

**Why the Oakland City Council Should Override
the Planning Commission's Decision
in Favor of the East Bay Zoological Society
1996 Master Plan**

Presented by the Knowland Park Highlands Association

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PART I: INTRODUCTION

The members of the Knowland Park Highlands Association are not "against" the Zoo any more than we are against education. Among us are East Bay Zoological Society members and frequent Oakland Zoo visitors. We did not oppose the construction of the 16,000 square foot Center for Science and Environmental Education. We appreciate the extensive resources the East Bay Zoological Society has used to ensure a safe and environmentally acceptable plan. We do, however, have serious concerns about the proposed California 1820 Exhibit.

Perhaps the consequences of this exhibit weren't appreciated because of the East Bay Zoological Society's and the Planning Commission's rose-colored enthusiasm.

The purpose of this document is (1) to describe deficiencies in the process of the approval of the East Bay Zoological Society's Master Plan by the Oakland Planning Commission; (2) to describe errors and deficiencies in the Master Plan and the Initial Study and Environmental Review and Checklist; and (3) to describe the steps that must be taken to properly assess the Master Plan.

Because of the deficiencies, inadequacies, and numerous inconsistencies that we have identified, we lack confidence in the East Bay Zoological Society's ability to evaluate the project, and in its willingness and responsibility to respectfully consider the neighborhoods that surround Upper Knowland Park or the users of Knowland Park, who come from all over Oakland.

Due to the serious potential impacts that this project will have on the environment (i.e., the development of undeveloped open space), and due to the significant omissions of the environmental analysis, the Initial Study and Environmental Review Checklist should be rejected and hence the Planning Commission's approval of the Master Plan should be overruled, a full Environmental Impact Report should be prepared; and the Oakland Zoo's Emergency Preparedness and Response Procedures should be audited.

NOTE: The Master Plan referred to in this document is the October, 1996 version unless otherwise indicated.

PART II: OVERVIEW

1. The process has been abused.

The City of Oakland and the East Bay Zoological Society are required to consult with the neighborhoods that will be impacted by the proposed expansion of the Oakland Zoo. However, notification of the neighbors regarding the proposed plans have been limited in both content and scope. Neighbors who have attended meetings of the Planning Commission and the East Bay Zoological Society during April, May, and June of 1997, and those who participated in a Zoological Society-led tour of the area to be developed were very dissatisfied. Suggestions were ignored. Pointed questions were evaded or obfuscated. Crucial information, such as the location of the perimeter fence and the new emergency exits, was withheld.

Among those who are unhappy with the Planning Commission's approval of the 1996 Master Plan, the biggest complaint is that the public was not dealt with fairly, and that, regardless of whether or not the proposed expansion would be good for Oakland, what would be best for Oakland would be a more respectful and honestly concerned government.

2. The environmental analysis is inadequate

Out of 35 items in the Initial Study and Environmental Review Checklist (Section VIII), *fourteen* are marked as having a potentially significant impact without mitigation (that includes item #4 on page 11, for which, according to Dr. Parrot, the wrong box was inadvertently checked). For several of these items, the analysis that is provided is superficial and inadequate. There are discrepancies in the acreage affected. The impact of the perimeter fence, the location of which is not defined in the Master Plan, is not analyzed. The analysis of the to-be-enhanced Emergency Preparedness and Response Plan is inadequate since the changes to the plan are not specified. There is no analysis of the traffic flow during emergencies, and the analysis of normal traffic is inadequate. Other problems that are not dealt with adequately include erosion, landslides, rare and endangered plants, wildlife, the impact on the neighborhood, water pollution, and human health.

3. The Master Plan is inadequate.

Much essential information is omitted from the Master Plan such as a financial projections, an analysis of traffic flow during an emergency, the location of a perimeter fence and the composition of the perimeter and enclosure fences. In addition, several statements in the Plan regarding the current status of the land and parking facilities, future traffic patterns, and the size of the area to be enclosed are inaccurate and inconsistent.

This plan, with all of the omissions and inconsistencies that it contains, should never have been approved. The inadequacies of the document make comprehensive public evaluation impossible and bring into question the thoroughness of the Master Plan and the Initial Study and Environmental Checklist.

PART III: HISTORY

1. Conditions on the Use of the Land

All of the area into which the East Bay Zoological Society is proposing to expand was deeded by the State of California to the City of Oakland in 1975. That deed (See Attachment A) contains restrictions on the use of the land:

"This conveyance is made upon the condition that in the event the CITY OF OAKLAND, a municipal corporation, ceases to use the property for public park purposes, the hereinabove described property shall revert to the STATE OF CALIFORNIA."

Therefore, although the land is zoned R-30, it can never be developed for residential use.

Can it be used for a zoo?

Following is a definition of the word "park" from the prestigious Webster's New World Dictionary of the American Language":

"an area of public land; specifically, a) an area in or near a city, usually laid out with walks, drives, playgrounds, etc. for public recreation. b) an open square in a city, with benches, trees, etc. c) a large area known for its natural scenery and preserved for public recreation by a state or national government.

From Webster's New Collegiate Dictionary:

"A piece of ground, in or near a city or town, kept for ornament and recreation; also, an area maintained in its natural state as a public property..."

There are other types of parks other than public parks. For example, there are ball parks and car parks. But we do not believe that these are public not parks in the sense that the State of California intended. And certainly the Off-Exhibit Breeding Center is not a public park since it is not accessible to the public.

2. The contract between the City of Oakland and the East Bay Zoological Society

The contract divides Knowland Park into 3 areas:

- the "Upper Area" between Golf Links Road and Skyline Boulevard;
- the "Mesa Area" south of Golf Links Road and north of the private property from Golf Links Road westerly to a street on lower Malcolm Avenue;
- and the "Lower Area", which is the area that is currently developed.

The contract states that the Upper Area cannot be developed during the term of the contract, that is, until March, 2004.

As proposed, the California 1820 exhibit will be located in the Mesa Area.

According to the contract between the East Bay Zoological Society and the City of Oakland, p. 2-3:

“Any planning and development of [the mesa] area shall be done with the consultation of the Knowland Park Highland Association, with consideration for the special relationship between this group and the Society.”

Note that the management agreement between the City of Oakland and the East Bay Zoological Society for the administration of the Oakland Zoo, which became effective in March 1994, specifies that the East Bay Zoological Society shall “implement improvements ... pursuant to the Master Plan approved by the City Council in December 1990.” *This contract has not been amended to reflect the 1996 Master Plan.*

3. The Knowland Park Highlands Association

The Knowland Park Highlands Association was formed during the late 1980's by the presidents and officers of many homeowners associations surrounding Knowland Park and the Oakland Zoo.

The purpose of the Knowland Park Highlands Association was to monitor the activities of the Oakland Zoo and its Master Plan so that the concerns of the local neighborhoods would be considered before any decisions were made regarding activities within Knowland Park and the Oakland Zoo.

Local community leaders who have been involved in the Knowland Park Highlands Association include:

Winifred Walsh - First President
Dr. Roger Shepherd - First Treasurer
Mr. Benny Littles - Board member
Felix Guillory
Alex Papillon
Rosella Asabelle

PART IV: THE PROCESS HAS BEEN ABUSED

A. Summary

The City of Oakland and the East Bay Zoological Society are required to consult with the neighborhoods that will be impacted by the proposed expansion of the Oakland Zoo. However, notification of the neighbors regarding the proposed plans have been limited in both content and scope. Statements by neighbors who have attended meetings of the Planning Commission and the East Bay Zoological Society during April, May, and June of 1997, and those who participated in a Zoological Society-led tour of the area to be developed felt ignored. Suggestions were ignored. Pointed questions were evaded or obfuscated, and crucial information, such as the location of the perimeter fence and the new emergency exits, was withheld.

Residents of the affected neighborhoods did have some impact on the Planning Commission which conditionally approved the Master Plan on June 4 subject to more public involvement. Those conditions weren't met.

Among those who are unhappy with the Planning Commission's approval of the 1996 Master Plan, the biggest complaint is that the public was not dealt with fairly, and that, regardless of whether or not the proposed expansion would be good for Oakland, what would be best for Oakland would be a more respectful and honestly concerned government.

B. Lack of Proper Notification

1. The Requirements of the Management Contract

Despite the contractual obligation in the management agreement between the City of Oakland and the East Bay Zoological Society to consult with the Knowland Park Highlands Association, *no attempt was made to contact anyone in the Knowland Park Highlands Association*. The people who were members of that organization when the contract was written all could have been contacted. See the attached statement by Winifred Walsh, a long-standing member of the Knowland Park Highlands Association (Attachment B).

If in fact the City of Oakland and the East Bay Zoological Society don't abide by the contract obligation of this management agreement, its actions will be subject to judicial review.

2. The Requirements of the Planning Commission

After the June 4, 1997 meeting of the Oakland Planning Commission, the East Bay Zoological Society was directed to notify – and *renotify* – the surrounding neighborhoods about the proposed changes and “to provide them a clear understanding of the proposed Master Plan.” (ref. City Planning Commission, Case File No. CM97-25 [ER96-36],

Zoning Report dated June 4, 1997, p. 3). *There has been no attempt to fulfill this requirement.*

The same document also stated that “[t]he applicant shall consult with all interested parties concerning the design and construction of the project, utilizing the services of a neutral party facilitator as appropriate.” (Ref. Zoning Report, p. 9, item #8). At a minimum, therefore, the East Bay Zoological Society should have contacted those people who spoke at the Planning Commission meeting of June 4. However, all six of those speakers state that *they have not been contacted* regarding participation in the design and construction of the project. Their names are:

Bill Noland
Eddie Williams
Frank Davis
Bobbit Grant
Velma Noland
Winifred Walsh

C. Inadequate Public Consultation

In March, 1997, on or about the 7th of the month, a “Combined Notice of Public Hearing and Mitigated Negative Declaration” was posted on telephone poles in the south hills (see Attachment C). This notice gives no indication that the area of the zoo is going to increase, or that a shuttle is proposed that will come close to many homes, or that Ettrick Street and Snowdown Avenue would become emergency exits. Unlike the East Bay Zoological Society which had years, staff, and consultants with which to prepare the Master Plan and Initial Study and Environmental Review Checklist, most residents and users of Knowland Park have full-time jobs and families, leaving very little time to research the Master Plan and Initial Study and Environmental Review Checklist. The three weeks allotted for a response to the notice was not adequate.

