I-308 Anastasiia V. Pea

	COMMENT	RESPONSE
I-308-1	1) Do you plan to clean the land from pollution after removing the Terminal and before building the stadium? How do you plan to remove toxins? Will that place be safe for people to live and work there?	I-308-1 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting,* under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment,* the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials,* Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.
I-308-2	2) Do you plan to build any residential houses? Will the land be prepared for that type of construction?	As explained in Consolidated Response 4.2*, Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses, would not be issued until DTSC and the building official have approved the various actions required by the mitigation measures.
I-308-3	3) This project looks massive: removal of the terminal, land detoxification, strengthening the liquefaction area, constructing the new development. Where is the money coming from to fund this project?	As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting,* under *Human Health and Ecological Risk Assessment*, a human health and ecological risk assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation.*
I-308-4	4) How many work places will you provide vs how many will be lost?	

I-308 Anastasiia V. Pea

COMMENT

RESPONSE

I-308-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

As explained in Consolidated Response 4.22, *General Non-CEQA,* in Section 4.22.2, *Financial Considerations, Community Benefits, and Other Miscellaneous Opinions*, analysis of the financial impacts of a project is outside of the purview of CEQA.

I-308-3 Draft EIR Table 4.12-8 (p. 4.12-17) presents a breakdown of employment associated with Project implementation. As indicated in Table 4.12-8, at full buildout, the proposed Project would generate the highest number of employees under a game-day event: approximately 9,499 employees at Project completion. Based on the current A's ballpark employment of approximately 1,227 game-day staff members, the Project would generate net employment growth of 7,987 employees at full buildout, compared with existing Coliseum employment.

As indicated on Draft EIR p. 3-3, existing tenants at the Project site currently employ approximately 40 on-site employees and 58 contractors and drivers who may work on or off the site; independent truck drivers also use the site. As indicated in Draft EIR Section 3.17 (beginning on p. 3-61), with implementation of the proposed Project, existing tenants and users of Howard Terminal are assumed to move to other locations within the Seaport, the city, or the region where such uses are permitted.

I-309 Jennifer Anderson

	COMMENT		RESPONSE
I-309-1	Bike/scooter/pedestrian infrastructure is critical to addressing waterfront congestion resulting from events at the proposed ball park. The bike /ped bridge to Alameda should be part of the required access infrastructure for this development. Safe bike routes and plenty of secure bike parking are needed.	I-309-1	A bicycle and pedestrian bridge connecting Oakland and Alameda is not part of the proposed Project or required as a mitigation measure for the Project. See Response to Comment A-10-5 for more information. Several mitigation measures in the Draft EIR prioritize non-automobile travel, either through programs to reduce automobile trips or through infrastructure improvements that prioritize transit, walking, and bicycling, which would contribute to minimizing Project vehicle traffic. These mitigation measures, beginning on Draft EIR p. 4.15-183, are summarized below: • Draft EIR Mitigation Measure TRANS-1a would require a transportation demand management (TDM) plan for the non-ballpark development with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TDM program. • Draft EIR Mitigation Measure TRANS-1b would require and preparation and implementation of a transportation management plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TMP. A draft TMP is provided in Draft Appendix TRA.1 and includes the nearby transit providers i.e., AC Transit, BART, Capitol Corridor, and the San Francisco Bay Area Water Emergency Transportation Authority as key stakeholders in coordinating ballpark events. • Draft EIR Mitigation Measure TRANS-1c would construct a transportation hub adjacent to the Project site that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from the Project site. The hub could be expanded on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour. • Draft EIR Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing bus-only Lanes north of 11th Street to 20th Street on Broadway. • Draft EIR Mitigation Measure TRANS-1e would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first- and last-mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.

I-309 Jennifer Anderson

COMMENT

RESPONSE

- Draft EIR Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c would implement bicycle improvements consistent with Oakland's Bike Plan that would connect the Project to Oakland's bike network.
- Draft EIR Mitigation Measures TRANS-3a and TRANS-3b would implement railroad corridor improvements including corridor fencing, at-grade railroad crossing improvements, and a pedestrian and bicycle bridge over the railroad tracks connecting the transportation hub with the Project site via the Jefferson Street alignment.

I-310 Allyssa Victory

	COMMENT	RESPONSE
I-310-1	The draft EIR confirms that the HT project cannot be built or maintained without exceeding allowable levels of environmental toxins and hazards. There are no, or only partial, mitigation plans for several impact areas identified. This project will cause environmental catastrophe beyond the metrics identified including impacts	I-310-1 The Draft EIR describes how the proposed Project would be constructed and operated in a manner that would be protective of human health and the environment. See Response to Comment I-308-1 and Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment.*
I-310-2	on marine life and impacts of air, noise, etc. impact of port traffic diverted into the neighboring areas. The City should not approve the report or any steps to progress the project unless all environmental hazards are fully mitigated or eliminated.	I-310-2 As the designated lead agency under CEQA, the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (State CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). Draft EIR Chapter 4 evaluates more than 80 Project-specific and cumulative impacts and identifies more than 70 mitigation measures to avoid or reduce the severity or magnitude of significant impacts. Several impacts that cannot be reduced to less-than-significant levels were identified for the following topics: wind, air quality, cultural resources, noise and vibration, and transportation (see Draft EIR Section 2.2.1, p. 2-5). CEQA does not anticipate that all significant impacts will be avoided, only that they will be identified and mitigated to the extent feasible. State CEQA Guidelines Section 15092 allows approval of projects with significant and unmitigated impacts if such impacts are eliminated or substantially lessened where feasible and any remaining significant impacts are found to be unavoidable (Section 15092) and acceptable due to overriding considerations (Section 15093).

I-311 Andrew Peters

	COMMENT		RESPONSE
I-311-1	sending again (not sure if first set of comments went through) - I had included 20+ attachments the first time. Re-submitting summary document again. Thanks Andrew	I-311-1	See Responses to Comments I311-1 through I311-9.

I311-1 Andrew Peters (Part 2)

COMMENT

4.2 Air Quality

This section presents air quality conditions in the Project vicinity and evaluates the potential for the proposed Project to result in significant impacts related to exposing people to unhealthful air quality. This section relies in part on an Air Quality Technical Report prepared by Ramboll US Corporation (Ramboll), 2020) in support of the Project (see Appendix AIR, *Air Quality Supporting Information*) which was independently peer reviewed by ESA in addition to the other technical resources that are referenced herein.

CEQA requires the analysis of potential adverse effects of a project on the surrounding environment. Potential effects of the environment on a project's future users or residents are generally not required to be considered in a CEQA evaluation, except when the project may exacerbate existing hazards or existing conditions.[1] In addition, the City of Oakland's *CEQA Thresholds of Significance Guidelines* require that the potential effects of existing air quality conditions on the Project be evaluated to provide information to decision-makers and the public (City of Oakland, 2016). As such, this section analyzes both the Project's impacts on air quality as well as the potential adverse effects of existing air pollution on the Project and the surrounding community.

The Notice of Preparation (NOP) for this EIR received comments related to air quality, involving the Project's consistency with various plans, policies, and regulations relating to air quality, regional and local air emissions impacts and sensitive receptors, mobile emissions, emissions associated with remediation, and evaluation of air pollutant reduction measures. These topics are included in the analysis in this section.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the Project.

4.2.1 Environmental Setting

Climate and meteorological conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The Project is located in the City of Oakland and is within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB or "air basin"). The SFBAAB encompasses the nine-county region including all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin and Napa counties, and the southern portions of Solano and Sonoma counties. The climate of the Bay Area is determined largely by a high-pressure system that is often present over the eastern Pacific Ocean off the West Coast of North America. During winter, the Pacific high-pressure system shifts southward, allowing an increased number of storms systems to pass through the region. During summer and early fall, when fewer storms pass through the region, emissions generated within the Bay Area will accumulate due to more stable conditions. The combination of abundant sunshine under the restraining influences of topography and subsidence inversions create conditions that are conducive to the formation of photochemical pollutants, such as ground-level ozone and secondary particulates, including nitrates and sulfates.

[1] See *California Building Industry Association v. Bay Area Air Quality Management District* ((2015) Cal.4th, Case No. S213478).

COMMENT

development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level (CARB, 2005).

Sensitive Receptors

As discussed previously, air quality does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. More sensitive population groups include the elderly and the young; those with higher rates of respiratory disease, such as asthma and chronic obstructive pulmonary disease; and those with other environmental or occupational health exposures (e.g., indoor air quality) that affect cardiovascular or respiratory diseases. The BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, daycare centers, hospitals, and senior-care facilities. Workers are not considered sensitive receptors because they have other legal protections; specifically, employers must follow regulations set forth by the Occupation Safety and Health Administration to ensure the health and well-being of their employees (BAAQMD, 2012).

The proximity of sensitive receptors to motor vehicles is an air pollution concern, especially in heavily urbanized areas, including the Project vicinity, where roadway volumes are higher than most other parts of the Bay Area. Vehicles also contribute to particulate matter emissions by generating road dust and through suspended particulate from brake and tire wear.

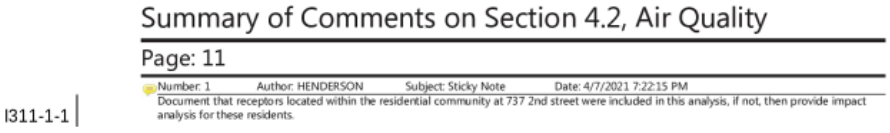
Existing sensitive receptors evaluated in this DEIR include a representative sample of known residents (child and adult) in the surrounding neighborhood, and other sensitive receptors (school children, daycare facilities, etc.) located in the surrounding community and along the expected travel routes of the on-road delivery and haul trucks within the Project vicinity. The health risk impact analysis in this document also includes receptor locations out to a distance of 2,000 feet (610 meters) from the Project site, which goes beyond the requirement in the BAAQMD guidelines to analyze health risks within a 1,000 foot "zone of influence" (BAAQMD, 2017c). Based on the location of the Project in West Oakland, which has been designated by the BAAQMD as a priority community through the agency's Community Health Protection Program, this "zone of influence" was conservatively extended to 2,000 feet. Residences within 2,000 feet of the Project site are generally located immediately south and north of highway 880 and to the south in Alameda. These receptors were modeled using a fine grid with 20-meter (65.6 feet) spacing. Additionally, residential receptors in the broader West Oakland area were considered; these receptors were modeled using a coarse grid with 50-meter (164 feet) spacing. In addition to the residential receptors, schools and daycare facilities located within 2,000 feet of the Project site were identified (see Appendix AIR, *Air Quality Supporting Information*).

Based on modeling data provided by the BAAQMD, as part of the health risk analysis conducted for the West Oakland Community Action Plan (WOCAP), background cancer risk values for on-site receptor locations at the Project[5] range from 263 to 399 in 1 million, with background values ranging from 55 to 2,492 (on-site at Schnitzer Steel) in 1 million within 2,000 feet of the site. Background $PM_{2.5}$ concentrations range from 1.7 to 3.2 $\mu g/m^3$ on the Project site, with

[5] The range of on-site risk values only include modeled on-site receptor locations in the buildings at the project site where sensitive receptors might be located. As such, it is possible that there are areas on the Project site with higher and lower background risks, but these areas would not correspond to any on-site receptors.

