment. The proposed project is characterized as a win for the Zoo and zoogoers, but it would constitute a loss for park users and the surrounding community, and a tragic loss for the environment.

Stewardship: Discussed above, but in addition:

The Zoo's response regarding creek monitoring and reports that were required by the Regional Water Quality Control Board indicates that "the Zoo has initiated contact with City staff in order to prepare the required report." However, these reports were required as part of the previously approved project and thus the Zoo should have been doing these since at least 2007. That they have apparently never been done provides additional evidence that the Zoo's commitment to completing all required measures on the proposed project, if approved, and the City's due diligence at ensuring their implementation, cannot be assured.

Comments on Attachment H: Additional Responses to Public Comments

Some topics have already been addressed above.

Subsequent Mitigated Negative Declaration/Addendum

We have previously, as well as in these additional amplifying comments, submitted ample evidence showing that the proposed amendment to the Master Plan would result in new significant impacts or a substantial increase in the severity of significant environmental effects already identified in the 1998 MND and is, for legal as well as practical purposes, a new project.

Regarding mitigation measures, there are indeed mitigation measures considerably different from those recommended in the 1998 MND which would substantially reduce significant impacts of the project, but the project applicant declines to adopt them. In fact, these measures are repeatedly discussed in the Zoo Master Plan and the first principle identified is to "avoid potential impacts where possible," and the Master Plan emphasizes that "the exhibit areas will be restricted to areas that are currently utilized by Zoo activities, in order to protect the adjacent native riparian vegetation" in discussing the California project's planning goals. Siting development on less sensitive areas, the 1998 project mostly avoided rare native grassland communities. The current project sits atop them.

Changes in Circumstances

While the City is correct that the OSCAR element was adopted in 1996, prior to the adoption of the 1998 MND, and that it addresses the Master Plan proposed for the California exhibit, the California exhibit project it references was *an entirely different project* than that currently proposed, as discussed above. Project features, siting, elements, size, and even name have all been changed. It is unacceptable and violates environmental law for the City to allow this “bait and switch” to occur.

Project Changes

CEQA Guidelines Section 15164 states that “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary.” This is clearly not the case here, despite the City’s rather odd argument that “the CEQA analysis finds that pursuant to CEQA section 15164, an addendum to the 1998 MND is the appropriate CEQA document because only minor technical changes are necessary *to the outcome of the CEQA analysis*.” First, CEQA Guidelines Section 15164 does not refer to “the outcome of the CEQA analysis”, but for the sake of argument assuming this interpretation is accurate, this is clearly not the case here, where multiple more than “minor technical changes” have been made both in the project itself and in the mitigation measures—hence the extensive changes to the original MND, which has grown from a few pages to several hundred.

To claim, as the City does, that the addition of an entirely new 17000 square foot veterinary medical hospital, a campground, and an aerial gondola ride, quadrupling the size of a visitor center, and entirely relocating all the major proposed exhibits to more sensitive habitat areas “are not substantial” amendments is to defy logic, common sense, and basic good planning.

CEQA Guidelines section 15162 also make explicitly clear, contrary to the City’s assertion, that the City is not precluded from doing a full EIR after a previous MND was adopted: “This section also clarifies that a subsequent EIR may be prepared where a negative declaration had previously been adopted.” The *overriding principle* governing CEQA from its inception is that it is “to be interpreted... to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)

Existing Conditions

The SMND/A fails to discuss changes in the wildlife habitat available since 1998. The City’s response does not address this at all. An appraisal of changes in habitat available for use in 1998 versus the present would enable the public to evaluate fairly whether the existing conditions have changed. Certainly the lack of such an evaluation, while the project applicant claims to be doing all this in the name of habitat conservation, is ironic in the extreme.

Regarding creek and water protection issues, it is distressing and does not inspire confidence in the City's capacity or willingness to fully implement the required mitigation measures that despite repeated requests for a response to the obliteration of the vernal pool used by breeding frogs on the expansion site (which is now mentioned in the SMND/A as a 950 square foot potential seasonal wetland) by aggressive and unnecessary Zoo-initiated grading, no official response whatsoever regarding that matter has ever been received.