By way of contrast, see Attachment D, another City of Oakland public notice that was recently posted in Redwood Park. Although it is for a much smaller project, it includes a map and has significantly more detail than the notice posted announcing a public hearing for the zoo.

The Planning Commission and the East Bay Zoological Society did have several public meetings (April 2, April 26, May 7, May 22, and June 4). The East Bay Zoological Society even conducted a bus tour of the expansion site for interested parties (April 26). (In October 1996, the East Bay Zoological Society has reported that it held a meeting that included neighbors who’s property abuts the parking lots, but after contacting several residents in that area, we have been unable to find anyone who knows anything about the meeting.)

However, as a result of the inadequate public notification, only a very few people in the south hills area were aware of what the East Bay Zoological Society was proposing, much less its impact. No public notification of the meetings after April 2 was posted. Nor was there any public notification of the Zoo tour, and only those few people who had attended an earlier meeting knew about it.

As for those neighbors and other users of Knowland park who did attend the public hearing and Planning Commission meetings, some asked questions, suggested alternatives, and voiced objections. However, despite the great desire that the Planning Commission expressed, beginning at the April 2, 1997 public hearing, for the zoo to take more input from the public, their questions were not answered or the answers were unclear and obfuscated, and their testimony was basically ignored. Inviting people to speak at a meeting isn't the same thing as getting input from them. The following stories by some of those people who attended the meetings illustrate this point.

"At one point during the bus tour of the zoo on April 26, I asked Dr. Parrot if we could stop for a moment so he could show us where some of the exhibits would be located, particularly the Breeding Center, the Grey Wolf Exhibit, and the Interpretive Center. Dr. Parrot did not answer my question and told the bus driver to move on.

Also during the bus tour, I asked where along the fire road the perimeter fence would be located. He indicated that it would be approximately 25 feet from the road. The Master Plan of 1990 shows the perimeter a few hundred feet from the road. Yet when asked by Commissioner Bytof at the June 4 Planning Commission meeting if the size of the project identified in the 1996 Master Plan differed in any way from the 1990 Master Plan, Dr. Parrot said "No."

After the bus tour, I asked Dr. Parrot to meet with me to show me where the perimeter fence would be. He refused, stating that he wouldn't commit to a fence line, and that such a meeting would be a waste of my time.

At the meeting of May 7, Dr. Parrot showed, from a distance, an aerial map of the expansion area indicating the fence perimeter. When asked about that map at the May 22 meeting, Dr. Parrot said he couldn't find it.

After the May 22 meeting, no one felt that anything was done. Everything was phantom lip service."

Bill Noland

"At the public meeting of April 26, we suggested alternatives to the way the California 1820 Exhibit was planned, but were told they couldn't be done. So we asked if we could talk to the engineer who had been involved in preparing the Master Plan to ask him questions and discuss alternatives. The engineer came to the meeting on May 7. When we him asked questions, he got upset and said he wasn't there to talk about any changes but rather to talk about what was proposed and to support why it has to be the way it was proposed."

Norma Farris-Taylor

"At the public meetings of 4/26 and 5/7 with Dr. Parrot and his associates, I asked Dr. Parrot to indicate where the perimeter fence of the expansion area would be located and why the wildland canyon areas near Arroyo Viejo Creek would apparently be included in the new expansion. Except for one quick view of a map

that has never been publicly distributed, no fence boundary has ever been accurately described.

Dr. Parrot was asked why the northern wild canyons were to be included within the fenced area shown on that map. When pressed for a justification for including that canyon, Dr. Parrot said "I don't know." It was also not clear from these discussions whether the fenced acreage is included in the Initial Study and Environmental Review Checklist.

We feel we didn't get direct or satisfactory answers. We got nothing in writing, not even a map that we could take home and study or compare with other documentation. All around, we didn't feel that we were graciously received."

Sandra Marburg

PART V: THE ENVIRONMENTAL ANALYSIS IS INADEQUATE

A. Summary

Out of 35 items in the Initial Study and Environmental Review Checklist (Section VIII), thirteen are marked as having a potentially significant impact without mitigation. For several of these, the analysis that is provided is superficial and inadequate. There are discrepancies in the acreage affected. The impact of the perimeter fence, the location of which is not defined in the Master Plan, is not analyzed. The analysis of the to-be-enhanced Emergency Preparedness and Response Plan is inadequate since the changes to the plan are not specified. There is no analysis of the traffic flow during emergencies, and the analysis of normal traffic is inadequate. Other problems that are not dealt with adequately include erosion, landslides, rare and endangered plants, wildlife, the impact on the neighborhood, water pollution, and human health.

B. Proposed Area of Development

The Initial Study and Environmental Review Checklist states (on p. 2) that "The Master Plan proposes new development affecting **118** acres." Summarizing Table 3 on page 28 yields the same figure. Neither Table 3 nor the text of the Initial Study and Environmental Report mentions the buffer area, that is, the land between the shuttle road by a perimeter fence. Based on glimpses of maps that have not been made available to the public for study, it appears that the perimeter fence extends many more acres into the mesa, creek and canyon lands; however, we cannot establish this as a fact since the Dr. Parrot has failed to respond to several requests for the exact location and composition of the perimeter fence.

The Initial Study and Environmental Review Checklist does not analyze the impact of **enclosing this much larger area**. Without this essential analysis, this Initial Study and Environmental Review Checklist cannot be considered adequate.

The inadequacy of the maps provided by the East Bay Zoological Society was first noted during the April 2, 1997 public hearing, yet none of the people who have attended any meetings with the East Bay Zoological Society or Planning Commission have received any better maps nor have any been found in the City's public file.

C. Drainage

An enormous amount of runoff cascades down from Zoo land onto private property and public streets. Upon leaving Zoo land, the water carves deep erosion ditches on private back yards starting at about Hellman St., enters the street at about Hood street, and funnels into a drainage ditch behind the homes on Mark St. As a result, several homes on Mark Street regularly receive heavy runoff of water and debris during the rainy season, and some homes have been flooded. One resident on Mark St. installed his own drainage system including his own sewer pipe in the road in front of his house.

The debris component of the runoff clogs sewer pipes on Hood St. As a result, sewage backs up into yards and homes on Mark St. When someone notifies EBMUD that sewage has backed up, EBMUD cleans out sewer pipes on Hood St., but is unable to prevent them from being clogged again by the extensive runoff from the Zoo property.

The fact that the area also has a high water table has led to large areas of standing water in the front of homes requiring some neighbors to install sump pumps.

Neither of the two sections of the Initial Study and Environmental Checklist that discuss drainage problems ("Water", starting on p. 19, and "Earth", starting on p. 8) discuss the existing problems or the threat to the local residential area of additional runoff at all. It is not sufficient to describe the silt fences, straw bales and other improvement designed to control runoff so that it is not directed over unprotected slopes (p. 10) without discussing the impact on downslope neighbors who inevitably will be dealing with increased runoff.

Since known problems already exist, these should be included in the report. This oversight is serious.

D. Erosion and Landslides

Carolyn and Jerome Hunt, whose home looks out on the Zoo, have reported that a few years ago they watched a big landslide wipe out a fence that was then enclosing the bison herd, resulting in the immediate relocation of the herd. After that time, the area was fenced off and was left unused. *This is the area where the grizzly bears are to be enclosed!* Since one animal enclosure fence has already been destroyed by an mudslide in the very area in which the grizzly bears will be enclosed, the danger that this could happen again has not been adequately addressed. In addition, the proposed construction is likely to raise the possibility of serious earth movement, including mud slides in this area.

In the same area, neighbors have reported that within the last few years there has been sheet erosion on the hills proposed for the roadway and new pens.

E. Emergency Preparedness and Response

All of the following concerns are made even more serious in view of the fact that additional animals, potentially harmful to human life (wolves and grizzly bears) are to be kept in open enclosures at the zoo. Should a large-scale emergency occur, it is possible that additional complications will result from panicked animals, some escaping from open enclosures. Those of us who live in the area that would be most affected want more reassurance than the East Bay Zoological Society's word that it will take care of it.

1. Emergency Preparedness and Response Plan and Animal Capture Plan

The Initial Study and Environmental Checklist report claims that "The Zoo's Emergency Preparedness and Response Plan, and Animal Capture Plan shall be updated as proposed facilities are developed" (Initial Study and Environmental Checklist, 5e, p. 13; see also Master Plan, p. 27, *Geology / Topography*, second paragraph: "An Emergency Preparedness and Response Plan and animal capture plan have been prepared for the Zoo and will continue to be updated as the Master Plan improvements are implemented.")

In view of the high seismic hazard of the proposed development site, this approach is not adequate. These emergency plans should be provided *now*, in advance of implementation.

Putting emergency plans on paper is one thing; implementing them is another. Before the East Bay Zoological Society is allowed to take on more responsibility for emergency response and the capture of dangerous animals, the implementation of its current plans should be reviewed. Have practice drills been conducted twice a year as required? Do staff and volunteer personnel know what they are supposed to do without referring to the Emergency Preparedness and Response Plan, which might not be available in an earthquake or fire? Are the contact lists and resource lists kept up to date? Are the supplies and equipment listed in various locations checked regularly to make sure they are in position and in good condition? Has the plan been reviewed by an outside expert?