I311-1

COMMENT



RESPONSE

I311-1-1 As explained on Draft EIR p. 4.2-11, all residences within 2,000 feet of the Project site were included in the analysis, along with all residential areas in the West Oakland area. This includes the Phoenix Lofts at 737 2nd Street, which is occupied by commercial live/work uses. The maximum off-site health risk impacts were found to occur at the Phoenix Lofts. Impact AIR-4 finds that the Maximally Exposed Individual Receptor (MEIR) is located at the Phoenix Lofts at 737 2nd Street (Draft EIR pp. 4.2-102, 4.2-103, and 4.2-108). The same MEIR is identified in Impact AIR-2.CU (Draft EIR pp. 4.2-146 and 4.2-147). See also Draft EIR Appendix AIR.1, Figures 9A, 9B, 9C, and 9D, for the off-site MEIR locations.

I311-1

COMMENT

RESPONSE

a full 30-year operational exposure to document lifetime exposure of residents to full Project buildout emissions once construction is complete.

As discussed above for criteria air pollutants, the TAC emissions (and exposure) provided in this analysis are based on generally conservative assumptions, including the expectation that construction would begin sooner than is likely and that a relatively large amount of construction takes place during a relatively intensive schedule. Because of these conservative assumptions, actual TAC emission rates and sensitive receptor exposure during construction could be less than those estimated in this analysis. If construction is delayed or occurs over a longer period, TAC emissions could be reduced because of the newer and cleaner-burning construction equipment fleet mix that would likely be present in later years. TAC exposure could also be reduced due to a less intensive buildout schedule (i.e., fewer daily TAC emissions occurring over a longer period, spreading exposure into less susceptible, older sensitive receptor age groups).

However, it is possible that under an extended construction schedule, on-site receptors would be exposed to construction for longer periods of time. This is unlikely to result in greater health risks compared to what was modeled because as discussed above, a longer construction schedule would spread out TAC emission over less susceptible sensitive receptor age groups and also because newer, cleaner construction equipment would be phased into the fleet over time. In addition, it is likely that some new on-site receptors in Phase 2 areas would be exposed to subsequent development prior to buildout. These receptors would be exposed to fewer construction TAC emissions than the Scenario 1 receptors (who are exposed to 100 percent of Phase 2 construction TAC emissions), and therefore the associated health risks for these potential receptors are expected to be lower than Scenario 1 health risks. See Impact AIR-5 below for results of the analysis, including a discussion of how a different construction schedule could influence Project-related exposure and resulting health risks.

Health Risk Calculations

The health risk calculations used in the HRA for the Project are summarized below. See Appendix AIR, *Air Quality Supporting Information*, for additional supporting technical information regarding the HRA.

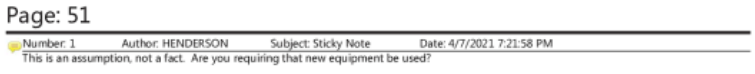
Cancer Risk

The health risk assessment evaluated excess lifetime cancer risk as a result of exposure to both construction and operational emissions. Excess lifetime cancer risks were estimated as the upper-bound incremental probability that an individual will develop cancer over a lifetime as a direct result of exposure to potential carcinogens. The estimated risk is expressed as a probability. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor. The excess lifetime cancer risk is based on DPM emissions from construction (off-road diesel construction equipment and on-road diesel hauling trucks) and operational (operational traffic and diesel emergency generators) sources. Under California regulatory guidelines, DPM is used as a surrogate measure of exposure for the mixture of chemicals that make up diesel exhaust as a whole. This analysis was based on the surrogate approach, as recommended by Cal/EPA (CalEPA and OEHHA, 2015). Excess lifetime cancer risk for DPM occurs exclusively through the inhalation

I311-1

COMMENT

I311-1-2



RESPONSE

I311-1-2 The commenter is referring to the following statement on Draft EIR p. 4.2-51: "If construction is delayed or occurs over a longer period, TAC [toxic air contaminant] emissions could be reduced because of the newer and cleaner-burning construction equipment fleet mix that would likely be present in later years." This is indeed a fact, not an assumption. The Draft EIR does not say that TAC emissions *would* be lower, only that they "could" be lower because of the "likely" inclusion of cleaner equipment in the construction fleet over time. This is consistent with the California Air Resources Board's (CARB's) OFFROAD model and CalEEMod, both of which were used in the analysis of construction emissions in accordance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines. In addition, Mitigation Measure AIR-1c requires all construction equipment to meet Tier 4 engine emissions standards. As technology improves, and the construction fleet turns over, the emissions for the average fleet will decline.

I311-1

COMMENT

RESPONSE

Mitigation Measure AIR-1a: Dust Controls.

The Project sponsor shall implement all of the following applicable dust control measures during construction of the Project.[1]

Basic Controls

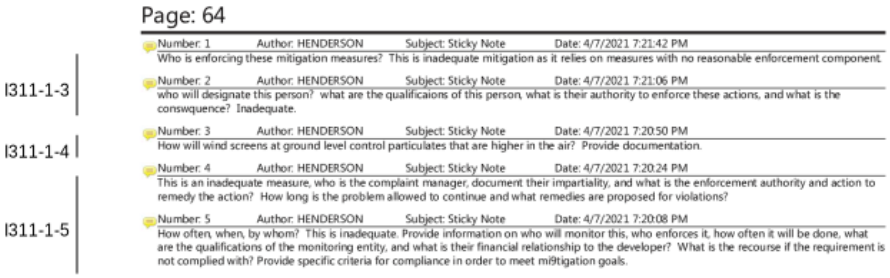
1. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever feasible.
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. Limit vehicle speeds on unpaved roads to 15 mph.
5. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
6. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.

Enhanced Controls

1. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
2. Designate a person or persons[2] or include dust monitoring stations to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress.
3. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.[3]
4. Post a publicly visible large on-site sign that includes the contact name and phone number for the Project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the BAAQMD. When contacted, the Project complaint manager shall respond and take corrective action within 48 hours.[4]
5. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.[5]

I311-1

COMMENT



Page: 64

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:21:42 PM
Who is enforcing these mitigation measures? This is inadequate mitigation as it relies on measures with no reasonable enforcement component.

I311-1-3

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:21:06 PM
who will designate this person? what are the qualificaions of this person, what is their authority to enforce these actions, and what is the conswquence? Inadequate.

I311-1-4

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:20:50 PM
How will wind screens at ground level control particulates that are higher in the air? Provide documentation.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:20:24 PM
This is an inadequate measure, who is the complaint manager, document their impartiality, and what is the enforcement authority and action to remedy the action? How long is the problem allowed to continue and what remedies are proposed for violations?

I311-1-5

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:20:08 PM
How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals.

RESPONSE

I311-1-3 The City, as CEQA lead agency, enforces all mitigation measures in the Draft EIR as required by CEQA. State CEQA Guidelines Section 15097 requires the lead agency to adopt a mitigation monitoring and reporting program (MMRP) that establishes how the agency would monitor implementation of the adopted mitigation measures. The mitigation measures will be enforced and monitored through the MMRP for the Project.

The commenter also refers to Mitigation Measure AIR-1a enhanced control #2. The Project sponsor would designate the person(s) to monitor dust control measure progress, as stated in the measure. This measure is a standard condition of approval for all City of Oakland projects. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measure enforcement.

I311-1-4 The commenter refers to Mitigation Measure AIR-1a enhanced control #3 regarding windbreaks. This measure is a standard condition of approval for all City of Oakland projects and is also recommended by BAAQMD as a best management practice pursuant to its CEQA Guidelines (see Table 8-3, item #3).[1] The windbreaks would help block wind from blowing onto the construction site to minimize windblown dust off the site. Because dust would be on the ground, ground-level screens would help minimize windblown dust.

For additional documentation of the effectiveness of these measures, see BAAQMD CEQA Guidelines *Appendix D Threshold of Significance Justification*, which states:[2]

> For fugitive dust emissions, staff recommends following the current best management practices approach which has been a pragmatic and effective approach to the control of fugitive dust emissions. Studies have demonstrated (Western Regional Air Partnership, U.S. EPA) that the application of best management practices at construction sites have significantly controlled fugitive dust emissions. Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. In the aggregate best management practices will substantially reduce fugitive dust emissions from construction sites. These studies support staff's recommendation that projects

[1] BAAQMD, 2017. California Environmental Quality Act Air Quality Guidelines, May 2017. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed April 2019.

[2] Ibid.

I311-1

COMMENT

RESPONSE

implementing construction best management practices will reduce fugitive dust emissions to a less than significant level.

I311-1-5 The Project's complaint manager would be appointed by the City once construction of the Project begins and the City initiates the MMRP. The Draft EIR is under no obligation to identify this person or to document this person's impartiality. The mitigation measure would be enforced by the City through the MMRP. BAAQMD is also responsible for receiving and managing complaints, identifying dust control violations, and issuing fines as needed. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measure effectiveness.

I311-1

COMMENT

RESPONSE

Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.

The Project sponsor shall implement all of the following applicable criteria air pollutant control measures during construction of the Project:

1. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage to this effect shall be provided for construction workers at all access points.
2. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off Road Diesel Regulations").
3. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation shall be kept at the construction site and be available for review by the City, Port and the Air District as needed.
4. Portable equipment shall be powered by grid electricity if available. If grid electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
5. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
6. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if requested), the Project sponsor shall provide written documentation that fleet requirements have been met (please see Enhanced Controls below for equipment inventory requirements).

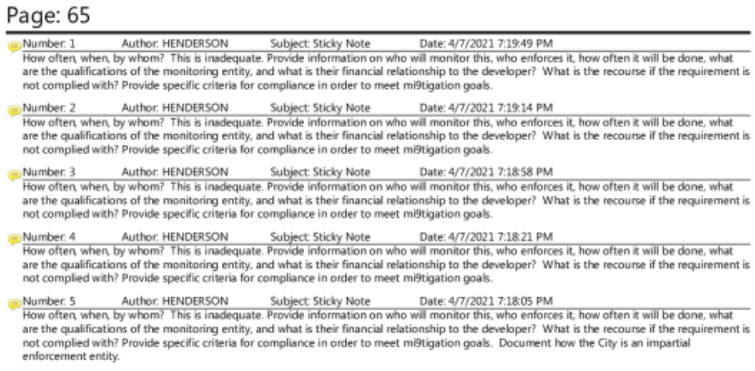
Enhanced Controls

1. Construction Emissions Minimization Plan: The Project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City for review and approval prior to the issuance of construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). If requested, a copy of the Emissions Plan shall be provided to the Port and Air District. The Emissions Plan shall include the following:
   a. An equipment inventory including the list off-road equipment anticipated to be required for each phase of construction, including a protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with the Emissions Plan. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine

I311-1

COMMENT

I311-1-6



Page: 65

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:19:49 PM
How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:19:14 PM
How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:18:58 PM
How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:18:21 PM
How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals.