Attendance Projections

Traffic/Visitorship Projections are Underestimated Based on Previous History: The 1996 Master Plan, the Initial Study from which was the basis for the 1998 Amendment approving that project, used a projected annual increase in visitation of 3% (see CEQA compliance section, Page 17). This was, according to the Master Plan, reduced from the projections of a 5% increase per year used in the 1994 Initial Study to look at potential traffic impacts. However, current figures show that the 5% figure used in the 1994 study, which projected 627,550 visitors per year in 2010, was almost uncannily accurate, given the Zoo's reported attendance in 2010 of 629,300 visitors without the California Project.

Despite this, the current SMND/A estimates only a *2% annual growth rate*, (SMND/A p. 3.11-14) which is *less than half the rate used in the 1994 study that proved to be an historically accurate projection*. No explanation is provided to account for this. The information provided in the SMD/A is, therefore, not an adequate representation of the actual traffic impacts likely to occur with the proposed project, nor the greenhouse gas estimates associated with them, and thus the proposed project would have significant environmental impacts which have not been mitigated and a full EIR is required to address them. Attachment H, Additional Responses to Public Comments Raised in Appeals, simply restates the unreasonably low projections and does not address this incongruity.

Reconfiguration of Animal Exhibits, Aesthetics, and OSCAR—View Projection

It is untrue that we have offered no evidence to support the claim that the SMND/A ignores environmental impacts of the relocation of all animal exhibits over the ridgeline. In our previously submitted comments in both March and April, we noted that the proposed relocation of these exhibits would have significant aesthetic impacts. From our March comments: **“The 1998 MND, for example, found that the Approved Master Plan would have no impact on scenic vistas or views open to the public, no aesthetic impact related to building height, and a less-than-significant impact related to light and glare. However, the 1998 MND noted that the project would consist of “low-rise, small-scale buildings,” as noted on 3.1-2. This is patently not the case with the vastly expanded and reconfigured Amended Master Plan proposal, and the MND/Addendum does not adequately characterize or consider the effects of this project on the remaining parkland open space. The MND/Addendum includes misleading simulations, as discussed below, entirely omits simulations directly comparing the Amended Master Plan proposal with the Approved Master Plan, and leaves out consideration of important aesthetic impacts, including the overall fundamental, permanent change in the character of Knowland Park for park users.”**

We note that to date, no comparative simulations have been prepared that would enable the public to appraise the effects of moving all the animal exhibits over the ridgeline versus their location in the approved 1998 Amended Master Plan. Such simulations, if prepared, would clearly show visually that the impacts of the 1998 Amended Master Plan design would have been less on the remaining parkland. We note that the permanent change in the character of Knowland Park for park users has not been addressed.

We also offered evidence to show that the relocation has significant, and unmitigated, effects on views and vistas, ignoring provisions of the Open Space, Conservation and Recreation element of the General Plan: “OSCAR (POLICY OS-10.1), for example, calls for protection of the character of existing scenic views in Oakland, with particular attention to “views of the Oakland hills from the flatlands” and “panoramic views from Skyline Boulevard...and other hillside locations.” Taking OSCAR and other information into consideration, the following aspects of the MND/Addendum are misleading, inadequate or incomplete.

“Although the OSCAR policy referenced above refers explicitly to “views,” it is mischaracterized here by referring only to “vistas,” and noting in a footnote on page 3.1-10 that “A vista is a distant view.” This appears intended to suggest that the only views that have aesthetic value are those in the far distance, as opposed to the near and middle distance. To the contrary, the views that are most treasured by park users constitute not only the far-distant background, but the middle and foreground views from the parkland, a point that has been made repeatedly and eloquently in public meetings at the Zoo and in meetings with city planners, but is largely ignored in this report. For this reason, it is stunningly disingenuous to suggest that the project will not have a substantial adverse effect on the scenic view from Knowland Park, itself a “hillside location.””

Despite repeated pleas from park users to move the project just 250 yards toward the existing Zoo, which would greatly reduce its impact both by relocating animal exhibits on less sensitive and more disturbed areas and less high quality grasslands, and by reducing the visual and auditory impact on remaining parkland uses, Zoo management has refused to adopt these reasonable measures, which were considered feasible in the 1998 Amendment.