2. Earthquake Hazards

According to the Initial Study and Environmental Review Checklist (p. 12, item #5),

“The entire Park is located in an area with extreme groundshaking and landslide potential in the event off a large magnitude earthquake. Due to the proximity of the Hayward Fault, it is likely that intense groundshaking and high peak ground accelerations would occur on the site as a result of a major earthquake event.”

Mitigation measures for this situation discuss such sites as the Center for Science and Environmental Education, the African Savannah, and “[p]roper earthquake-resistant techniques for securing indoor fixtures, machinery, ... (p. 13, item #5d).

No mention is made of the reliability of the fences to be used to contain the grizzly bears and wolves in the 1820 exhibit during an earthquake. The security of these fences during an earthquake *must be addressed*.

3. Fire Hazards and Low Water Pressure

This area is a high-fire danger zone because of extensive wildland growth, steep topography, and few hydrants. The water pressure of the neighboring residential areas has already been seriously impacted by present zoo usage, particularly by the installation of a sprinkler system. During a recent fire at the Zoo, the water available to fire hoses was inadequate and neighbors were unable to water down their roofs. We do not feel that the problem of water supply has been adequately addressed, particularly for emergency fire fighting.

The East Bay Zoological Society is not going to provide its own firefighters or equipment, relying instead on those provided by the City of Oakland. While in most cases this coverage may be adequate, what will happen if a fire jumps from the Zoo to private homes or vice versa? What will the Oakland Fire Department protect with its diluted resources?

F. Impact on the neighborhood

1. Aesthetics and Views

a) Public views.

The report claims that (Initial Study and Environmental Checklist, 33 and 34, p. 50) that there will be no aesthetic impacts: "Development proposed by the Master Plan would be sited to minimize visibility from adjacent properties and would not result in the obstruction of any scenic vistas or view open to the public" (Initial Study and Environmental Checklist, 34, p. 50). In fact, accessibility to the panoramic view site now open to the public in Knowland Park twenty-four hours a day (the nighttime views are fantastic!) will forever be blocked off due to the high perimeter fencing and buffer zone that will result, and will be available for a few minutes to Zoo visitors who take the tram during the Zoo's six hours a day of operation. In fact, the Interpretative Center is sited at one of the two most beautiful view sites currently existing in the ridge walking areas of Knowland Park. Because of this error or blatant oversight in the Initial Study and Environmental Checklist document, no mitigation is proposed. This is unacceptable.

b) Private views

The proposed shuttle and exhibits will negatively impact on the views for many homes along the perimeter of Knowland Park and possibly others. If a high fence or berm is built to separate the nearby residences from the shuttle road, then the views of some homes will certainly be obstructed. None of these potential view impacts are presented.

c) Night lighting.

The comment that the Interpretative Center, the Off-site Breeding Area (Initial Study and Environmental Checklist, 19, p. 37) would not include night lighting does not seem consistent with security issues that will no doubt arise regarding protection of the animals and the facility. Should lighting be needed at the hilltop site, it will be a factor affecting the view of many residences.

Night lighting at the Center for Science and Environmental Education *will be visible* to adjacent residences—*not invisible as stated in the Initial Study and Environmental Checklist*, 19, p. 37. However, the area is partly screened from Golf Links Road because neighbors were able to stop a clear cutting of eucalyptus trees a few years ago in this area.

2. Noise Pollution

The proposed shuttle will negatively affect the residential neighbors at the south side of the new exhibit. We do not feel that the negative declaration adequately analyzes noise impacts. Noise levels in the vicinity of the overflow parking lot (Initial Study and Environmental Checklist, p. 33) are 57 dBA and would increased by 1-2 dBA. This projected incremental increased in based on noise level from the main parking lot.

Since the ambient noise level must be less than 60 dBA for residential uses, the level at which the ability to hear conversation decreases, the assumption that the noise will be within acceptable levels is provisional at best. With up to 36 shuttle trips a day, one every 10 minutes, in a canyon area (which noise is readily transmitted), the additional estimated 0.2 dBA at existing residences located adjacent to the shuttle road will bring the ambient level to 58.2 to 59.2 (Initial Study and Environmental Checklist, p. 35)—still below the 60 dBA level but within range of potential error.

Noise peaks during construction are expected to range well above acceptable levels for residential areas and will be allowed at 75-80 dBA at 50 feet; 70-80 dBA at 150 feet where residences are located (Initial Study and Environmental Checklist, p. 36) *for up to 12 hours a day, six days a week*, interfering with all the lives within its range.

3. Odors

The compost piles have in the past been particularly disturbing to residents in the nearby community. The proposed mitigation for the compost piles (setback from the current proposed master plan from 100 to the south to a place 500 feet from the nearest residence) "will not significantly increase nuisance odor potential at residences. A new composting system will be used which would reduce odor potential. This new system would contain the materials within long, air- and water-tight bags that speed decomposition while eliminating odors and the potential for water quality degradation" (Initial Study and Environmental Checklist, 8, p. 17).

Hundreds of pounds of manure are produced per day (perhaps more; there is no estimate in the report), it is therefore somewhat dubious to assume that bags, presumably plastic ones, will contain the fecal material in an acceptable way. More details about the composting technique must be supplied so that the potential air (and also human health and water pollution issue) can be evaluated.

4. Loss of Property Values.

Those people who fortunate to live above and adjacent to the zoo love to live there because of their proximity to the open space, the privacy of the neighborhood, the tranquillity, the quiet and relatively benign wildlife. The proposed Master Plan would take away those valuable qualities that are so rare in an urban environment and which make these neighborhoods most desirable. A home with a view of a twelve-foot berm is worth less than a home with a view clear over the Bay. The sounds of birds make a home more valuable than the sound of trams loaded with children, the howling of wolves, and grunting of bears. There is no question that the proposed Master Plan would cause many of these homes to lose property value. As a result, the City could be held liable in inverse condemnation litigation.

G. Human Health

1. Water Pollution

a) Sediment

The flooding and debris flows that are likely to result from increased vegetation loss are not adequately discussed with regard to Arroyo Viejo creek and other natural watercourses onsite. Debris, storm water, and fecal flows from the new exhibits are likely to diminish the water quality of nearby arroyos, creeks and streams. These are actively used as breeding sites for native amphibians and other creatures. We do not feel that the degraded water pollution issue has been adequately addressed in the negative findings in view of the urgency of maintaining riparian habitat.

According to the Initial Study and Environmental Review Checklist (p. 31, item #16), the proposed Trail that would parallel Arroyo Viejo Creek and will cross one of its major tributaries, resulting in "degradation of this waterway will result from sedimentation and damage to riparian vegetation." Although this potential is considered to have "significant impact", the mitigation is weak—to place a viewing platform 100 feet from the creek, and to remove non-native species—does not adequately address the sedimentation problem.

Most of the non-native species in this area are eucalyptus trees) at the lower end of Arroyo Viejo Creek that were recently **not** cut due to potential erosion hazards along the creek. Largely native riparian species grow along the creek area along the upper part of proposed trail. The proposed mitigation will therefore increase sedimentation along the entire stretch by construction upstream and non-native tree removal downstream.

b) Water Pollution from Animal Manure

The proposal that "[t]he manure handling operations would be relocated out of the existing perennial stream located within the River Exhibit, thereby potentially enhancing overall water quality" (Initial Study and Environmental Checklist, 10, p. 19) suggests just how lax the composting technique has been in the past. Tons of fecal material are involved: in the compost sites, in runoff, or through percolation (due to hosing down of animal cages). The impact on the natural waterways is not sufficiently mitigated by relocation of the compost within the watershed.

Some of the nearby residences derive some or all of their water supply from wells, and many are exposed to potentially contaminated runoff, resulting in potentially significant environmental and human health risk.

To make matters worse, current runoff from the Zoo clogs some sewers with debris. As a result, sewage backs up into yards and homes on Mark St. See "Drainage" on page 9.

2. Outdoor Composting of Animal Manure

The problems that neighbors have had with outdoor composting of animal manure and the attendant problems of flies, rodents and so on, are not addressed (Initial Study and Environmental Checklist, 24, p. 39). The compost piles were formerly located alongside

some homes. Although the compost piles have been relocated farther from homes, the problem of flies and other insects that are attracted to fecal material continues to disturb the neighbors in the vicinity of the upper parking area of the Zoo. The addition of a river otter exhibit and grizzly bear habitat in the vicinity of down-slope residences does not alleviate the issue of mammal feces that are exposed to the elements, and have, in the past, contaminated runoff from the site. Potential for transmission of diseases to humans is nowhere addressed in the report.

H. Loss of 165 Trees

The area of the California 1820 exhibit contains hundreds of beautiful mature *protected* trees. Approximately 100 protected trees—20% of the protected trees within the California 1820 exhibit—will be removed for the project, most of which are slow-growing Coast live oaks (ref. Initial Study and Environmental Review Checklist, p. 24, top). One of the largest stands of oak will be left standing, but deer and other animals that frequent the stand will be cut off by fences.

The June 4th Planning Commission Zoning Report states that “Native trees lost to development shall be replanted at a minimum ratio of 3:1. Non-native trees shall be replanted at a minimum ratio of 1:1.” (Ref. City Planning Commission, Case File No. CM97-25 [ER96-36], Zoning Report dated June 4, 1997, Mitigation Measures, p. 4, item 13b. This part of the Zoning Report is a recap of the mitigation measures in the Initial Study and Environmental Review Checklist and each section designation, e.g., 13b, indicates a section in the Initial Study and Environmental Review Checklist. However, the above quotation from the Zoning Report is not in the Initial Study and Environmental Review Checklist itself.

Nowhere is it stated where these trees be planted, or what kind of trees will they be, or how old they will be when planted. Therefore, no meaningful analysis of the mitigating effect of the replanting has been or can be carried out. We assume that some of these trees would be Coast live oak. Because this species is extremely slow-growing, the trees would not reach maturity during our lifetimes.