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:18:05 PM
How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals. Document how the City is an impartial enforcement entity.

RESPONSE

I311-1-6 The mitigation measure would be enforced by the City through the MMRP. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measure enforcement. See also Response to Comment I311-1-5.

I311-1

COMMENT

RESPONSE

certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

b. A Certification Statement signed by each construction contractor agreeing to comply fully with the Emissions Plan and acknowledging that a significant violation of the Emissions Plan shall constitute a material breach of contra

Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.

Prior to the issuance of a construction permit the Project sponsor shall implement the following:

1. The Project sponsor shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions, including the following:
   a. All off-road diesel equipment shall have engines that meet Tier 4 Final off-road emission standards, as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through submittal of an equipment inventory and Certification Statement to the City building official. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. If engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction, then the Project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step-down schedules in Table M-AIR-1c. The Contractor shall provide to the City for review and approval documentation showing that engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction.

TABLE M-AIR-1C
OFF ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	ARB Level 3 VDECS
3	Tier 2	ARB Level 3 VDECS

For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the City occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction; for the ballpark and (ii) geographic proximity to the Project site of Tier 4 Final equipment.

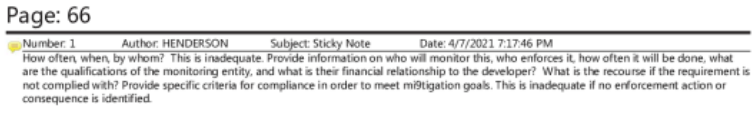
The Project sponsor shall maintain records concerning its efforts to comply with this requirement.

How to use the table: if engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the Project sponsor shall meet

I311-1

COMMENT

I311-1-7


Page: 66

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:17:46 PM

How often, when, by whom? This is inadequate. Provide information on who will monitor this, who enforces it, how often it will be done, what are the qualifications of the monitoring entity, and what is their financial relationship to the developer? What is the recourse if the requirement is not complied with? Provide specific criteria for compliance in order to meet mi9tigation goals. This is inadequate if no enforcement action or consequence is identified.

RESPONSE

I311-1-7 The mitigation measure would be enforced by the City through the MMRP. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measure enforcement. See also Response to Comment I311-1-5.

I311-1

COMMENT

RESPONSE

Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not commercially available, then the Project sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not commercially available, then the Project sponsor shall meet Compliance Alternative 3.

In addition, if the Project sponsor uses any of the compliance alternatives in Table M-AIR-1c, the Project sponsor must demonstrate to the satisfaction of the City that the health risks from Project construction and operation do not exceed a total of 10 in a million excess cancer risk for any on-site or off-site receptor and also that the annual average $PM_{2.5}$ concentrations from Project construction and operation do not exceed a total of 0.3 $\mu g/m^3$ for any on-site or off-site receptor.

2. Construction Emissions Minimization Plan

The Project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Port and Air District if requested) for review and approval prior to the issuance of construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or each phase with multiple project sites to be constructed concurrently by one entity). The Emissions Plan shall include the following:

a. An equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, including a protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with the Emissions Plan. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

b. A Certification Statement signed by each construction contractor agreeing to comply fully with the Emissions Plan and acknowledging that a significant violation of the Emissions Plan shall constitute a material breach of contract.

Mitigation Measure AIR-1d: Super-Compliant VOC Architectural Coatings during Construction.

The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings).

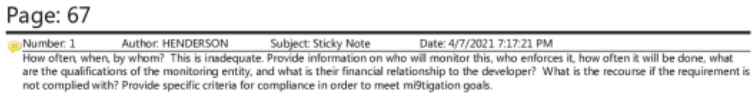
Mitigation Measure Effectiveness

Implementation of Mitigation Measure AIR-1b (Criteria Air Pollutant Controls) would require all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_X and PM. Implementation of Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) would require that the Project reduce potential health

I311-1

COMMENT

I311-1-8



RESPONSE

I311-1-8 The mitigation measure would be enforced by the City through the MMRP. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measure enforcement. See also Response to Comment I311-1-5.

I311-1

COMMENT

RESPONSE

risks to sensitive receptors by equipping all off-road equipment with Tier 4 Final engines. In addition, Mitigation Measure AIR-1b requires all architectural coatings used during construction to comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings and implementation of Mitigation Measure AIR-1d (Super-Compliant VOC Architectural Coatings during Construction) requires that all indoor painting (architectural coatings) during construction utilize super-compliant coatings at a limit of 10 grams VOC per liter, as defined in the South Coast Air Quality Management District's Rule 1113 (Architectural Coatings) (SCAQMD, 2019). Indoor coating ROG emissions from construction were therefore estimated assuming the 10 grams VOC per liter limit.

The use of renewable diesel to fuel all diesel engines was considered as a potential mitigation measure to further reduce NO_X emissions. Renewable diesel could potentially reduce ROG, NO_X, and PM emissions associated with off-road construction equipment and may help reduce projected average daily NO_X emissions in Year 2 below the significance threshold. According to CARB, renewable diesel has been shown to reduce ROG emissions by 5 percent, NO_X emissions by 10 percent, and PM emissions by 30 percent (CARB, 2015). However, the CARB study only assessed the use of renewable diesel in a 2006 Cummins on-road engine equipped with a diesel particle filter; it did not assess renewable diesel in off-road engines nor did it assess renewable diesel in Tier 4 engines.[31] Therefore, these percent reductions are not applicable to Tier 4 off-road equipment used for Project construction. According to a recent study prepared for the BAAQMD and the SCAQMD, renewable diesel "does not significantly reduce NO_X emissions from diesel engines equipped with selective catalytic reduction (SCR), nor PM emissions from diesel engines equipped with DPF [diesel particulate filter] technology" and "In engines utilizing a DPF for PM control (and SCR for NO_X control), the impacts of RD on PM emissions were inconclusive" (GNA, 2017). The study recommends that further research be conducted for renewable diesel in high-horsepower off-road engines and in diesel engines with advanced emissions controls. Given the findings of this study and because Tier 4 off-road engines (as required by Mitigation Measure AIR-1c) are typically equipped with DPF technology, it is possible that renewable diesel may not reduce criteria pollutant and TAC emissions from off-road equipment overall. Given this uncertainty in the actual effects of renewable diesel on emissions from off-road construction equipment meeting Tier 4 engine standards, renewable diesel was not identified as a mitigation measure to reduce NO_X emissions from construction.

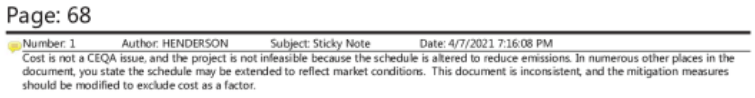
Additional measures to further reduce NO_X emissions were also considered and rejected as infeasible. The additional measures considered and rejected included (1) adjusting the construction schedule to reduce the intensity of construction activity and shift the equipment producing the most NO_X emissions into years with less construction activity, (2) extending the overall schedule to reduce the emissions intensity in any given year, (3) replacing the largest pieces of construction equipment with smaller pieces of construction equipment, and (4) using alternative fuels in equipment such as natural gas or electricity. These actions were determined to be infeasible because they would not meet the buildout schedule of the Project and other financial and operational considerations, and because the equipment fleet proposed and modelled in this analysis represents the most likely to be available at this time, including the proportion of electric and diesel equipme[illegible]e Appendix AIR

[31] The CARB study did assess the use of biodiesel in a John Deere non-road engine, but not renewable diesel; in addition, the non-road engine was a 2009 model year, Tier 3 engine.

I311-1

COMMENT

I311-1-9



RESPONSE

I311-1-9 The Draft EIR states that these actions would be infeasible "because they would not meet the buildout schedule of the Project and other financial and operational considerations." This is a valid rationale for mitigation measure infeasibility, as stipulated by State CEQA Guidelines Section 15091(a)(3): "Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR."

It is accurate that the schedule may be extended due to market conditions, but it is not possible to predict such market conditions and the effect they would have on the Project buildout schedule. Doing so would require speculation, which CEQA does not permit.

I311-1

COMMENT

RESPONSE

for more detail). As such, no additional feasible mitigation measures have been identified for achieving further substantial reductions in NO_X emissions from construction activities.

There are a number of transportation improvements and mitigation measures that call for construction of off-site facilities that may also generate construction emissions. These include but are not limited to creation of a Transportation Hub, bus lanes, bike lanes, and a pedestrian and bicycle overcrossing of the railroad tracks. Mitigated construction emissions presented below incorporate construction activity associated with the pedestrian and bicycle overpass, which would require a substantial amount of construction, and also construction activity associated with the other off-site improvements, although these improvements would require minimal construction activity when compared with other construction activities for the Project (and are in keeping with transportation improvements routinely undertaken by the City). These improvements, which often involve installing signs, striping lanes, constructing barriers, and similar activities, would not add a significant amount to the unmitigated construction emissions. The construction of these improvements would also be subject to the mitigation measures identified in this chapter or other equally effective conditions of approval.

Total annual mitigated average daily construction-related criteria pollutant emissions, with implementation of Mitigation Measure AIR-1c and AIR-1d are presented in **Table 4.2-5**, which compares emissions with City of Oakland significance thresholds. For detailed construction-related criteria pollutant emissions resulting from Project construction by construction area, construction activity, and year, with implementation of Mitigation Measure AIR-1c and AIR-1d, please refer to Appendix AIR, *Air Quality Supporting Information*.

As shown in Table 4.2-5, the combined average daily Project emissions with implementation of Mitigation Measure AIR-1c and AIR-1d would exceed the City's significance threshold in Year 2 for NO_X with maximum average daily emissions of 81 lbs/day. No other criteria pollutant would exceed the thresholds in any year. Maximum emissions of PM_{10} exhaust (1.5 lbs/day), and $PM_{2.5}$ exhaust (1.4 lbs/day) would occur during Year 2, the year when construction activity peaks and activity associated with geotechnical work, demolition, grading and site prep, and Phase 1 building construction overlaps. Maximum emissions of ROG (45.2 lbs/day) would occur during Year 7 when architectural coating and paving occurs, and therefore maximum off-gassing ROG emissions occur. These maximum PM_{10}, $PM_{2.5}$and ROG emissions are all below the City's significance thresholds for these pollutants.

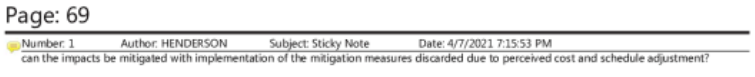
With Implementation of Mitigation Measure AIR-1a, AIR-1b, AIR-1c, and AIR-1d, as shown in Table 4.2-5 below, emissions of NO_X would not be reduced to below the thresholds of significance, and the impact would be significant and unavoidable with mitigation for NO_X emissions in Year 2. Emissions of ROG, PM_{10}, and $PM_{2.5}$ would be reduced to below the thresholds of significance, and the impact would be less than significant with mitigation for ROG, PM_{10}, and $PM_{2.5}$ emissions.