Despite the fact that the simulations were created by a professional firm, the Zoo itself has admitted that grassland will not remain green; investigation of animal enclosures within the existing Zoo provides ample evidence that many if not most confined animals will reduce grassland cover. The fact that in multiple other ways (*except visual simulations*) the project is being compared with the 1998 approved Amendment raises a reasonable question for the public: why are there no comparative simulations? The response still does not address adequately the scenic views from *within Knowland Park* that will be dramatically changed by the insertion of an artificial built environment into the foreground of a scenic vista, nor does it provide any mitigations for this significant impact.

Please also see Letter from East Bay Chapter, California Native Plant Society, and California Native Grasslands Association, which discusses the effects of relocating all the animal exhibits to more sensitive undisturbed areas. The Zoo Master Plan calls for development on previously

disturbed and nonsensitive areas, and the 1998 Amendment was more consistent with this goal. The present plan relocates exhibits atop the rarest grasslands in the park.

Visual Simulations

Discussed above. It is entirely false to claim that the image was “not the same”. To show only a smaller portion of the identical image, as Friends of Knowland Park did in a Powerpoint presentation, does not alter the image itself.

Character of Knowland Park

It challenges credulity to claim that the project as proposed would not degrade substantially the character of Knowland Park, which is currently a bucolic, quiet setting. The 1998 Amended Master Plan had much less impact on the parkland side, both by siting exhibit areas and buildings on the western side of the ridgeline and by managing emergency access within the project footprint. The staff report also refers to the park as 490 acres, which is misleading since after the proposed expansion, just 350 acres would remain as parkland, and the majority of this is inaccessible (due to the bisection of the park by Golf Links Road and inaccessible brushland) from the area adjacent to the proposed expansion area, which most park users consider to be the best and most accessible part of the park. The primary reason the park is beloved is for the wildland views and vistas looking westward, which will be transformed under the proposed project from quiet, peaceful hillside views of native grasslands to a view of fences, buildings, walkways, people, and other artificial structures. This substantially degrades the existing visual character or quality of the site.

Emergency Access Road

Were it not for the proposed project, there would be no need for the so-called “improvements” to the existing fire road that is presently used by park users for walking. It provides perfectly adequate area and surface for fire vehicles which use it annually now. Thus, the project creates a new impact on the remaining parkland that is greater than the 1998 Amended Master Plan, which used roads within the plan footprint for emergency access. Most parkland fire access roads are not 20 feet wide with turnouts every 300 feet, and this road widening will impact numerous plant communities within the parkland. The 1998 Amended Master Plan used roadways within the project footprint for emergency service, enhancing community safety by providing additional escape routes in case of fire, rather than worsening the load on the two narrow, winding escape routes available to neighboring communities, as the proposed project does.

Sudden Oak Death Assessment

Please see attached letter from Dr. Matteo Garbellotto of UC Berkeley, the leading international authority on the disease, commenting on the proposed plans for addressing SOD. He points out inaccuracies and omissions that have not been addressed and discusses how waiting to conduct a comprehensive assessment of SOD in Knowland Park until construction begins “defeats the purpose of mitigation.”

Noise Issues

We stand by our assertion that no measurements have been taken from the quiet upper mesa area. This means that the noise assessments do not capture accurately the difference in noise levels the

proposed project would cause within the park. By the upper mesa area, we refer to the entrance from Cameron Street where many visitors enter the park. The locations tested do not represent “worst case” scenarios because they are not the quietest areas now, thus the difference in noise levels is minimized. Due to the topography of the site, freeway noise echoes up the canyons, and several of the measurements were taken precisely at points where this occurs, as is well known by hikers of the park. It is also inaccurate in its claim that we did not previously raise the issue of the noise measurement locations. We also raised issues regarding adjacent land uses that have never been addressed. In our March comments, reproduced here for accuracy, we specifically said:

“The MND/A for the proposed Amended Master Plan project does not adequately explain noise level monitoring and mitigation. It leaves out important areas from which noise levels should be appraised given the proposed siting of the project.