I. Traffic and Circulation

Traffic projections are incomplete, inconsistent, and inadequate.

- The issue of traffic flow during an emergency is not addressed at all by this document. It has, as stated on page 19 above, the potential to cause an extremely dangerous situation.
- Inconsistencies exist regarding the traffic projections for 106th Ave. within the Initial Study and Environmental Review Checklist, and between the Initial Study and Environmental Review Checklist and the Master Plan. These discrepancies are detailed on page 23 above.
- The traffic levels in the Golf Links Road/Mountain Boulevard intersection are already high and have not been adequately analyzed with regard to the potential increase in

traffic. The Master Plan states (p. 20) that "This intersection is scheduled to have traffic signals installed... which will improve the level of service to an acceptable level." Will that level of service be maintained with an increase in Zoo attendance and maintenance?

- Dumping all exiting cars onto Golf Links Road, a solution proposed in public meetings by zoo staff to reduce the traffic impact on Malcolm Avenue, will result in unacceptable congestion that is likely to cause freeway backups and other hazards in this area.
- The route to be used by trucks during construction is not discussed. Will the local neighborhood residents and the local roads will be subjected to heavy-duty air-braked vehicles slogging up and down Malcolm Avenue and Caloden Street for the next 20 years?

J. Rare and Endangered Plants

The proposed rerouting of the Shuttle Road to avoid disturbing a colony of rare and endangered robust monardella (*Monardella villosa* ssp. *Globosa*) near the proposed Interpretative Center shows just how valuable the proposed development site is (Initial Study and Environmental Checklist, 14, p. 26). It is extremely unusual that a negative declaration would be appropriate when a rare and endangered plant has already been found on the proposed project site.

In view of the finding of a rare and endangered plant, it is disturbing that heavy goat grazing has occurred near the site this summer. It is equally disturbing that colony of the robust monardella was partially buried when the Knowland Park fire roads were graded in the spring of this year (photographs were provided to the Planning Commission on June 4). Therefore we do not have confidence in the East Bay Zoological Society's promises to protect this species.

K. Wildlife

The fact that "some animal species would potentially be decreased by project construction and degradation of habitat for small vertebrates and invertebrates in enclosures" (Initial Study and Environmental Checklist, 13b, p. 25) is not fully addressed. Species described, such as Pacific tree frogs and invertebrate species in the Arroyo Viejo Creek does not fully predict the number of wild species that currently inhabit the proposed site. Numerous birds of prey, including red-tailed hawks, owls, and other native mammals inhabit this area. These will all be impacted.

The mitigation proposed regarding the Alameda whipsnake are unsatisfactory. Although no whipsnakes were observed during fields visits (Initial Study and Environmental Checklist, p. 26), we wonder whether these field visits were made during the appropriate time of year when the whipsnake would be active or whether they were made when snakes would be inactive. We also want to know the time of day the surveys were conducted.

The proposed mitigation that is required because the development area has habitat attractive to whipsnakes is totally unfathomable for these reasons.

- One mitigation measure states that: "Alameda whipsnake habitat shall be preserved in perpetuity on property owned by the East Bay Zoological Society and contiguous to the east of the California 1820 Exhibit area." (Initial Study and Environmental Checklist, 14f, p. 29). In fact, the East Bay Zoological Society owns no land in Knowland Park—and will not be granted title to the property under the new Master Plan. The City of Oakland will continue to hold title to the land; the East Zoological Society, a nonprofit organization, is contracted only to manage the land.
- To reduce potential Alameda whipsnake mortality it is proposed to decrease the maximum speed of shuttles to 10 miles per hour and give drivers instructions "to watch for and yield to all wildlife" (Initial Study and Environmental Checklist, 14g, p. 29). Is this reasonable or sufficient? We do not think it is. The allied mitigation to educate shuttle drivers to stop the bus should they observe a whipsnake crossing the road is likewise unacceptable. There is no mechanism to enforce this mitigation measure.
- The mitigation requires that a qualified biologist to "monitor all scrub or chaparral removal and all construction activities which may impact the Alameda whipsnake" (Initial Study and Environmental Checklist, 14e, p. 29). This is startling since in the past two months (June-July 1977), much of the hillside for the 1820 Exhibit has been completed denuded of vegetation due to the heavy grazing by goats brought in to reduce fire hazards. Was there a qualified biologist present to monitor this activity? Was habitat significant for the whipsnake already degraded by the recent grazing?

L. Land Use

The statement that the proposed additional recreational opportunities for the community "would enhance habitat conservation at the site" (Initial Study and Environmental Checklist, 21, p. 38) is nowhere supported by any evidence. In fact the conservation efforts of the Zoo have been poor with regard to protection of native species. Nearly all the plants within the developed Zoo area (with the exception of some native oaks) are non-native; furthermore, in the fenced pens which have been developed on the hillsides of Knowland Park, all have been seriously denuded of native vegetation by heavy animal grazing or use, as the new animal enclosures, the Off-Exhibit Breeding Center, and the shuttle road will be denuded (see Initial Study and Environmental Review Checklist, p. 22).

These areas are predominantly invaded by broom and thistles. In addition to the high perimeter fence, the new paved road (that habitat biologists routinely describe as a boundary to many animal migrations), the curtailing of animal access to portions of the year-round stream, there is little to support the assertion that conservation will be enhanced.

Finally, unless new skills are brought to the 1820 California project management team, there is no evidence that meaningful "habitat conservation" will actually occur. In fact, the reverse is likely: wildland habitat degradation is the likely outcome.

M. Non-Native Plants

The efforts to remove or prevent the spread of French broom on the site are notable. In fact, the animal pens already established at the Zoo are the major source of broom propagation onto the hillside. Much of the upper wildland area to be developed is more characteristically coyote brush and grasslands. Most of the Zoo consists of non-native and opportunistic plants that are invading native vegetation zones in Knowland Park.

N. Explosion Hazards

Use of propane powered shuttle busses opens the possibility of a potential explosion and fire, especially if on-site gas tanks are envisioned.

PART VI: THE MASTER PLAN IS INADEQUATE

A. Summary

Much essential information is omitted from the Master Plan such as a financial analyses, an analysis of traffic flow during an emergency, the location of a perimeter fence and the composition of the perimeter and enclosure fences. In addition, several statements in the Plan regarding the current status of the land and parking facilities, future traffic patterns, and the size of the area to be enclosed are inaccurate and inconsistent.

This plan, with all of the omissions and inconsistencies that it contains, should never have been approved. The inadequacies of the document make comprehensive public evaluation impossible and bring into question the thoroughness of the Master Plan and the Initial Study and Environmental Checklist.

B. Financial Analysis

At the June 4, 1997 Planning Commission meeting, Dr. Parrot stated that zoo attendance is projected to grow at a rate of 1.5% a year. Based on that projection, how much more is the Zoo expected to bring in to support the costs of animal and exhibit maintenance? What are those costs estimated to be? The East Bay Zoological Society already receives \$500,000 in subsidies from the City of Oakland and the East Bay Regional Park District. Will the Zoological Society require additional subsidies from the City of Oakland and the EBRPD to maintain the new exhibits? What will the city's responsibility be if the Zoological Society falls short of projected income? What will the responsibility be of the EBRPD? What will the impact if attendance is more or less than projected?

Projections showing revenue vs. costs must be provided.

The Master Plan provides cost estimates for the proposed capital improvements. Since the Master Plan was written before the Initial Study and Environmental Report, the cost of the mitigation measures could not have been included in the Master Plan cost estimates. Yet these costs will be very substantial. An analysis of the cost of the mitigation measures is essential to assess whether the mitigation measures that the East Bay Zoological Society is agreeing to provide are economically feasible. Where will this money come from? Will it eventually come from Oakland taxpayers?

C. Traffic Flow During an Emergency

Emergency traffic flow problems were fatal in the Oakland firestorm and were a major concern when the Dunsmuir Ridge development was defeated. One reason for the denial of the Dunsmuir Ridge plan was the inadequacy of escape routes in the case of emergency.

Emergency exits from the Zoo are planned to empty onto Malcolm Avenue near the top of the hill between MacArthur Blvd. and Golf Links Road. Malcolm Avenue leads west down towards MacArthur Blvd. and the I-580 freeway, but is constricted into a potential bottleneck by the I-580 overpass. The same street heading east, goes down the other side

of the hill (the street name is Caloden at this point) and connects with Golf Links Road. These 2-lane windy roads are the only ways off of the hill for thousands of people who approach from side roads. The garages and driveways of most of the homes on Malcolm Ave. are situated such that cars have to be backed out on to the street, and extreme caution is required even with the relatively low traffic that exists now. In an emergency situation, all of these people will be trying to get onto the single artery (Malcolm and Caloden) to get off of the hill and to safety. The situation, which is dangerous now, will only be exacerbated by the addition of traffic from the Zoo exiting the same way.

An emergency exit road from the zoo exists now at Stella Street, which intersects with Malcolm Ave. on the lower part of the hill. The Master Plan discusses new emergency exits, but the locations of these exits do not appear in the Master Plan. Despite repeated requests by interested parties commenting on the Master Plan, the East Bay Zoological Society would not reveal the location of these exits for months. Dr. Parrot has since identified the roads to one of our Oakland Council Members as exiting the zoo at Ettrick Street and Snowdown Avenue, both of which are narrow streets that intersect with Malcolm Avenue near the top of the hill.

Thus, in an emergency evacuation, heavy traffic from the Zoo would be entering onto Malcolm Avenue from the top of the hill at Ettrick Street and Snowdown Avenue, and at the bottom of the hill from Stella Street and the current 106th Avenue exit. (Note that the Marshall School is in between the upper and lower exits.) Because of the inevitable backup that would develop on Malcolm Avenue, some traffic would go down Caloden and empty onto Golf Links Road, which is itself twisty and windy, joining it opposite the Grass Valley School. The potential of gridlock on the hill is obvious. Traffic heading west to I-580 on Golf Links would then have to negotiate with the intersection with Mountain Blvd.