Significance after Mitigation: Significant and Unavoidable with mitigation

I311-1

COMMENT

I311-1-10



RESPONSE

I311-1-10 As discussed on Draft EIR p. 4.2-68, the discarded measures were determined to be infeasible, and therefore, the EIR is under no obligation to predict their effectiveness. In addition, doing so would require speculation, as stated in Response to Comment I311-1-9.

I311-1

COMMENT

RESPONSE

The Project would develop and implement TMP and TDM program to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle and walk modes for trips to and from, as well as within the Project site (see Section 4.15, *Transportation and Circulation*). The TMP, which would address ballpark trips, and the TDM program which would address non-ballpark trips, are required to reduce trips by 20 percent as required by AB 734.

Shuttle bus service connecting the ballpark's Transportation Hub to one or more of the three nearby BART stations (West Oakland, 12th Street, and Lake Merritt) on game days or for large concerts is identified as a City priority measure in the TMP. Because shuttle service is a priority TMP measure that may result in additional emissions compared to existing conditions, criteria air pollutant emissions from this service have been estimated. These emissions are anticipated to be 0.022 tons/year and 0.48 lbs/day of ROG, 0.55 tons/year and 12.0 lbs/day of NO_X, 0.036 tons/year and 0.78 lbs/day of PM_{10} and 0.010 tons/year and 0.23 lbs/day of $PM_{2.5}$ (see Appendix AIR, *Air Quality Supporting Information*; Ramboll, 2020). These emissions would be in addition to those set forth in Tables 4.2-6 and 4.2-7 above. With the addition of shuttle bus emissions, the conclusions regarding the significance of impacts from the Project's emissions would not change and the mitigation measures and their application would remain the same.

City of Oakland Municipal Code Section 15.04 requires the installation of plug-in electric vehicle (PEV) charging infrastructure, including PEV-ready, PEV-capable, and ADA-accessible parking spaces. In addition, parking on the Project site will be equipped with electric vehicle charging infrastructure that provides charging opportunities to 10 percent of the total number of parking spaces (in line with City of Oakland code requirements) (City of Oakland 2017). The Project sponsor anticipates that the electric vehicle charging stations would achieve a similar or better functionality as a Level 2 charging station. This would encourage the use of EVs at the Project site and discourage the use of gasoline and diesel passenger vehicles, thus reducing mobile source emissions associated with vehicle travel to and from the Project site. Refer to Appendix AIR, *Air Quality Supporting Information*, for additional information on quantification methods, along with studies supporting the link between EV charging infrastructure and consumer EV purchases and EV travel.

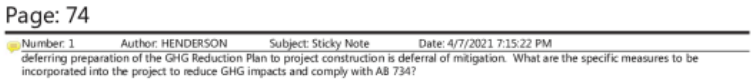
Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) requires that the Project sponsor prepare a GHG Reduction Plan prior to the start of Project construction activities to document Project GHG emissions, including emissions after Project-specific GHG reduction measures are implemented, and to determine the net incremental emission reductions required to meet the "no net new" GHG emissions threshold over the 30-year life of the Project. The GHG Reduction Plan developed for the Project would specify how the Project proposes to meet the "no net additional" GHG emissions threshold through the implementation of both on-site and off-site reduction measures, including the purchase of sufficient offset credits if needed. Mitigation Measure GHG-1 would include many mitigation measures that may also reduce criteria pollutant and TAC emissions as a co-benefit, and would thus reduce the Project's impact on air quali

In addition, the Project must comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code). In addition,

I311-1

COMMENT

I311-1-11



RESPONSE

I311-1-11 Mitigation Measure GHG-1 includes numerous actions and measures that would be incorporated into the Project to reduce greenhouse gas (GHG) emissions; see Draft EIR pp. 4.7-56 through 4.7-65. See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for a discussion of mitigation measure deferral.

I311-1

COMMENT

RESPONSE

Mitigation Measure AIR-2b: Promote use of Green Consumer Products.

To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy and every five years thereafter, the Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential and/or commercial tenants of each building on the Project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasin

Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.

To reduce NO_X associated with operation of the proposed Project, the Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:

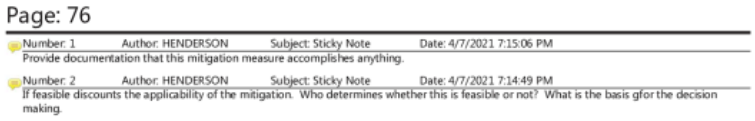
1. If feasibl[illegible]n-diesel fueled generators shall be installed to replace diesel-fueled generators. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce NO_X emissions compared to diesel fuel.
2. All new diesel backup generators shall have engines that meet or exceed California Air Resources Board Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423) which have the lowest NO_X emissions of commercially available generators. If the California Air Resources Board adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest NO_X emissions shall apply.
3. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process.
4. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors. This analysis must consider health risks from the Project as a whole at full buildout, including all 17 generators installed at the Project site, and including emissions from off-site sources of TACs under cumulative conditions, and the impact of all existing offsite or new onsite sensitive receptors.
5. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain

I311-1

COMMENT

I311-1-12

I311-1-13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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:15:06 PM
Provide documentation that this mitigation measure accomplishes anything.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:14:49 PM
If feasible discounts the applicability of the mitigation. Who determines whether this is feasible or not? What is the basis gfor the decision making.

RESPONSE

I311-1-12 Mitigation Measure AIR-2b includes implementation of outreach and education for residential and commercial tenants to encourage purchase of consumer products that generate lower than typical emissions of volatile organic compounds, or VOCs. Although this measure requires distribution of electronic correspondence to encourage environmentally preferable purchasing, it cannot guarantee that residents and commercial tenants will opt for Green Consumer Products. Implementation of this mitigation measure and others designed to address Impact AIR-2 cannot guarantee that the impact would be reduced to a less-than-significant level, and the impact would remain significant and unavoidable with mitigation.

I311-1-13 Mitigation Measure AIR-2c has been revised to require alternatives to diesel power emergency backup generators such as battery storage or hydrogen fuel cells whenever possible, when technology is available and approved for use by the Oakland Fire Department. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I311-1

COMMENT

RESPONSE

infeasible. The criteria pollutant emissions estimate for the Project shall include consideration of all mitigation measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and mitigation measure.

The CPM Plan shall include a detailed description of the criteria pollutant emissions for all construction activities and all operational components of each Project site as shown in final development plan or equivalent based on the best available construction and operational activity and energy use data at the time of Project approval and the latest and most up-to-date emissions modeling and estimation protocols and methods. The plan shall, at minimum, include the following elements:

1. **Project Criteria Pollutant Emissions** – The Project's criteria pollutant emission estimates presented in the CPM Plan shall include both construction and operational emissions and will be based on the emission factors for mobile sources, area sources, energy sources, and stationary sources commonly used at the time the CPM Plan is completed, along with the incorporation of existing vehicle emission standards and building energy standards. If shuttle service to and from the Transportation Hub is provided as part of the TMP, then the estimates shall include emissions from this service. Emission factors are likely to decrease over time for some emission sources, such as mobile sources as the vehicle fleet shifts to more low- and zero-emissions fuel sources, and as new future technology that cannot currently be anticipated is adopted. The initial Project criteria pollutant emission estimates will be based upon final design, Project-specific traffic generation estimates, energy use estimates, equipment to be used on-site, and other emission factors appropriate for the Project prior to construction. Methods should generally follow the approach used in this DEIR and in Appendix AIR.
2. **Criteria Pollutant Emission Reduction Measures** – the CPM Plan shall include all feasible criteria pollutant emission reduction measures that reduce or offset the Project's incremental criteria pollutant emissions below the City's thresholds of significance. All emission reduction measures shall be verifiable and feasible to implement over the Project life. The CPM Plan shall be consistent with all regulatory requirements at the time the CPM Plan is developed, and shall include the recommended reduction measures identified below unless the Project sponsor provides evidence reasonably satisfactory to the City of Oakland Planning Department that (a) one or more measures are infeasible, or (b) that one or more measures are not required to reduce the Project's criteria pollutant emissions below City's thresholds. Measures shall be implemented as needed to achieve the City's significance thresholds. In addition, all measures shall be considered in the order of City preference as follows: (1) on-site measures, (2) off-site measures within the City of Oakland, and (3) off-site measures within the San Francisco Bay Area Air Basin. All feasible on-site and off-site measures must be implemented before emissions offsets are considered in the CPM Plan.

   For the purposes of this mitigation measure, "feasible" shall mean as defined under CEQA "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."[1]

I311-1

COMMENT

I311-1-14

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:24:36 PM
Who will review and approve this plan, and what are their qualifications? What is their financial relationship to the CIty of Oakland, Port and Developer?

RESPONSE

I311-1-14 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-1

COMMENT

RESPONSE

a. ***Recommended On-Site Emission Reduction Measures:***

i. *Minimize the Project's energy demand through physical design features, with the ultimate goal of zero net energy buildings.* Minimize electricity and natural gas demand through implementation of design measures. New development, including residential, commercial, and retail buildings, shall be designed as zero net energy buildings as defined by the U.S. Department of Energy as follows: "An energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy" (DOE, 201

ii. *Electrify all residential development.* Residential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding the fact that this is a recommended measure, the Project shall comply with applicable building electrification requirements adopted by the City as part of its building code unless a waiver is granted by the City for a Project use and compliance with regulatory requirements shall not be considered mitigation.

iii. *Electrify nonresidential development.* Nonresidential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding this measure, the Project shall comply with any applicable building electrification requirement adopted by the City as part of its building code unless a waiver is granted by the City for a Project use and compliance with regulatory requirements shall not be considered mitigation.

iv. *Additional electric vehicle (EV) charging stations beyond regulatory requirements.* Install EV charging stations that provide charging opportunities at the Project site beyond regulatory requirements. The Project Sponsor shall promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking and installation of charging stations beyond the level required by regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on the Project site include electric vehicles within its car share program to reduce the need to have a vehicle or second vehicle and to reduce vehicle emission

v. *Preferred parking for alternative-fueled vehicles and car sharing.* Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.