The existing zoo is nestled in a basin at the lower end of Knowland Park near I-580. The undeveloped reaches of the Park to the north of the proposed site are presently shielded from the noise generated by the existing zoo, as well as most traffic noise, by the intervening ridge of hills and trees. As it is now, the Park’s open space provides Oakland residents who visit the park with an easy escape from the noise and congestion that pervade much of the City due to the existing freeways. People can walk in the woods, or watch the sun set over the Bay, in relative peace and quiet. The previous Approved Master Plan, as noted under Aesthetics, had minimal impact on the area on the east side of the ridgeline because the majority of exhibits were located on the side closer to the existing Zoo. Under the proposed Amended Master Plan, this would radically change: Because the majority of new animal exhibits, walkways, animal houses, play areas, etc. would extend well past the ridgeline toward the east, all the noise generated by animals, crowds, outdoor classes, and activities for children will carry into the park highlands unimpeded. These noises are likely to be sudden, erratic, and occasionally startling.

According to the draft MND/A, the *only* “primary noise sources” *in the vicinity* of the project at this time are traffic and existing zoo operations. (Vol. 1, p. 3.9-9.) With the expansion, new sources of noise would include:

1. Animals such as bears, big cats, wolves, birds of prey
2. Elevated Viewing Walkways
3. Aerial Gondola “People-Moving” System
4. California “Interpretive” Center (Visitors’ Center)
5. “Small Exhibit Activity Zone” (Children’s Play Area)
6. “Interpretive Kiosk” (Open, shaded, interactive Exhibit Structure)
7. “Botanical Exhibit (Interpretive Gardening Center)
8. Open Air Amphitheater (Animal Shows & Children’s Programs)
9. “Overnight Experience” (Family & Group Camping Area)

The draft MND/A nevertheless concludes that the noise produced by this project would not have a significant impact on the tranquil environment in the Park. (Vol. 1, p. 3.9-29.) The evidence supporting that conclusion is incomplete, ambiguous, and unsupported.

For example, under CEQA, a project that results in a 5 dBA increase in ambient noise levels when compared with preexisting levels is deemed to have a significant impact. (Vol. 1, p. 3.9-16, item (h).) The draft MND/A’s finding that it would not do so in this case (Vol. 1, p. 3.9-26) is based on measurements taken in three locations *to the south* of the project near the existing

zoo and adjacent residential areas – areas near the freeway that are already developed and subject to higher baseline levels of noise (Vol. 1, table 3.9-4, fig. 3.9-2). As a result, those measurements cannot provide an accurate baseline for assessing whether there would be a significant *increase* in the ambient noise level in the undeveloped portion of the Park due to the noise generated by the project.

In addition, CEQA provides that the project has a significant impact if it violates the Oakland Noise Ordinance with respect to operational noise. (Vol. 1, p. 3.9-14, item (b).) The draft MND finds that the project is compliant without ever defining “operational noise”: *“The combined daily operations resulting from the buildout of the amended Master Plan, including the Veterinary Medical Hospital, gondola people-moving system, California Exhibit, and service road, were evaluated to determine daily operational noise impacts.”* [Vol. 1, p. 3.9-17.]

Is one to assume that “daily operations” are confined to things like greasing the cables on the gondola and shoveling manure in the bison enclosure? Or do daily operational noise impacts also include noises like an elephant trumpeting when it awakens suddenly from anesthesia at the animal hospital or a child screaming because he dropped his stuffed giraffe getting into the gondola? These are important distinctions, and they could be determinative: The daytime operational noise limit under the Oakland Noise Ordinance is 60 dBA. (Vol. 1, p. 3.0-17; table 3.9-1, p. 3.9-7.) The highest measurement taken for the purpose of “modeling” future noise emissions was 59.8 dBA at a receptor along the proposed public access path right outside the new perimeter fence. (Vol. 1, p. 3.9-14; see fig. 3.9-3, table 3.9-6 [additional “operational noise data” was supposed to be supplied in Vol. 2, App. J-1, which appears to be a traffic study].) This constitutes a slim margin, raising serious questions about whether the project’s noise impacts have been adequately evaluated.