Nearby Dunsmuir House compounds the problem of emergency traffic. Dunsmuir House sometimes holds big events, such as, most recently, the Scottish Games, that attract an attendance much larger than the usual weekend. As a result, lower Malcolm Street, and Foothill Blvd. just beyond the I-580 overpass, get clogged with parked cars and traffic.

Despite the very real potential of gridlock during an emergency, *traffic flow during an emergency is not even mentioned in the Master Plan.*

D. The Animal Enclosure and Perimeter Fences

The zoo hasn't made public the location of the perimeter fence for the expansion area, thereby avoiding any discussion about the location of that fence and shutting off all consultation with the public. Dr. Parrot has said that the location of the perimeter fence is a detail that hasn't been worked out yet. The Master Plan is not new, having first been developed by 1990, yet you're expecting the public to believe that in all this time no one has worked out where that perimeter will be?

No clear indication been made to the public regarding the dimensions and composition of the perimeter fence nor of the animal enclosure fences, thus making it impossible for the public to review and comment on these fences.

There have been four escapes from the Oakland Zoo in recent memory. Just last year a lion escaped. Not long ago a neighbor awoke one morning to find a sun bear in his garden. Neighbors have a justifiable concern regarding escaped grizzly bears and wolves, and must be informed about the type of enclosures that are planned.

The composition of the fences is also important from the aspect of security from earthquakes and landslides. The area for which development is proposed is in a very high-risk earthquake zone, and landslides have already occurred in the area (see Erosion and Landslides on page 10 and Earthquake Hazards on page 11). What's needed here is some reality checking concerning the advisability of having grizzly bears and wolves in open pens in the middle of an earthquake- and slide-prone urban area!

The only fences that are specifically discussed are those on the lower southern boundary where the bus road will come close to residences. Those fences are described as being of solid wood or masonry. During the Planning Commission meeting of June 4, Dr. Parrot stated that the shuttle road will be walled off from the zoo by a 12-foot dirt berm. *However, this information has not been made public.*

E. The Shuttle Road

Given the impacts that the original location of the shuttle road would have on the abutting properties, going right along the edges of people's backyards, *the shuttle road shouldn't have been proposed for that location to begin with.* It should have been kept much further away from the nearest homes, and perhaps limited to a single roadway for two-way traffic rather than a one-way loop road. Minimally, the shuttle road should be located below the ridgeline in the Mesa Area.

During the Planning Commission meeting of June 4, Dr. Parrot stated that the location of the shuttle road has been moved further away from those homes. However, information about the altered location of the shuttle road *has not been made public.*

Since the Master Plan is no longer accurate, then, before the Plan is approved, it should be amended to reflect the new location of the shuttle, and the sighting diagram included as Attachment D to the Zoning Report should be updated to reflect the relocated shuttle road and the 12-foot berm. This information must be made available to the public for review.

F. Parking

The Master Plan projects that, even using the most conservative estimates of attendance growth (5% per year), the current parking accommodations at the Zoo are sufficient at least until 2010, at which time additional on-site parking may be required (p. 22, bottom, item #1). However, parking is insufficient *now*. The overflow parking areas are sometimes completely filled with the current attendance. Pictures of full overflow parking lots, taken on Saturday, April 26 by Deacon Jerome Hunt, were presented to Mayor Harris at a meeting on August 4, supporting the oral testimony of other witnesses. Two of these pictures follow:

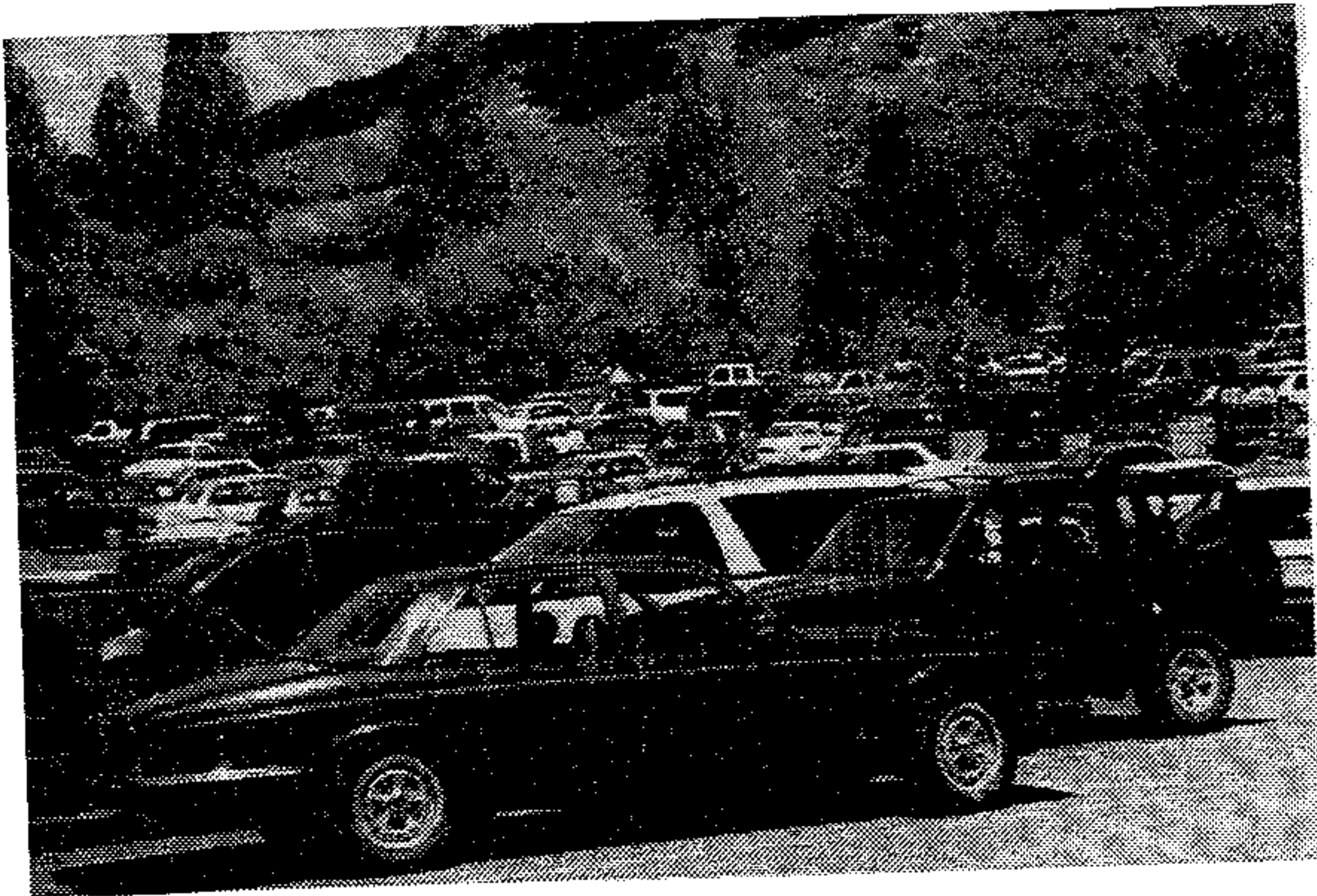


Figure 1: The main parking lot

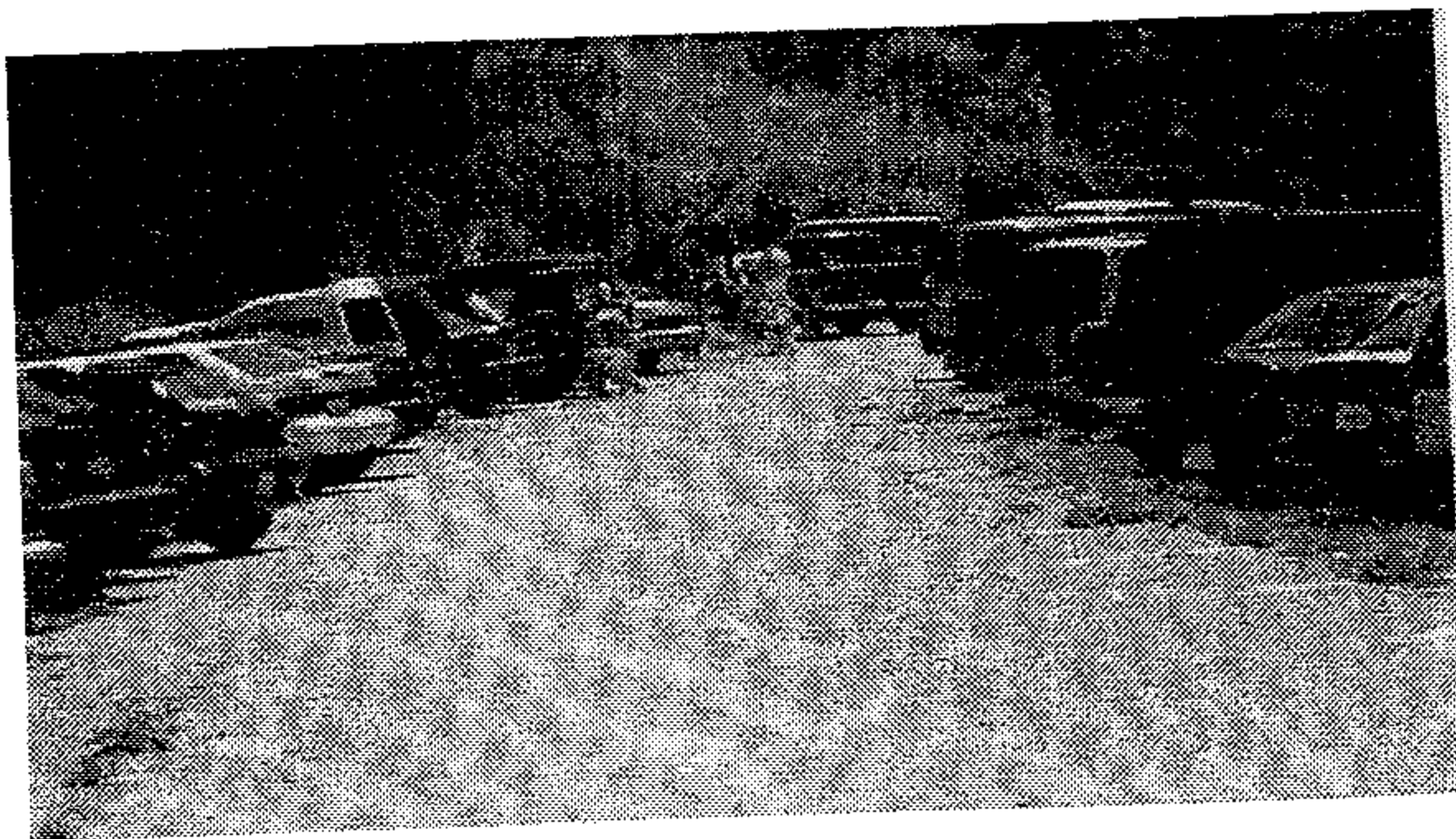


Figure 2: The auxiliary parking lot

Clearly, the Master Plan is not accurate on this point. Additional parking areas will be definitely be required, and will be required much sooner than projected in the Master Plan.