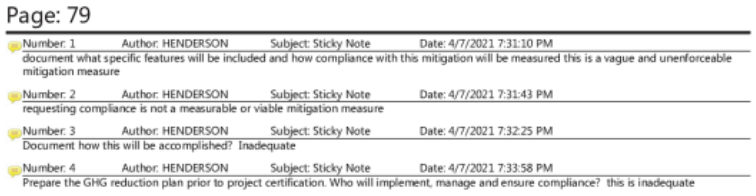
vi. *Additional TDM or TMP measures.* Implement TDM or TMP measures that go beyond the 20 percent vehicle trip reduction in the TDM or TMP Plan by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharin

vii. *Additional actions from Mitigation Measure GHG-1.* Implement any additional on-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emission

I311-1

COMMENT

I311-1-15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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:31:10 PM
document what specific features will be included and how compliance with this mitigation will be measured this is a vague and unenforceable mitigation measure

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:31:43 PM
requesting compliance is not a measurable or viable mitigation measure

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:32:25 PM
Document how this will be accomplished? Inadequate

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:33:58 PM
Prepare the GHG reduction plan prior to project certification. Who will implement, manage and ensure compliance? this is inadequate

RESPONSE

I311-1-15 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I311-1

COMMENT

RESPONSE

viii. *Additional measures and technology.* Implement additional measures and technology to reduce criteria pollutant emissions from Project construction and operations that are not currently known or available. This may include new energy systems (such as battery storage) to replace natural gas use, new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles, or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available at the project-level, provided that the CPM Plan demonstrates to the City's satisfaction that such measure are as or more effective as the existing measures described above.

b. ***Recommended Off-Site Emission Reduction Measures:***

i. *Community energy-efficiency retrofits.* Fund, contribute to, or implement community energy efficiency retrofits in West Oakland, the greater Oakland community, or other communities selected for the CARB's Community Air Protection Program under AB 617, to reduce off-site building energy u

ii. *Off-site EV chargers.* Fund or implement a program that expands the installation of EV chargers in West Oakland, the greater Oakland community, or other communities selected for the CARB's Community Air Protection Program under AB 617, to reduce mobile source emissions from gasoline and diesel vehicles.

iii. *Additional actions from Mitigation Measure GHG-1.* Implement any additional off-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions

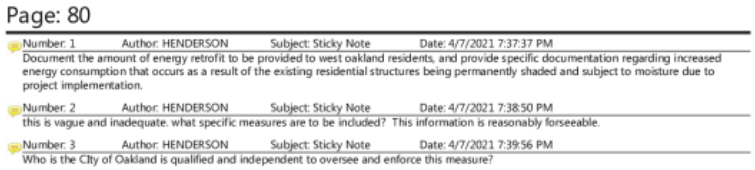
c. ***Emissions Offsets:*** Prior to issuance of the final certificate of occupancy for the final building associated with Phase 1, the Project sponsor, with the oversight of the City of Oakland Planning Department, shall eith

i. *Directly fund or implement a specific offset project within the City of Oakland* to achieve the equivalent of annual tons-per-year reduction equal to the total estimated operational ROG, NO_X, and PM_{10} emissions offsets required to reduce the Project's criteria pollutants below City's significance thresholds. The emissions offset measures will be based on the criteria pollutant reductions necessary after implementation of all other emission reduction measures implemented through the verified CPM Plan described above. To qualify under this mitigation measure, the specific emissions offset project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as zero-emission trucks, upgrading locomotives with cleaner engines, replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines, or expanding or installing energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution. Prior to implementing the offset project, it must be approved by the City of Oakland Bureau of Planning, as consistent with the requirements of this mitigation measure. The Project

I311-1

COMMENT

I311-1-16


Page: 80

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:37:37 PM
Document the amount of energy retrofit to be provided to west oakland residents, and provide specific documentation regarding increased energy consumption that occurs as a result of the existing residential structures being permanently shaded and subject to moisture due to project implementation.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:38:50 PM
this is vague and inadequate. what specific measures are to be included? This information is reasonably forseeable.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:39:56 PM
Who is the CIty of Oakland is qualified and independent to oversee and enforce this measure?

RESPONSE

I311-1-16 The commenter's first comment refers to Draft EIR Mitigation Measure AIR-2e item (2)(b)(i), which provides recommended off-site emissions reduction measures. Mitigation Measure AIR-2e has been revised as described in Consolidated Response 4.2, *Formulation, Effectiveness and Enforceability of Mitigation Measures*, and now combines Offsite Emission Reduction Measures, New Technologies, and Emissions Offsets into a single section containing a menu of strategies that may be used in addition to required on-site strategies to achieve the performance standard equivalent to BAAQMD thresholds of significance. Also see Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language. There is no substantial evidence (and the commenter has provided none) that additional shading resulting from the Project would noticeably increase energy use or moisture in nearby buildings.

Regarding the second comment pertaining to Mitigation Measure GHG-1 item (b)(iii) regarding additional emission reduction measures, and the third comment pertaining to Mitigation Measure GHG-1 item (c) regarding emissions offsets, see Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-1

COMMENT

RESPONSE

Sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification; or

ii. *Pay mitigation offset fees* to the Air District Bay Area Clean Air Foundation or other governmental entity. The mitigation offset fee shall fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin. The fee will be determined by the City, the Project Sponsor, and the Air District or other governmental entity, and be based on the type of projects available at the time of the payment. This fee is intended to fund emissions reduction projects to achieve annual reductions of ROG, NO_X, and PM_{10} equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures as currently calculated and implemented through the CPM Plan.

The offset fee for ROG and NO_X shall be made prior to issuance of the first building permit for the Project when the combination of construction and operational emissions is predicted to first exceed 54 pounds per day. This offset payment shall total the annual tons per year of ROG and NO_X above the 54 pounds-per-day and 10 tons-per-year threshold after implementation of Mitigation Measures AIR-2a though AIR-2d and the verified CPM Plan. The offset fee for PM_{10} shall be made prior to issuance of the final certificate of occupancy for the final building associated with Full Buildout of the Project when operational emissions of PM_{10} is predicted to first exceed 82 pounds per day. This offset payment shall total the annual tons per year of PM_{10} above the 82 pounds-per-day and 15 tons-per-year threshold and PM_{10} after implementation of Mitigation Measures AIR-2a though AIR-2d and the verified CPM Pla[1]

The total emission offset amount shall be calculated by summing the maximum daily construction and operational emissions of ROG, NO_X, and PM_{10} (pounds/day), above the City's threshold multiplying by 260 work days per year for construction and 365 days per year for operation, and converting to tons. The amount represents the total estimated operational and construction-related ROG, NO_X, and PM_{10} emissions offsets required to reduce the Project's criteria pollutant emissions below the City's thresholds after implementation of all other mitigation measures implemented through the CPM Plan.

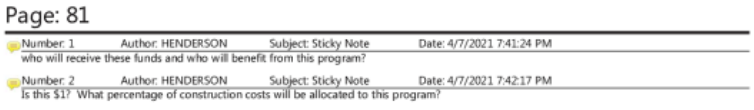
Documentation of mitigation offset payments, as applicable, shall be provided to the City[2]

When paying a mitigation offset fee under paragraph (c)(ii), the Project sponsor shall enter into a memorandum of understanding (MOU) with the Air District Clean Air Foundation or other governmental entity. The MOU shall include details regarding the funds to be paid, the administrative. The MOU shall include details regarding the funds to be paid, the administrative fee, and the timing of the emissions reductions project. Acceptance of this fee by the air district shall serve as acknowledgment and a commitment to (1) implement an emissions reduction project(s) within a time frame to be determined, based on the type of project(s) selected, after receipt of the mitigation fee to achieve the emissions reduction objectives specified above and (2) provide documentation to the Planning Department and the Project sponsor describing the project(s) funded by the mitigation fee, including the amount of emissions of ROG, NO_X, and PM_{10}

I311-1

COMMENT

I311-1-17


Page: 81

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:41:24 PM
who will receive these funds and who will benefit from this program?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:42:17 PM
Is this $1? What percentage of construction costs will be allocated to this program?

RESPONSE

I311-1-17 As stated in Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, the offset program fee would be paid to an independent third party approved by the City, such as the Air District Bay Area Clean Air Foundation, or other governmental entity.

As discussed on Draft EIR p. 4.2-84, the offset program details are currently not known because the emissions reduction project(s) would be implemented by BAAQMD or another government entity, and is outside the jurisdiction and control of the City and not fully within the control of the Project sponsor.

I311-1

COMMENT

RESPONSE

reduced (tons per year) within the San Francisco Bay Area Air Basin from the emissions reduction project(s). To qualify under this mitigation measure, the specific emissions reduction project must result in emission reductions within the air basin that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The requirement to pay such mitigation offset fee shall terminate if the Project sponsor is able to demonstrate that the Project's emissions upon the: (a) full buildout or (b) termination of the Development Agreement if it is later than full buildout are less than the 10-ton-per-year thresholds for ROG and NO_X and the 15-ton-per-year threshold for PM_{10}.

The Project sponsor shall prepare an Annual CPM Verification Report in the first quarter of each year following completion of each project site as shown in final development plan or equivalent. The purpose of the Report is to quantify total Project construction and operational criteria pollutant emissions for the previous year based on appropriate emissions factors for that year and the effectiveness of emission reduction measures that were implemented, and determine the on-site and off-site emission reduction measures and additional ROG, NO_X, and PM_{10} offsets needed to bring the Project below the City's thresholds of significance for the coming year. The Report shall be prepared by the Project proponent and submitted to the City Planning Department for review and verification. Criteria pollutant offsets for the previous year, if required, shall be in place by the end of each reporting year. If the City Planning Department determines the report is reasonably accurate, it may approve the report; otherwise, the City shall identify deficiencies and direct the Project sponsor to correct and re-submit the report for approval.

Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See Section 4.15, *Transportation and Circulation*)

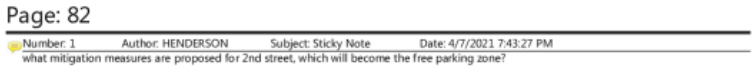
Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Section 4.15, *Transportation and Circulation*)

I311-1

COMMENT

I311-1-18



RESPONSE

I311-1-18 This comment expresses an opinion about the proposed Project and free parking on 2nd Street but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

Mitigation Measure TRANS-1b would implement a transportation management plan (TMP) for the ballpark events. A key component of the TMP is the Parking Management Plan (PMP), a draft of which is provided in the Additional Transportation Reference Materials of the Draft EIR (*Toward a High-Performance Parking Management System for a Thriving Oakland: A Plan*).[3] Specific to 2nd Street, the PMP would implement on-street pay meter parking, and the City would be able to control meter duration to manage the number of ballpark attendees who park on-street. For the Washington Street Parking Garage, the PMP would implement an advance parking reservation system that ballpark attendees would use to reserve a parking space prior to an event. In this way, attendees would drive directly to their reserved space, rather than driving and circulating in neighborhoods looking for an available space.

[3] Primus Consulting, 2020. Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan, January 2020.

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COMMENT

RESPONSE

Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure Effectiveness

As discussed under Impact AIR-1, Implementation of Mitigation Measure AIR-1b (Criteria Air Pollutant Controls) and Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) would reduce criteria pollutant emissions from off-road equipment by equipping all off-road equipment with the most effective VDECS available, or through the use of Tier 4 Final engines. In addition, Mitigation Measure AIR-1d (Super-Compliant VOC Architectural Coatings during Construction) requires all interior architectural coatings used during construction to be super-compliant coatings at a limit of 10 grams VOC per liter, as defined in the South Coast Air Quality Management District's Rule 1113. These measures would reduce construction emissions during years when construction would overlap with operations.