A further criterion for significant impact under CEQA is whether the project generates noise levels exceeding standards established in the Oakland General Plan. (Vol. 1, p. 3.9-14.) Attempting to apply this standard, the draft MND finds that the project would not conflict with Oakland’s land use/noise compatibility guidelines. (Vol. 1, p. 3.9-16; see also 3.9-28.) Two land use policies are cited:

“Policy 1: Ensure the compatibility of . . . proposed development projects not only with neighboring land uses but also with their surrounding noise environment,”

And

“Policy 3: Reduce the community’s exposure to noise by minimizing the noise levels that are received by Oakland residents and others in the City.” [Vol. 1, table 3.8-1, p. 3.8-31; see also p. 3.9-7.]

The draft MND reasons that the project is *consistent* with these policies because “traffic and other operational noise from the buildout of the amended Master Plan would not result in conflicts with the land use/noise compatibility guidelines. (Vol. 1, table 3.8-1, p. 3.8-31; see pp. 3.9-16 – 17.) This assumes that the open space in Knowland Park is the same land use as the Zoo, and that visitors to that space may be subjected to the same level of noise that zoo patrons can. These assumptions are erroneous.

According to the draft MND, the community may “normally” be exposed to up to 70 dBA at a playground or neighborhood park like the Zoo. (Vol. 1, fig. 3.9-1; see p. 3.9-28, (i).) The lead agency has determined that the project will not expose patrons of the Zoo to more than that. (See Vol. 1, p. 3.9-16 (a).) However, the operational noise limit for “civic uses,” such as the remaining open space in Knowland Park, is only 60 dBA. (Vol. 1, table 3.9-1, p. 3.9-7.)

Therefore, if the zoo were to emit more than 60 dBA into the open space in Knowland Park, it would certainly violate the land use policies cited above.

Moreover, the community noise exposure compatibility guidelines are just that – guidelines. They lay out the parameters for what is “normally” acceptable, “conditionally” acceptable, and so forth. (Vol. 1, fig. 3.9-1.) But the noise element in the General Plan “recognizes that some land uses are more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the type of activities typically involved.” (Vol. 1, para. 3.9.3.1, p. 3.9-5.) Knowland Park has been singled out for special praise among all of Oakland’s parks, and this particular “sensitive receptor” (see Vol. 1, para. 3.9.4, p. 3.9-11) deserves an even higher level of protection than the strict word of the ordinances and regulations might suggest, particularly given the identified presence of special status species and multiple types of other wildlife that use the park as habitat and hunting grounds.

The undeveloped land in Knowland Park is not the same land use as the zoo, but a “neighboring land use.” Therefore, if the city did not minimize the noise levels emitted by the project to protect Knowland, then that would create a *fundamental conflict* with adjacent land uses -- in other words, *a significant impact*. (See Vol. 1, p. 3.8-12.)

The proposed mitigation measures require monitoring of noise during construction and operations under SCA-NOISE-4. However, who will monitor the noise, how often, how noise levels will be reported back to Planning and Zoning or other agencies are not specified. In light of the inadequacies in the lead agency’s environmental review of various noise elements of the project, its conclusion as to the cumulative impacts (Vol. 1, pp. 3.9-28 – 29) is also unsustainable.”

Lighting

While the Zoo may be applauded for its respect for and care of "the animals" and "its animal care practices," these refer to the Zoo-owned animals, not the resident wildlife in the Park. Just because the Zoo ensures that the "exhibited animals" and "surrounding area" (meaning nearby homes) will not be in the light, it does not mean that nocturnal wildlife seeing the lights at all in their habitat won't have to squint and feel disturbed or invaded. On what basis does the Zoo state that night lighting "would not adversely affect wildlife in Knowland Park adjacent to the California exhibit, “ and how do they define “adversely affect”?

The proposed project and Zoo response to comments refers to "the occasions when Zoo activities would be conducted in the evening..." when the lighting would be limited and temporary. How often would these occasions arise? Will they increase to "regularly" in future years? There appear to be no boundaries on this use, suggesting that if the Zoo decided to extend its hours into the evening, it would be free to do so.

Transportation and Circulation

See report from Traffic expert Tom Brohard, submitted with our attorney’s letter, which details numerous errors in the traffic analyses that when corrected, show significant impacts from the

project. Also see our attorney's letter for response to the false claim by staff that we are not permitted to raise additional issues after the March 16, 2011 Planning Commission hearing.