Since the Master Plan is completely inaccurate in its evaluation of the current parking situation, one can't have confidence in its projected requirements.

G. The Overall Character *Would Be Affected*

Ref. Master Plan, p. 19, *Land Use Consistency*, first paragraph: "Although these projects would convert open space for development, the projects are considered recreational uses since they are Zoo related. Therefore, no change in land use would occur, and the overall character of the area would not be affected."

Since **the property is now open space** adjacent to numerous homes and is accessible to hikers, pet lovers, runners, horseback riders, bicyclers, and other users of the Knowland Park open space who come from all over Oakland, **developing and enclosing the area** to reserve it for the brief use of a few Zoo patrons is a *major change in the recreational character of the site*.

H. The Land Has *Not Been Improved*

Ref. Master Plan, p. 25, item #1: "*concern over loss of acreage of natural lands within the California 1820 exhibit area*. The plan was designed to focus on improvement of **already developed lands** and to reduce the amount of natural lands impacted."

The land that is proposed for the California 1820 exhibit area is **undeveloped open space!** The Initial Study and Environmental Review Checklist considers it undeveloped as well (ref. Initial Study and Environmental Review Checklist, p. 2).

I. Will Traffic on 106th Avenue Will Increase or Decrease?

There are inconsistencies within and between the Master Plan and Initial Study and Environmental Report regarding the impact of traffic on 106th Ave.

1. It is stated that traffic will *increase*

Ref. Initial Study and Environmental Checklist, p. 43, second bullet: "Internal circulation planned for the Park will require vehicles parked in the Zoo parking lots to exit via 106th Avenue which is the current pattern for all Park vehicles. With this circulation pattern, **the majority of Park visitors will continue to exit onto 106th Avenue.**" Since more Park visitors are expected, this statement implies that the traffic on 106th Ave. will increase.

Ref. Initial Study and Environmental Checklist, p. 46, *Circulation Improvements*, first paragraph, last sentence: "The new two-way entrance would allow traffic at the Arboretum to exit onto Golf Links Road rather than go up Zoo Drive and exit onto 106th Avenue. Additionally, internal circulation for Park staff would be improved, since they could now drive down Zoo Drive to access Park facilities at the Arboretum rather than what they presently do which is to leave the Park, exit onto 106th Avenue, ... **Traffic leaving the Zoo parking lots, however, would continue to be directed to exit onto 106th Avenue.**" The traffic caused by the Park staff is insignificant compared to the traffic

exiting the zoo. Therefore, this statement supports the conclusion that the traffic on 106th Ave. would increase.

2. It is stated that traffic will *decrease*

Ref. Initial Study and Environmental Checklist, p. 46, *Neighborhood Traffic Concerns*, second paragraph: “The access and circulation improvements proposed for the project would result in a decrease in vehicles using the existing site exit [at 106th Avenue].”

Ref. Master Plan, p. 20, last paragraph and continuing to item #2 on p. 21: “The potential impacts of traffic increases on internal circulation roads... This will have the following benefits...2. reduce the volume of traffic exiting the Zoo onto Sheldon/ 106th Street (sic), ...”

J. Peak Traffic Periods are Inconsistent

The Master Plan and the Initial Study and Environmental Review Checklist are inconsistent.

Ref. Master Plan, p. 21, item #1 “The weekday traffic peak generated by the zoo occurs between 10 AM and 3 PM...”

Ref. Initial Study and Environmental Review Checklist, p. 42, top: “The peak hour for arriving vehicles generally occurs between noon and 2:00 p.m. under all conditions. Vehicle departures tend to peak between 3:00 p.m. and 5:00 p.m. on weekends and between 2:00 p.m. and 4:00 p.m. on weekdays.” Also on p. 42, bottom: “...the Park weekday peak hour (4:00 - 5:00 p.m.) ...”

K. How Big is the Off-Exhibit Breeding Center?

The Master Plan describes the Off-exhibit Breeding Center as being 35,000 square feet in one place, and 37,500 square feet in another. Which is correct?

Ref. p. 15: “A new Off-exhibit Breeding Center will be hidden from view east of the California Interpretive Center. The 35,000 square foot site will be located...”

Ref. P. 19, *Land Use Consistency*: The 1996 Master Plan includes developing a small amount of the existing open space within the Knowland Park area. This would include the 37,500 square foot Off-exhibit Breeding Center,...

L. “25 Acres” Is Misleading

In the July, 1996 Master Plan, it was stated that only 25 acres of open space would be developed by the East Bay Zoological Society, and indeed, that is the figure that was made public, although the Initial Study and Environmental Report clearly indicates that the **area bounded by the shuttle road alone is 118 acres** (summary of Table 3 on p. 28). The October 1996 Master Plan was amended to match that table. However, it's really taking more than that since the figure of 118 acres *does not include the area outside the*

shuttle road and inside the perimeter fence. So rather than developing 25 acres, the amount of land affected will be **well over 118** acres of beautiful, tranquil public open space! See "Proposed Area of Development" on page 9.

PART VII: CONCLUSIONS

A. Summary

The implementation of the East Bay Zoological Society Master Plan *must be stopped* until all of the following are provided:

1. immediate and open consultation in the presence of a third party facilitator;
2. a full and complete environmental impact report;
3. financial projections;
4. audit of the current emergency plans;
5. a clear definition of the proposed development area;
6. correction of existing problems;
7. a plan for independent oversight of all construction.

B. Immediate And Open Consultation

The complete failure of the East Bay Zoological Society to consult residents who comprised the Knowland Park Highlands Association, as required in the contract between the City of Oakland and the Zoological Society; the complete failure of the East Bay Zoological Society even attempt to improve input from interested Oakland residents as in accordance with conditions set by the Planning Commission in accepting the Master Plan; and the East Bay Zoological Society's attempts to keep the scope of the expansion away from the public, are serious failures of the democratic process by which our government is supposed to run.

While we are not opposed to zoo improvements and remodeling within the *existing* footprint of the Zoo, any future development of Knowland Park open space must be in accord with the contract and the law that requires consultation with the affected neighborhoods, in spirit as well as letter, and a full examination of the environmental impact that the project would have. If neighbors are not included, consulted, or considered in the current process, we see no remedy except to enjoin the proposed action.

The project for the California 1820 exhibit should be stopped by the City Council so that the nearby residents and Knowland Park Highlands Association members can be consulted and *adequately* addressed in the plan. A committee of citizens, an environmental expert, a geologist, a representative from the East Bay Zoological Society, and a third party facilitator must be established *before* the Master Plan is implemented, and maintained *throughout implementation*.

C. Environmental Impact Report

In a project this size that will have such a significant environmental impact absolutely warrants a full Environmental Impact Report. And it warrants it even more because of the totally inadequate Initial Study and Environmental Review Checklist that has been provided and the hazy and incomplete definition of the area to be developed, an area that

already has existing drainage and landslide problems, is the home of rare and endangered plants, and contains habitat for an endangered animal.

So far as the development of the Mesa Area, which is not developed, there is no justification for a mitigated negative declaration. There is no way to know what the impact of the proposed changes will be without a **full and complete environmental impact report**.

D. Financial Projections

Financial projections using various parameters, including no increase in attendance, should be made public. What will happen if Zoological Society can't raise enough money? The citizens of Oakland already subsidize the zoo to the tune of approximately \$500,000 through the City and through the East Bay Regional Parks District. The East Bay Zoological Society should try to become more self-supportive and before expanding.

E. Audit of the Current Emergency Plans

An audit of East Bay Zoological Society's compliance with the current Emergency Preparedness and Response Plan is necessary before East Bay Zoological Society may take the much greater responsibility as it proposes.

F. A Clear Definition of the Proposed Development Area

Aerial photos, land-based photos, and precise maps showing *all* current and planned fences (enclosures, perimeter, etc.) from such perspectives as the homes along border and the top of Heartbreak Hill must be provided.

G. Correction of Existing Problems

To show good faith to the neighborhood, correct existing problems between the Zoo and its neighbors. These would include

- remedying the drainage, water erosion and runoff problems
- cleaning up the weeds near residences and public streets
- see that water pressure is restored to those residences affected by the installation of the sprinkler system on the south side of the zoo.