With regard to Mitigation Measure AIR-2a (Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions), BAAQMD Regulation 8, Rule 3, places limits on the VOC content of paint and other architectural coatings, and use of lower VOC coatings available to consumers can further reduce operational ROG emissions. Low- and Super-Compliant VOC paints are manufactured and sold by numerous companies. ROG emissions associated with maintenance application of paint and other architectural coatings represent a relatively small percentage (approximately 11 percent) of total Project ROG emissions. Mitigation Measure AIR-2a would require the use of super-compliant VOC coatings with a maximum VOC content equal to 10 grams of VOC per liter for all interior spaces; the default VOC content of coatings is 100 grams per liter for interior coatings (150 grams per liter for exterior coatings). In modeling this measure, it was assumed that all nonresidential land uses would use super-compliant VOC coatings for interior paints. For nonresidential exterior paints and residential interior and exterior paints, it was assumed that the low-VOC coatings would not be used, given that the Project sponsor may not be able to enforce the types of coatings used in nonresidential exterior coatings and in residential tenant spaces. Based on these assumptions, Mitigation Measure AIR-2a would reduce total ROG emissions associated with maintenance application of paint and other architectural coatings by approximately 19 percent. Operational emissions would still exceed thresholds as the overall contribution of architectural coating emissions to total Project emissions is comparatively small. If the use of no-VOC interior paints could feasibly be enforced and implemented, total ROG emissions from maintenance application of paint and other architectural coatings could be reduced by up to 21 percent. If low-VOC coatings were used for nonresidential exterior surfaces, total ROG emissions from architectural coatings could be reduced by approximately 30 percent; if low-VOC coatings were used for residential interior and exterior surfaces, total ROG emissions from architectural coatings could be reduced by approximately 80 percent.

Mitigation Measure AIR-2b (Promote use of Green Consumer Products) would require the Project sponsor to educate residential tenants and encourage commercial tenants to purchase products that are safer and better for the environment. However, given the Project sponsor does not have

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COMMENT

I311-1-19

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:45:34 PM

At grade crossings are inconsistent with CPUC policy and not appropriate for a poject of this magnitude. Provide grade separated crossings for all types of vehicles and pedestrians. This is an inadequate mitigation measure, not consistent with regulations, and does not demonstrably reduce air quality impacts.

RESPONSE

I311-1-19 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-1

COMMENT

RESPONSE

concentrations or health effects from air pollution, have an associated level of uncertainty due to many simplifying assumptions. Each step in the modeling process, and each assumption incorporated into the model, adds a degree of uncertainty into the reported results. The overall uncertainty of the modeled results is a combination of many uncertainties associated with each individual component of the modeling study. These inputs include air pollutant emission estimates, ambient air concentration modeling, and health impact calculations using various health impact functions. The combination and compounding of the uncertainties from each step of the modeling analysis, in the context of the very small increments of change that are predicted, could result in large uncertainties. The modeling results should be viewed in light of these uncertainties.

Generally, models that correlate criteria air pollutant concentrations with specific health effects focus on regulatory decision-making that will apply throughout an entire air basin or region. These models focus on the region-wide health effects of pollutants so that regulators can assess the costs and benefits of adopting a proposed regulation that applies to an entire category of air pollutant sources, rather than the health effects related to emissions from a specific proposed project or source. Because of the scale of these analyses, any single project is likely to have only very small incremental effects which may be difficult to differentiate from the effects of air pollutant concentrations in an entire air basin. For regional pollutants, it is difficult to trace a particular project's criteria air pollutant emissions to a specific health effect. Even if the model reports a given health effect, the actual effect may differ from the modeled results; that is, the modeled results suggest precision, when in fact the available models have numerous uncertainties that limit their precision for predicting health effects associated with emission sources that are small in comparison to regional, air basin-wide emissions.

Meteorology, the presence of sunlight, and other complex chemical factors all combine to determine the ultimate concentration and location of ozone or PM. The effects on ground-level ambient concentrations of pollutants that may be breathed by people are also influenced by the spatial and temporal patterns of the emission sources. In other words, the effect on ozone and PM concentrations from a given mass of pollutants emitted in one location may vary from the effect if that same mass of pollutants was emitted in a different location in the Air Basin. Emissions from the construction and operation of the Proposed Project would vary by time of day, month, and season, and the majority of Project-related emissions, being generated by mobile sources (cars and trucks) driving to and from the site, would be emitted throughout a wide area defined by the origins and destinations of people travelling to and from the Proje

In addition to the conservative assumptions built into the emissions noted above, there are a number of assumptions built into the application of C-R functions in BenMAP that may lead to an overestimation of health effects. For example, for all-cause mortality impacts from $PM_{2.5}$, these estimates are based on a single epidemiological study that found an association between $PM_{2.5}$ concentrations and mortality. While similar studies suggest that such an association exists, there remains uncertainty regarding a clear causal link. This uncertainty stems from the limitations of epidemiological studies, such as inadequate exposure estimates and the inability to control for many factors that could explain the association between $PM_{2.5}$ and mortality such as lifestyle factors like smoking or exposures to other air pollutants.

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COMMENT

I311-1-20

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:55:46 PM

the analysis should therefore consider the impacts of the project on West Oakland residents who will be deprived of natural sunlight as a result of the project and be subjected to permanent shade or darkness. Please revise the analysis to consider the lack of sunlight as a component of resident health. This analysis should consider health impacts related to the lack of natural sunlight from both a physical/physiological and psychological/mental health perspective.

RESPONSE

I311-1-20 The comment concerns the Draft EIR's analysis of the effectiveness of mitigation measures for air quality impacts, and the relevance of shadow is unclear in this context. For information, as evident from the Draft EIR's shadow analysis—particularly the shadow diagrams in Figures 4.1-26 through 4.1-29, beginning on Draft EIR p. 4.1-58—shadow cast by Project structures, even at full buildout, would reach only a very small area of West Oakland except in the late afternoon, when existing shadows are longest. Furthermore, the area shaded contains very relatively few residential uses. (As noted elsewhere, the Phoenix Lofts building at 737 2nd Street is not considered a residential use under the Oakland Planning Code. However, the Phoenix Lofts building is a live/work commercial building and thus can be presumed to have people living in these units.)

I311-1

COMMENT

RESPONSE

For both the $PM_{2.5}$ and ozone health effects calculated, each of the pollutants may be a confounder of the other. Thus, while the C-R functions are from studies that evaluated the effects for each pollutant individually, both air pollutants could contribute to the health effect outcomes evaluated, and thus the overall impacts may be overstated.

These assumptions and uncertainties do not necessarily mean the modeled results are invalid or uninformative. Rather, it means that one should not have undue confidence in the seeming precision of the reported outcome. Stated another way, the modeled results may be valid, but they should not be misinterpreted as an exact calculation of something as complex as photochemical grid modeling, or as correlating a given level of emissions with specific health effects. In this case, the modeled health effects may differ from the actual future health effects associated with the Project.

Additionally, the estimate of health effects presumes that impacts seen at large concentration differences can be linearly scaled down to small concentration differences, with no consideration of potential thresholds below which health effects may not occur. This methodology of linearly scaling impacts is broadly accepted for use in regulatory evaluations and is considered as being health protective (U.S. EPA, 2010). In summary, health effects presented in this report are conservatively estimated, and the actual impacts may be lower or possibly even zero.

Context of Results

The Project-related additional health incidences from $PM_{2.5}$ are minimal when compared with the background regional health incidences. For example, the less than 1.1 additional annual asthma-related emergency room visits associated with the Project compares to background incidences of asthma-related emergency room visits of 115,302 per year; the Project represents only a 0.001 percent increase (or a rate of 1 per 20.3 million). As another example, the approximate 1.5 annual incidences of mortality associated with the Project compares to background mortality rate of 256,043 per year; the Project represents a 0.0006 percent increase (or a rate of 1 per 14.6 million). However, as discussed above, although the Project-related additional health incidences are small compared to the regional background health incidences, the majority of the Project's impacts occur within West Oakland and the surrounding urban area.

It is also worth noting that the City of Oakland itself has some of the highest health incidence rates in the both the County and the State (Alameda County Public Health Department, 2014). For example, the City of Oakland's age-adjusted asthma-related emergency room visit rate is 777.6 per 100,000, which is the highest rate of any city in Alameda County (the County average is 542.5). From 2011-2013 there were 9,478 asthma-related emergency room visits in the City. The data show that the City of Oakland already has very high health incidence rates when compared to county or state average rates, so the contribution from the Project to regional health incidences should be evaluated within this conte

As demonstrated by BAAQMD's health risk modeling for the WOCAP, and the cumulative health risk analysis presented below in Impact AIR-2.CU, West Oakland has a disproportionally high health burden. The City also has ozone precursor emissions and associated health effects that are higher than regional averages. Given this context, the background health incidences in the modeled region are higher than the average California city.

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I311-1-21

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:57:31 PM
this analysis should consider mental health as well as ER visits when evaluating impacts to West Oakland residents.

RESPONSE

I311-1-21 CEQA does not require the analysis of mental health effects.

I311-1

COMMENT

RESPONSE

Conclusion

The very small increase in health effects incidence, relative to the substantially larger number of background health effects incidences, demonstrates that the Project would have a very small impact on specific health effects. The estimated increases in those health effect incidences are quite minor compared to the background health incidence values with the largest $PM_{2.5}$ health effect (all-cause mortality) representing only 0.0006 percent of the total of all deaths, and the largest effect for ozone (asthma related emergency room visits by adults) representing 0.0016 percent of all emergency room visits.

While the quantitative HIA uses the best available tools and guidance currently available, there are many compounding uncertainties which may affect the reported results such that the modeled health effects may differ from the actual future health effects associated with the Project. The calculated health effects for the Project are conservatively estimated, and may in fact be zero.

In summary, the estimated health effects from the Project are low relative to existing health risks and represent only a very small fraction of the total background health incidence. Nonetheless, as disclosed in Table 4.2-9 above, the average daily and total annual operational criteria air pollutants emissions associated with the Project represent a significant and unavoidable impact to regional air quality, because they exceed the BAAQMD's mass emission threshold.

Additional discussion of modeling limitations and uncertainty is provided in Appendix AIR, *Air Quality Supporting Information*.

Summary: Criteria Pollutant Emissions

Mitigation Measure AIR-2a (Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions) would reduce ROG emissions associated with architectural coatings through the use of Super-Compliant VOC paints. Mitigation Measure AIR-2b (Promote use of Green Consumer Products) would encourage the use of Low-VOC consumer products, and may reduce ROG emissions. Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce criteria pollutant emissions associated with diesel backup generators through the use of Tier 4 Final engines and reduced testing hours. Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce criteria pollutant emissions from on-road heavy-duty truck travel and idling by requiring exhaust controls and other emission reduction actions.