We are also calling attention, as both we and numerous individuals have repeatedly done both to the City and to CalTrans, to the dangerous conditions that exist currently on both Hwy 580 off-ramps at Golf Links. On busy weekend days at the Zoo, traffic *regularly* backs up out into the freeway lanes, which feature blind curves from both directions (see aerial photo below, taken Sunday, 5/29/11). This is already a major problem. Given the underestimated traffic analyses and the increases this project will create, this is a significant impact that has not been mitigated.



Perimeter Fence

In fact, we have demonstrated why the timing of the fence installation should be different by pointing out that the 1998 California Trail project was never constructed. Given the contingencies of funding and other factors, it is highly possible that it could be many years before this project is constructed, fencing the public out of open space that is being used for recreation and wildlife habitat long before it is needed for the proposed expansion, if approved. The City has not demonstrated why this should be done years in advance of construction. This adds to the cumulative impacts of the project.

Alternative Concept

The City appears to be claiming that what the Zoo architect said in a meeting with Friends of Knowland Park about preparing the expansion plan is irrelevant, but in fact his remarks, indicating that he was not asked to consider expansion alternatives closer to the 1998 plan and that he could not achieve what he was asked by the Zoo management to design within the 1998 plans, are strong evidence that the architect was asked to design a *different* project than the one which was approved in 1998, and as a new project, this proposed project should have a full environmental impact report prepared.

Dumping

Addressed above, including photographic documentation

Service Road

In the absence of the tram road, the service road will be heavily used for construction of the proposed project. The intent of condition 12 from the 1998 Approved Amended Master Pplan was, as noted in the Planning Commission's Conditions of Approval (Condition 27), to shield nearby residences from the view of the road. We appreciate that public comments on the landscape plans will be solicited. However, contrary to the claim on p. 26 of Attachment H, Condition 27 does *not* apply all the landscape measures from the 1998 approval to the service road in the proposed amended plan. In fact, the Conditions of Approval from the 1998 plan required the landscaping aimed at shielding the neighbors (outside the actual graded areas) to be installed at least 2 years before construction began, presumably so that it could become established before the impact of increased road use occurred. This condition is not included in the current Condition of Approval, which requires only that landscaping be installed "prior to the completion of improvements to the service road." This means that construction activities and increased use of the service road could begin well before the landscaping was established, since the service road is in Phase I of the project. This creates a significant impact on neighbors and is not addressed.

Need for Interpretive Center

No one has questioned the need for an interpretive center, and a modest center was part of the 1998 approved amendment to the Master Plan, which the community supported. However, the size and scale of the center is inconsistent with the Zoo Master Plan, which specifically describes the center as being "low profile," located in an area already disturbed and of less high quality plant habitat in the saddle just below the western ridgeline, and the previous MND was granted on the basis of this description, which does not apply to the new project's interpretive center building. The MND/A acknowledges that there is no need for office space for new employees. The public should not give up precious open space so Zoo Management can have bay view offices.

Air Quality

The air quality evaluations should be reanalyzed, given the underestimates and errors in the traffic analyses identified in the report cited above. The response from the City does not adequately address the fact that while the proposed project site is more than 1000 feet from Interstate 580, the project's impacts in terms of increased visitors arriving via the I580 route, which almost every visitor does, should be taken into consideration for air quality purposes.

Parking on the Front Lawn

Neighbors have noted that on weekends the front lawn is regularly used for overflow parking under present conditions. Given the underestimates on increases in visitors and the overestimates identified in the traffic report of numbers of persons per vehicle, it remains likely that parking will be inadequate, forcing visitors to search in nearby neighborhoods and increasing traffic on side streets, many of which have limited egress. Further, contrary to the City's assertion on p. 28, parking is indeed a CEQA issue if it is occurring on grassy areas adjacent to a creek, as is the

case here, since vehicles may be sources of oil, other fluids, and asbestos fibers which could be washed into the creek.