H. A Plan For Independent Oversight Of All Construction

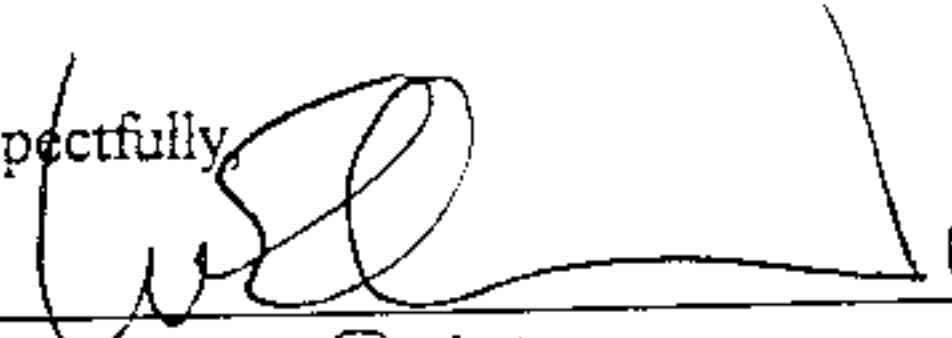

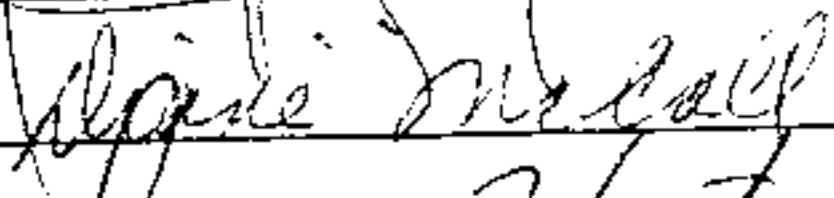
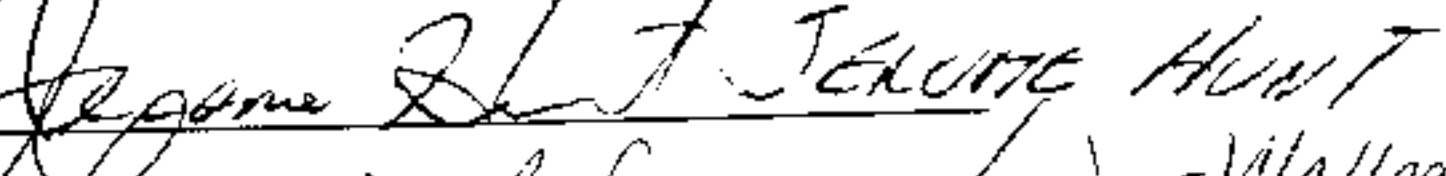
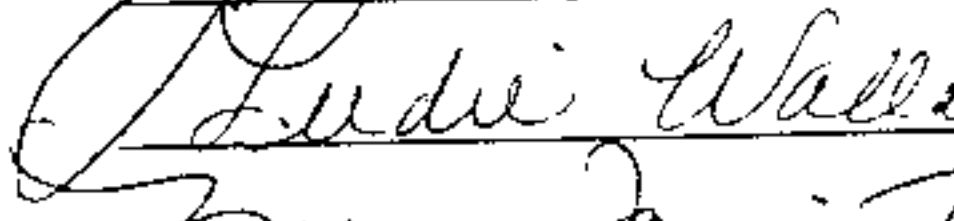
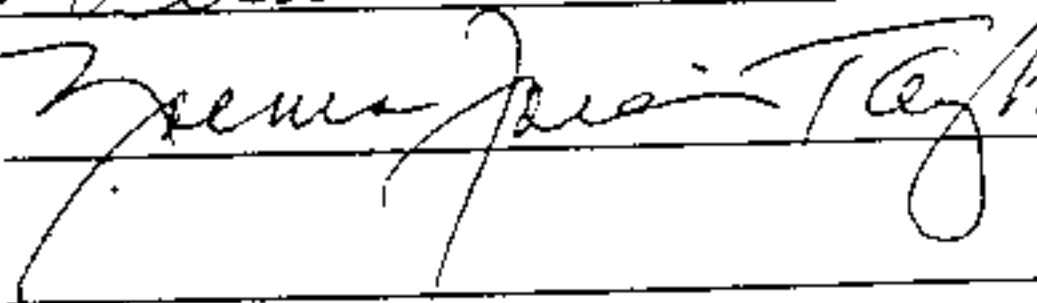
The proposed changes to the Mesa Area will have a profound impact on the nearby neighborhoods as well as to the local habitat. Issues of noise, dust, and road usage are two of the main neighborhood concerns during construction. Issues of safety after construction are also of very great concern to the neighborhoods. The issue of habitat destruction is of statewide concern.

Therefore, we wish to have an expert representing us to ensure that all construction is done in compliance with the law and with mitigation measures proposed by the Planning Commission or the East Bay Zoological Society.

I. A Plan For Restricting Construction trucks

There are many roads already existing in the proposed development area. In all cases possible - *most* cases - those roads should be used instead of Malcolm Avenue and Caledon Street.