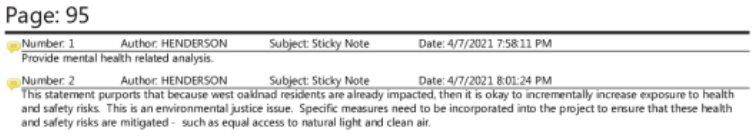
Mitigation Measure AIR-2e requires the development and implementation of the CPM Plan which would incorporate a wide variety of mitigation measures into the Project design prior to the start of construction. While expected to be effective at reducing emissions below the City's thresholds, the specific measures to be implemented through the CPM Plan are currently not known and therefore the amount of criteria pollutant emission reductions achieved through these measures is not quantifiable. Implementation of some of the emissions reduction project(s) could be conducted by BAAQMD or other governmental entity and is outside the jurisdiction and control of the City and not fully within the control of the Project sponsor.

I311-1

COMMENT

I311-1-22

I311-1-23


Page: 95

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 7:58:11 PM
Provide mental health related analysis.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/7/2021 8:01:24 PM
This statement purports that because west oaklnad residents are already impacted, then it is okay to incrementally increase exposure to health and safety risks. This is an environmental justice issue. Specific measures need to be incorporated into the project to ensure that these health and safety risks are mitigated - such as equal access to natural light and clean air.

RESPONSE

I311-1-22 CEQA does not require the analysis of mental health effects.

I311-1-23 The Draft EIR does not state that it is "okay" to incrementally increase exposure to health and safety risks. To the contrary, the Draft EIR determines that Impact AIR-2 would be significant and unavoidable with mitigation because of the large amount of criteria pollutant emissions associated with Project construction and operation, and that Impact AIR-2.CU would be significant and unavoidable with mitigation because of the existing high background health risk burden of air pollution in the West Oakland community (Draft EIR pp. 4.2-140 through 4.2-159).

Draft EIR Section 4.2, *Air Quality,* identifies numerous mitigation measures to reduce these air quality impacts: Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2b, AIR-1.CU, AIR-2.CU, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.

See Consolidated Response 4.14, *Environmental Justice,* for a discussion of environmental justice issues.

I311-1

COMMENT

4.3 Biological Resources

This section assesses the effects of the proposed Project on biological resources. The section begins with a description of the existing conditions for terrestrial and marine biological resources that occur, or have the potential to occur, on the Project site or in the immediate vicinity. Regulations and guidelines relevant to biological resources are discussed next, followed by an impact analysis that evaluates the potential effects on biological resources that could result from construction and operation of the proposed Project. Cumulative effects of the proposed Project in combination with past, present, and reasonably foreseeable future projects are discussed. **Appendix BIO** provides additional supporting information on biological resources.

The NOP (Notice of Preparation) for this EIR received one comment related to biological resources that primarily identified animal species which use the Oakland-Alameda Estuary (Estuary) including wading birds who forage on the Project site shoreline; the seasonally present California least tern (*Sternula antillarum browni*; federal and State-listed endangered) nesting colony which annually occupy a former airfield at Point Alameda while breeding, nesting and rearing young; osprey which have been known to nest on structures within nearby terminals; and marine mammals which hunt and feed in the marine habitat. These resources and potential effects of the proposed Project are included in the following analysis.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the proposed Project.

4.3.1 Environmental Setting

Study Area and Data Sources

This section identifies Project study areas for both terrestrial and marine biological resources. The proposed Project's potential area of influence relevant to each biological resource was considered in order to assess potential impacts to biological resources. Information on natural communities, plant and animal species, and sensitive biological resources was obtained from regional databases, plans, and reports relevant to the proposed Project, including the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CDFW, 2019), the California Native Plant Society Electronic Inventory (CNPS, 2019), the U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration Report on the Subtidal Habitats and Associated Biological Taxa in San Francisco Bay (NOAA, 2007), long-term regional studies such as the Regional Monitoring Program for Water Quality in San Francisco Bay (SFEI, 2015), the Interagency Ecological Program for San Francisco Bay (IEP, 2015), standard biological literature, citizen-science web applications (eBird, 2019a; eBird, 2019b), biological reports and studies on other waterfront locations in the Project vicinity, and a reconnaissance-level survey of the Project site. Reconnaissance-level surveys of the Project site for terrestrial botanical resources, terrestrial and marine wildlife and associated habitat were conducted on February 6, 2019 by an ESA senior wildlife biologist to characterize existing conditions, assess habitat quality, and assess the potential presence of special-status species and sensitive natural communities. The reconnaissance survey consisted of a pedestrian assessment of

COMMENT

Mitigation Measure BIO-3, Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals, would reduce the potential impact to a less-than-significant level by avoiding periods when the most sensitive special-status fish (e.g., salmonids and Pacific herring) are present in the Project area, and employing noise attenuation measures to minimize aquatic impacts, such as the use of vibratory pile installation, working at low tides, and use of blocks to reduce underwater noise levels to acceptable levels. As discussed below under Impact BIO-5, in-water work would require a 404 permit from the USACE, which could trigger the Corps' consultation requirements with NOAA Fisheries and USFWS.

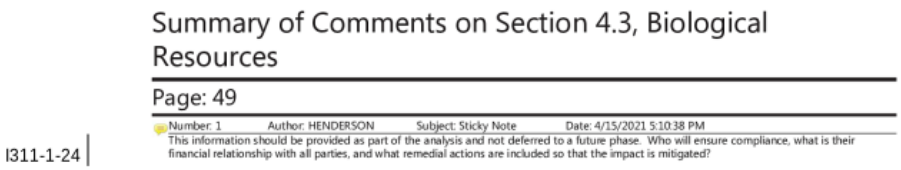
> **Mitigation Measure BIO-3: Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals.**
>
> Prior to the start of any in-water construction that involves the construction of piles, the Project sponsor shall develop a NOAA Fisheries and CDFW-approved sound attenuation reduction and monitoring plan to avoid significant impacts to special status fish and marine mammals, including acute damage or mortality. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and all BMPs to be taken to reduce impact hammer and/or vibratory hammer pile-driving sound in the marine environment to an intensity level of less than 183 decibels (dB[illegible]) plan shall incorporate but not be limited to the following:
>
> - Steel piles shall be installed using vibratory hammers. Impact hammers shall only be used after piles have reached the point of refusal with vibratory methods.
> - Any impact hammer installed steel piles shall be conducted in strict accordance with the Long Term Management Strategy (LTMS) defined work windows of June 1 to November 30, during which periods the presence of special-status species in the Project Site is expected to be minimal. (USACE et al., 2001).
> - A contingency plan using bubble curtains or an air barrier will be implemented to attenuate sound levels to acceptable levels.
> - Other BMPs may be implemented in coordination with NOAA Fisheries or CDFW, such as working at low tides, reducing steel-to-steel contact through the use of a wooden block, or use of double-walled piles, as appropriate to reduce underwater noise levels to acceptable levels.

Water Quality Impacts on Marine Species

Commensurate with any construction activity adjacent to, or within, an aquatic environment is the potential for the accidental discharge of contaminants into the Bay. The potential for releasing such contaminants is considered minimal, given federal, State, and local oversight; however, is described here as a potential impact mechanism for aquatic species. Near-shore construction activities could pose a short-term and temporary risk of exposing resident marine taxa to toxic contaminants. Demolition, grading and building foundation construction activities at the Project site could also result in extensive ground disturbance and increased surface run-off through existing stormwater drains to the San Francisco Bay, resulting in increased sedimentation and organic and inorganic contaminant loading to San Francisco Bay waters and low-level exposure to protected species.

I311-1

COMMENT



I311-1-24

RESPONSE

I311-1-24 It is not uncommon at the time of drafting a Draft EIR that a project's exact specifications (size, number, material) or installation methodology (vibratory, impact hammer) have not been determined. As such, Mitigation Measure BIO-3 is included to reduce the potential for impact from pile installation to a less-than-significant level. This measure includes the development of a National Oceanic and Atmospheric Administration (NOAA)–approved sound attenuation and monitoring plan that will provide detail on the use of the sound attenuation system and detail methods used to monitor and verify sound levels during pile installation activities.
Thus, regardless of the status of the specifications for pile driving, the Project sponsor is committed to reducing hydroacoustic impacts from the Project below a threshold of concern in accordance with regulatory guidance from NOAA, the National Marine Fisheries Service (NMFS), and the California Department of Fish and Wildlife (CDFW).

See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measures.

I311-1

COMMENT

RESPONSE

Tree Protection Ordinance Conflicts

Impact BIO-7: The Project would not fundamentally conflict with the City of Oakland Protected Tree Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. (Criterion 6) (*Less than Significant*)

Construction Impacts

Phase 1 and Buildout

Construction of the proposed Project may result in the removal of street trees located along Embarcadero Way, Market Street, Martin Luther King Jr. Way, and Clay Street in the vicinity of the Project site. These trees are primarily non-native American sycamore with a few landscaped redwood and other trees located at the Market Street entrance to the Project site. The City of Oakland Protected Tree Ordinance defines a protected tree as coast live oak trees measuring four inches diameter at breast height (dbh) or larger, and any other tree species measuring nine inches dbh or larger except eucalyptus species and Monterey pine and permits removal of such trees as necessary to ensure public health and safety, avoid unconstitutional taking of property, to take reasonable advantage of views, to pursue acceptable professional practice of forestry or landscape design, or to implement the vegetation management prescriptions in the S-11 site development review zone. Existing street trees which may be trimmed or removed under the Project could qualify for protection under the ordinance if they measure nine inches or larger dbh.

Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the Project sponsor will be required obtain a tree removal permit to remove any protected trees and comply with replacement standards identified by the Ordinance. Through the permitting process, potential conflicts with the Protected Tree Ordinance would be avoided and Project-related impacts to protected trees would be less than significant.

Mitigation: None required.

Operational Impacts

Phase 1 and Buildout

Operation of the proposed Project would not conflict with the City of Oakland Protected Tree Ordinance as all tree removal would occur during construction; therefore, no impact would occur.

Maritime Reservation Scenario

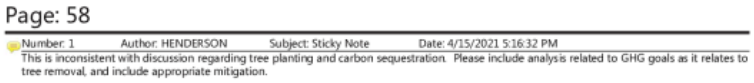
As discussed in Section 3.5.1, *Major Project Components,* the proposed Project includes a Maritime Reservation Scenario. Under this scenario, the Port of Oakland may retain up to approximately 10 acres of wharf from the Project site to accommodate possible future expansion of the turning basin that is used to turn large vessels accessing berths in Oakland's Inner Harbor.