Conflict between Land Uses

It is true that the Zoo has coexisted with hiking and other recreational opportunities for many years. However, this is primarily because of the topography of the site, and the existing Zoo is virtually invisible from the parkland currently. Under the 1998 approved amended Master Plan, conflict with park users was minimized because virtually all the development was situated on the western side of the ridge closer to the existing Zoo and not visible from the predominant viewpoints in the adjoining parkland. Thus, the City's assertion that the proposed project would not result in a conflict between land uses is unsubstantiated. The proposed project creates a substantial increase in the severity of the impacts on remaining parkland by interposing a man-made environment with a fenced, artificial collection of buildings, walkways and other structures in the previously natural foreground of the most prominent viewpoint in the parkland, which hikers will be unable to avoid seeing unless they avoid the most attractive features of the park.

Utilities and Conservation

It is regrettable that the City minimizes the utility of capturing and reusing stormwater to help meet project demands, given the well-documented concerns about future water needs within the state, particularly when all over the Bay Area, many private citizens are capturing, storing, and reusing stormwater for landscape irrigation, flushing toilets, and other purposes. A forward-thinking, 21st century project that went beyond faux conservation would include such measures.

Perimeter Fence

We are pleased that the staff has stated in writing that the segment crossing to Golf Links Road is not part of the proposed project. Also see discussion above.

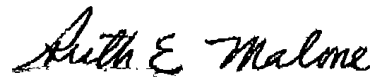
Process Issues

Process issues continue, as documented in the letter from our attorney. Members of the public who have expressed concerns or opposition to the proposed project have found it exceedingly difficult to participate meaningfully. From the beginning of hearing about the new proposed project only after a neighbor saw activity in the park and asked about it, to disregarding many aspects of the previous Memorandum of Understanding with the community that was part of the Conditions of Approval, to the City not having a copy of the previous Initial Study available for review on request, and having to obtain one (after multiple public requests were made) from the consultant who prepared it, to the 1996 Master Plan not being available on the City Planning website for review, to the current errors in statements of fact to the public about our rights, the City has contributed to this difficulty in so many ways that it appears to constitute a systematic effort that is prejudicial in favor of a popular city institution to the detriment of good environmental review. Further, the experience has shown clearly, as documented in our comments, that the City has not done due diligence in monitoring the Zoo's implementation of earlier mitigation and other measures.

Thus, the City has not proceeded in a manner required by law and has made numerous misleading claims that are not supported by substantial evidence, despite the volume of materials prepared. The evidence on the basis of which the decision to approve is recommended has been characterized by experts as “slipshod,” containing numerous factual errors, incomplete and/or misleading, lacking historical accuracy and context, and inconsistent with standard City practice on other projects. Further, the project is inconsistent with the Zoo Master Plan itself, as well as the City General Plan.

The Oakland Zoo is a successful institution that is valued by the community. It is unfortunate that, in the name of conservation, it seeks to destroy forever an area that is one of the few remaining rare examples of native grassland communities, a thriving ecosystem where hundreds of animals now live naturally, and an area of natural parkland that has been called Oakland’s “crown jewel”. It is more unfortunate that the City appears ready to encourage it to do so. Better alternatives exist, and a full EIR, as required under CEQA, should be done to evaluate them.

Sincerely,

A handwritten signature in cursive script that reads "Ruth E. Malone". The ink is dark and the signature is fluid and legible.

Ruth Malone
Co-Chair, Friends of Knowland Park
Durant Park Highlands
Signed on behalf of the FOKP Leadership Group (following page)

Gabriele Allen
Chabot Park Highlands Association

Thomas M. DeBoni
Associated Residents of Sequoyah Highlands

Stefanie Gandolfi
Associated Residents of Sequoyah Highlands

Sandra Marburg
Associated Residents of Sequoyah Highlands

Karen Putz
South Hills Homeowners Association

Lee Ann Smith
Sequoyah Heights Homeowner Association

Ian Farmer
South Hills Neighborhood Crime Prevention Council

cc: Shute, Mihaly and Weinberger, LLP
East Bay Chapter, California Native Plant Society
California Native Grasslands Association
Northern Alameda County Group, Sierra Club
California Wildlife Foundation/California Oaks

Attachments

Attachment A: Request from the EBZS to Delay

Attachment B: Letter from Dr Matteo Garbellotto

Received on: Date _____ Time _____

By _____
Oakland City Planning Department