Respectfully


W.E. NOLAND
~~~~ FAEEMI O. OJUDIA
~~~~ DIANE McCALL
~~~~ JEROME HUNT
~~~~ LUDIE WALLACE
~~~~ W. N. FARIS-TAH

ATTACHMENT A

Quitclaim deed from the State of California to the City of Oakland

1 NOW, THEREFORE, THE STATE OF CALIFORNIA, acting by and through its
 2 Director of Parks and Recreation, pursuant to Chapter 753, Statutes of 1973,
 3 for valuable consideration receipt of which is hereby acknowledged, does hereby
 4 convey to the CITY OF OAKLAND, a municipal corporation, for public park purposes
 5 all right, title and interest of the STATE OF CALIFORNIA in and to all that
 6 certain real property situated in the City of Oakland, County of Alameda, State
 7 of California within Knowland State Arboretum and Park and described as follows:

8
 9 Parcel A:

10 All that certain real property described in the DEED from the
 11 ALAMEDA COUNTY ZOOLOGICAL SOCIETY, a California Corporation to
 12 the State of California, dated October 29, 1948, and recorded
 as document number AD64184 on September 21, 1949 in Book 5892,
 Page 341, Official Records of Alameda County, California.

13 Excepting and reserving therefrom to the State of California
 14 all that certain real property described as PARCEL ONE in that
 15 certain AGREEMENT between the DEPARTMENT OF PARKS AND RECREATION,
 16 Division of Beaches and Parks and the DEPARTMENT OF PUBLIC WORKS,
 Division of Highways dated February 9, 1965, and recorded as
 document number AX78897 on June 8, 1965, in Reel 1523, Image
 365, Official Records of Alameda County, California.

17 Parcel B:

18 All that certain real property described in the DEED from
 19 W. L. MAYNARD, INCORPORATED to the State of California,
 dated October 16, 1956, and recorded as document number
 20 AM11912 on February 1, 1957 in Book 8276, Page 155, Official
 Records of Alameda County, California.

21 Parcel C:

22 All that certain real property described in the DEED from J. A.
 23 CLAPPER and BEULAH CAROL CLAPPER, his wife, to the State of
 24 California, dated November 30, 1956, and recorded as document
 number AM40665 on April 23, 1957, in Book 8346, Page 127,
 Official Records of Alameda County, California.

25 Parcel D:

26 All that certain real property described in the DEED from
 27 HOWARD WATT and ALMA WATT, Husband and Wife, to the State of
 California, dated April 19, 1957, and recorded as document

RECORDED

1975 AUG 18 AM 11:19

RENE G. DAVIDSON
ALAMEDA COUNTY, CA.

1 Recording Requested by:
2 City of Oakland and State of California
3 Document Entitled to Free Recordation
4 Pursuant to Government Code Section 6103
5 Not Subject to California Documentary
6 Stamp Act

7 When Recorded Mail To:

8 City of Oakland
9 Parks and Recreation Department
10 1520 Lakeside Drive
11 Oakland, California 94612

12 I D TAX DUE

Space above for Recorder's Use

13 Grantor: State of California
14 Grantee: City of Oakland
15 Project: Knowland State
16 Arboretum and Park

17 AGREEMENT AND QUITCLAIM DEED

18 THIS INDENTURE, made and entered into this 4th day of June
19 1975, by and between the STATE OF CALIFORNIA, acting through the Department of
20 Parks and Recreation, and the CITY OF OAKLAND, a municipal corporation;

21 W I T N E S S E T H:

22 WHEREAS, pursuant to Chapter 753, Statutes of 1973 of the State of
23 California the Director of Parks and Recreation with the approval of the
24 Director of General Services may convey those certain lands and improvements
25 thereon known as the Knowland State Arboretum and Park to the CITY OF OAKLAND,
26 a municipal corporation, for public park purposes;

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and interest it may have in and to all deposits of minerals, including oil and gas, in such land and to the State of California or persons authorized by the State of California the right to prospect or mine, and remove such deposits from such property without, however, the right to enter upon the surface of the land or any part of said subsurface of the land within one hundred (100) feet of the surface thereof.

This conveyance is made upon the condition that in the event the CITY OF OAKLAND, a municipal corporation, causes to use the property for public park purposes, the hereinabove described property shall revert to the STATE OF CALIFORNIA.

It is mutually agreed by the parties hereto that the agreement and lease dated December 1, 1949 and the amendments thereto dated May 15, 1958, and September 22, 1966, between the parties hereto for the operation of Knowland State Arboretum and Park are hereby terminated.

IN WITNESS WHEREOF, the parties have executed this instrument the date first hereinabove appearing.

[Handwritten signature]
JUL 14 1966
City of Oakland

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
Herbert Keane, Director

By _____
CITY OF OAKLAND, a municipal corporation

By _____ ASSISTANT CITY MANAGER

By *David S. Riley* City Manager

1 number A183139 on August 21, 1957, in Book 8448, Page 169,
2 Official Records of Alameda County, California.

3 Parcel E1:

4 All that certain real property described in the DEED from
5 LLOYD F. BAMBAUER, JOHN P. BAMBAUER, GEORGE B. BAMBAUER,
6 LOUISE L. STRUVE, who acquired title as Louise L. Bambauear,
7 DOLORES REINHART, MARLAN BERNSTEIN, MOLLIE VAN NORTWICK, who
8 acquired title as Mollie See, CECILE MORRIS, PETER DE HENT
9 and NELLIE K. BAMBAUER, to the State of California, dated
10 August 30, 1957, and recorded as document number AP37264
11 on April 15, 1958, in Book 8646, Page 311, Official Records
12 of Alameda County, California.

13 Parcel E2:

14 All that certain real property described in the TRUSTEE'S
15 DEED from BANK OF AMERICA NATIONAL TRUST AND SAVINGS
16 ASSOCIATION, a national banking association, as Trustee
17 under the will of GEORGE R. DEHMONT, alias, Deceased, to the
18 State of California, dated April 23, 1957, and recorded as
19 document number AP37265 on April 15, 1958, in Book 8646,
20 Page 317, Official Records of Alameda County, California.

21 Parcel E3:

22 All that certain real property described in the DEED from
23 W. L. HAYNARD, INCORPORATED, to the State of California,
24 dated October 16, 1956, and recorded as document number
25 AP37266 on April 15, 1958, in Book 8646, Page 320, Official
26 Records of Alameda County, California.

27 Parcel F:

All that certain real property described in the DEED from
W. L. HAYNARD, INCORPORATED, a California corporation, to the
State of California dated November 21, 1962, and recorded as
document number AU25249 on February 11, 1963, in Reel 797,
Image 647, Official Records of Alameda County, California.

Parcel G:

All that certain real property described as PARCELS FOUR AND
FIVE in that certain AGREEMENT between the DEPARTMENT OF PARKS
AND RECREATION, Division of Beaches and Parks and the DEPARTMENT
OF PUBLIC WORKS, Division of Highways dated February 9, 1965,
and recorded as document number AX78897 on June 8, 1965, in
Reel 1523, Image 365, Official Records of Alameda County,
California.

Excepting and reserving from Parcels, A, B, C, D, E1, E2, E3,
F, and G above to the State of California all right, title

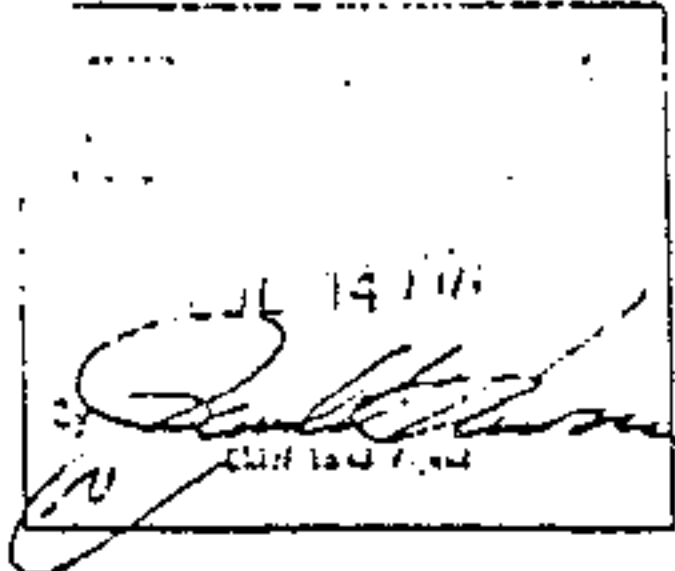
1 and interest it may have in and to all deposits of minerals,
 2 including oil and gas, in such land and to the State of California
 3 or persons authorized by the State of California the right to
 4 prospect or mine, and remove such deposits from such property
 5 without, however, the right to enter upon the surface of the
 6 land or any part of said subsurface of the land within one
 7 hundred (100) feet of the surface thereof.

8 This conveyance is made upon the condition that in the event the
 9 CITY OF OAKLAND, a municipal corporation, causes to use the property for publi-
 10 park purposes, the hereinabove described property shall revert to the STATE OF
 11 CALIFORNIA.

12 It is mutually agreed by the parties hereto that the agreement and
 13 lease dated December 1, 1949 and the amendments thereto dated May 15, 1958,
 14 and September 22, 1966, between the parties hereto for the operation of
 15 Knowland State Arboretum and Park are hereby terminated.

16 IN WITNESS WHEREOF, the parties have executed this instrument the
 17 date first hereinabove appearing.

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STATE OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 Herbert Keane, Director

By _____
 CITY OF OAKLAND, a municipal corporation

By _____ ASSISTANT
 CITY MANAGER

By William C. King
 City Manager

UNIT PAPER
 STATE OF CALIFORNIA
 113-1000-1-1

Handwritten notes at the bottom of the page.

ATTACHMENT B

Statement by Winifred Walsh

KNOWLAND PARK HIGHLANDS ASSOCIATION
10732 Fallbrook Way
Oakland, CA 94605
510-568-6959

The Knowland Park Highlands Association was formed during the late 1980's by the presidents and officers of many homeowners associations surrounding Knowland Park and the Oakland Zoo.

The purpose of this KPHA was to monitor the activities of the Oakland Zoo and its Master Plan so that the concerns of the local neighborhoods would be carefully considered before any decisions were made regarding activities within Knowland Park and the Oakland Zoo.

Local community leaders who have been involved in the Knowland Park Highlands Association are:

Winifred Walsh - First President
Dr. Roger Shepherd - First Treasurer
Mr. Benny Littles - Board member
Felix Guillory, Alex Papillon, Rosella Asabelle, etc.

All of these community leaders are homeowners within the neighborhoods surrounding Knowland Park and all have lived here for many years. Winifred Walsh served on the Board of Directors of the East Bay Zoological Society as a neighborhood representative for a period of six years, as did Felix Guillory. The EBZS agreed at that time that the neighborhoods would always have four seats on their 25 member Board of Directors.

The By-Laws of the EBZS require that a board member drop off the Board for a period of at least one year before they may be considered for Board service again. When Felix Guillory and Winifred Walsh had served their sixth year, the neighborhood was able to bring on only two new representatives to a reluctant East Bay Zoological Society Board of Directors.

The Knowland Park Highlands Association was always available for consultation with Dr. Joel Parrott, Executive Director, hired by the East Bay Zoological Society to manage the Oakland Zoo. Dr. Parrott knows Mrs. Winifred Walsh personally, as does most of the Oakland Zoo Docent Council, as well as do many of the current members of the EBZS Board of Directors. Mrs. Walsh has lived in the same house for 32 years and has had the same telephone number. She is a frequent visitor to the Oakland Zoo where she takes her fifteen grandchildren and her many visiting friends. At no time did Dr. Joel Parrott attempt to get in touch with Winifred Walsh or Dr. Shepherd or any other member of the Knowland Park Highlands Association for the purpose of discussing the new Master Plan (1990's) for the Oakland Zoo.

Date 9-2-97

Signed

Winifred Walsh

ATTACHMENT C

Notice of public hearing and mitigated negative declaration for the
Oakland Zoo

notice of

PUBLIC HEARING

COMBINED NOTICE OF PUBLIC HEARING & MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: OAKLAND ZOO
CASE NO: CM97-25, ER96-36
PROJECT LOCATION: 9777 Golf Links Road
PROJECT APPLICANT: Dr. Joel Parrott

BRIEF DESCRIPTION OF PROJECT: Application is for a Major Conditional Use Permit to improve the facilities at the Oakland Zoo (Extensive Impact Civic Activity) by constructing a Center for Science and Environmental Education Building, and adopting a Master Plan. The Master Plan includes two future major components: 1. the creation of a California 1820 Exhibit incorporating a tram that leads through exhibits recreating the natural landscape and wildlife of the early nineteenth century and leads to a California Interpretive Center Building and 2. the improvement of the existing facilities at the zoo over a 20 year period. (CEQA Status: Mitigated Negative Declaration prepared.)

A Public Hearing on the zoning permits will be held by the City Planning Commission on the above mentioned project on Wednesday, April 2, 1997, at City Hall, 1 City Hall Plaza, Oakland, California. The meeting will begin at 6:30 p.m. An Initial Study has been prepared for the project under the requirements of the California Environmental Quality Act (CEQA). Based on the results of the Initial Study, it has been determined that the project will not have a significant effect on the environment. Therefore, an Environmental Impact Report (EIR) is not required, and a proposed Mitigated Negative Declaration has been prepared. The Mitigated Negative Declaration and Initial Study are available to review at the Oakland Community and Economic Development Agency, Zoning Division, 1330 Broadway, 2nd Floor, Oakland, CA 94612.

Any interested party may comment on the proposed Mitigated Negative Declaration and Initial Study. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the Negative Declaration and making a decision on the project. In addition, any interested party may challenge the finding that the project will not have a significant effect on the environment. Such challenges must be made in writing, and must be accompanied by a fee of \$535.00 in accordance with the City of Oakland Master Fee Schedule. Comments and challenges must be received no later than 4:00 p.m. on March 28, 1997 and should be sent to the attention of Willie Yee, Zoning Administrator, Oakland Community and Economic Development Agency, 1330 Broadway, 2nd Floor, Oakland, CA 94612. If you challenge the environmental document or zoning decisions in court you may be limited to raising only those issues raised at the City Planning Commission public hearing described above, or in written correspondence received by the on or prior to March 28, 1997.

For further information, please call Erin Gibson, at (510) 238-7733.

AT SUCH HEARING, FACTS MAY BE PRESENTED FAVORING OR OPPOSING THIS PROPOSAL

IT IS UNLAWFUL TO ALTER OR REMOVE THIS NOTICE on or before the hearing date indicated above. Such an act is punishable by fine or imprisonment or by both fine and imprisonment.



**SECRETARY, City Planning Commission
City Hall, Oakland, California 94612**

ATTACHMENT D

Notice of public hearing for the Chabot Observatory and Science
Center