If this option is exercised, that portion of the proposed Project site would not be developed, although the amount of proposed development on the site (i.e., the ballpark and other uses) would be the same. As a result, both terrestrial and marine construction methods would be similar to that described for the proposed Project. The reconfigured Project site would become approximately

I311-1

COMMENT

I311-1-25



RESPONSE

I311-1-25 Draft EIR p. 4.3-58 states that the Project "may" result in the removal of street trees located along certain streets. It is not known how many trees would be removed, and therefore, it is not possible to calculate the sequestration loss associated with the removal of trees, nor is it required. The removal of trees would not in and of itself constitute a CEQA impact, unless it would contribute to a significant impact in some way. The Draft EIR determined that with implementation of Mitigation Measure GHG-1, the Project would result in no net additional GHG emissions. Mitigation Measure GHG-1 provides a list of required measures and a menu of additional measures for on-site and off-site GHG reduction measures, as well as a monitoring and reporting program enabling the City to actively manage compliance with the mitigation and ensuring that the mitigation would effectively reduce Project emissions to the "no net additional" threshold of significance (Draft EIR p. 4.7-66).

Mitigation Measure GHG-1, item (4)(iii)(a), also includes an off-site measure as part of the "Menu of Additional Emission Reduction Measures" to increase carbon sequestration by funding or implementing a program that results in significant new tree planting and maintenance. This is unrelated to Impact BIO-7.

I311-1

COMMENT

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COMMENT

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I311-2 Andrew Peters (Part 3)

COMMENT

4.4 Cultural and Tribal Cultural Resources

This section assesses the potential for the Project to result in significant adverse impacts on cultural and tribal cultural resources (including architectural resources, prehistoric and historic-era archaeological resources, human remains, and tribal cultural resources). The section first includes a description of the existing environmental setting as it relates to these types of resources, and provides a regulatory framework that discusses applicable federal, state, and local regulations. The section then includes an evaluation of potential significant impacts of the proposed Project on cultural and tribal cultural resources, and identifies feasible mitigation measures to ensure potentially significant impacts associated with these resources would be avoided or minimized to the greatest extent feasible.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the proposed Project.

To support the analysis in this Draft EIR, ESA conducted surveys and performed archival research to determine if historical resources are present on the Project site and within a larger Study Area (see **Figure 4.4-1**). The Study Area was defined by considering the geographic area within which the Project may directly or indirectly impact the character or use of significant cultural resources. The Project site is the area where project construction activities would occur and activities such as ground disturbance, demolition, and project construction could directly, physically impact historical resources and is primarily contained within the Howard Terminal parcel. The Study Area includes areas that could be potentially impacted by visual, setting changes or vibration from construction on the Project site, and generally includes those parcels located within a half-block of the Project site.

ESA staff conducted site surveys on February 1 and 6, 2019. ESA staff conducted a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) on December 5, 2018 (File No. 18-1077). The records search included a review of previous surveys and studies, records, and historic maps and aerial imagery on file at the NWIC for the Project site and a surrounding 0.25-mile radius. It also included a review of the State of California Office of Historic Preservation Historic Properties Directory with summary information from the National Register of Historic Places (National Register), Registered California State Landmarks, and California Historic Points of Interest; the Archaeological Determinations of Eligibility; and the California Inventory of Historical Resources. The purpose of the records search was to (1) determine whether known cultural resources have been recorded within or adjacent to the Project site, and (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites. Additional sources of information included the City of Oakland's zoning map and database, Oakland Cultural Heritage Survey and additional city surveys, the Port of Oakland's Board of Commissioners Meeting Minutes Archive, the Oakland Tribune archive, and archival material held at the Oakland Public Library's History Room.

COMMENT

1. A resource listed in, or determined to be eligible for listing in, the California Register;
2. A resource included in Oakland's Local Register of historical resources (defined in General Plan Historic Preservation Element Policy 3.8 below), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
3. A resource identified as significant (e.g., rated 1–5) in a historical resource survey recorded on Department of Parks and Recreation Form (DPR) 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
4. Any object, building, structure, site, area, place, record, or manuscript which the Oakland City Council determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record. Generally, a resource is considered "historically significant" if it meets the criteria for listing on the California Register CEQA Guidelines Section 15064.5; or
5. A resource that is determined by the City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

General Plan Historic Preservation Element

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The Historic Preservation Element sets out a graduated system of ratings and designations resulting from the Oakland Cultural Heritage Survey (OCHS) and Oakland Zoning Regulations. The following goal and policies address historical resources under CEQA:

- **Goal 2:** To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value.

  Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

  Policy 3.1: Avoid or minimize adverse historic preservation impacts related to discretionary city actions. The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.

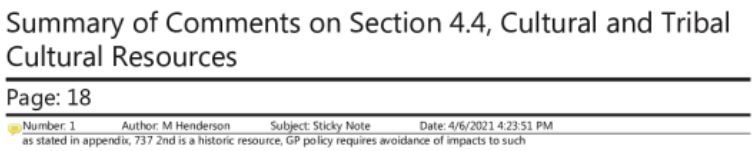
  Policy 3.5: Historic preservation and discretionary permit approvals. For additions or alteration to Heritage Properties[6] or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in

[6] Heritage Properties are defined in Appendix A of the City of Oakland Historic Preservation Element as "properties which under Policy 2.5 appear potentially eligible for Landmark or Preservation District designation because they either (1) have received an existing or contingency rating of 'A' (Highest Importance), 'B' (Major Importance), or 'C' (Secondary Importance) from the Intensive Survey; (2) have received an existing or contingency rating of 'A' or 'B' from the Reconnaissance Survey; or (3) contribute or potentially contribute to any area potentially eligible for Preservation District Designation"

I311-2

COMMENT

I311-2-1



RESPONSE

I311-2-1 The comment states that the Phoenix Lofts Condominiums building (737 2nd Street, Dalziel Company Warehouse) is a historic resource. The building is a contributor to the Southern Pacific Railroad (SPRR) Industrial Landscape Area of Primary Importance (API) and is included in the Draft EIR under the analysis of the API. See Response to Comment I-307-3 for further discussion regarding 737 2nd Street, its status as a historic resource, and consideration of impacts as a result of the Project.

I311-2

COMMENT

RESPONSE

Conformity of the Project with General Plan goal and policies most relevant to historic resources is discussed throughout the discussion of potential impacts presented later in this section.

The Oakland Cultural Heritage Survey (OCHS) is an ongoing survey process conducted by the City of Oakland. It began in 1979 and uses a five-tier rating system for individual properties, ranging from "A" (highest importance) and "B" (major importance) to "E" (of no particular interest). This letter rating is termed the "Individual Property Rating" of a building and is based on the following criteria:

1. **Visual Quality/Design:** Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.
2. **History/Association:** Association of person or organization, the importance of any event, association with patterns of history, and the age of the building.
3. **Context:** Continuity and familiarity of the building within the city, neighborhood, or district.
4. **Integrity and Reversibility:** Evaluation of the building's condition, its exterior and interior alterations, and any structural removals.

4.4.3 Significance Criteria

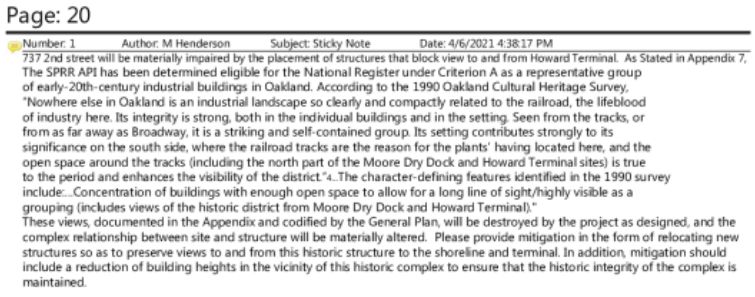
The City of Oakland has established thresholds of significance for CEQA impacts, which incorporate those in Appendix G of the CEQA Guidelines (City of Oakland, 2016). The Project would have a significant adverse impact related to cultural resources if it would:

1. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;
3. Disturb any human remains, including those interred outside of formal cemeteries.

The changes to Appendix G of the State CEQA Guidelines effective in December 2018 were intended to reflect recent changes to the CEQA statutes and court decisions. Many of these recent changes and decisions are already reflected in the City's adopted significance thresholds, which have been used to determine the significance of potential impacts. To the extent that the topics or questions in Appendix G are not reflected in the City's thresholds, these topics and questions have been taken into consideration in the impact analysis below. Specifically, in accordance with

I311-2

COMMENT



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737 2nd street will be materially impaired by the placement of structures that block view to and from Howard Terminal. As Stated in Appendix 7, The SPRR API has been determined eligible for the National Register under Criterion A as a representative group of early-20th-century industrial buildings in Oakland. According to the 1990 Oakland Cultural Heritage Survey, "Nowhere else in Oakland is an industrial landscape so clearly and compactly related to the railroad, the lifeblood of industry here. Its integrity is strong, both in the individual buildings and in the setting. Seen from the tracks, or from as far away as Broadway, it is a striking and self-contained group. Its setting contributes strongly to its significance on the south side, where the railroad tracks are the reason for the plants' having located here, and the open space around the tracks (including the north part of the Moore Dry Dock and Howard Terminal sites) is true to the period and enhances the visibility of the district."4..The character-defining features identified in the 1990 survey include:...Concentration of buildings with enough open space to allow for a long line of sight/highly visible as a grouping (includes views of the historic district from Moore Dry Dock and Howard Terminal)."

These views, documented in the Appendix and codified by the General Plan, will be destroyed by the project as designed, and the complex relationship between site and structure will be materially altered. Please provide mitigation in the form of relocating new structures so as to preserve views to and from this historic structure to the shoreline and terminal. In addition, mitigation should include a reduction of building heights in the vicinity of this historic complex to ensure that the historic integrity of the complex is maintained.

I311-2-2

RESPONSE

I311-2-2 The comment correctly summarizes the significance of the SPRR Industrial Landscape API as eligible for listing in the National Register of Historic Places under Criterion A as a representative group of early-20th-century industrial buildings in Oakland. It also correctly notes that the setting is dependent upon the railroad tracks, which are noted as "the reason for the plants' having located here." The Oakland Cultural Heritage Survey (OCHS) documentation also notes that the "district is a one-sided landscape, and always was: on the north side of Southern Pacific's main tracks, the side-by-side medium-sized industrial buildings conform to the grid of city blocks and constitute the district…".[4] The land south of the tracks was also developed for industrial purposes and the entire area shares a general industrial character as a result of the concentration of similar land-uses and commercial purposes. However, the historic resource documentation identified views through the district, specifically along the railroad tracks, as a character-defining feature. The comment suggests that views from the Moore Dry Dock (demolished, part of the current Schnitzer Steel site) and Howard Terminal are protected. However, the OCHS documentation notes that "the open space around the tracks (including the north part of the Moor Dry Dock and Howard Terminal sites) is true to the period and enhances the visibility of the district" but stops short of classifying these views as a character-defining feature of the district. Views from across the railroad tracks, or from other vantage points along the street grid, are not considered character-defining features of the district and are not subject to CEQA analysis.

The Draft EIR analyzed impacts from the Project on the SPRR Industrial Landscape API, including potential impacts from increased density of development outside of the API boundaries. At full buildout, views along the railroad tracks into the district from the edges of the API would not be obscured. The openness that currently exists south of the tracks would no longer exist, but that is not part of the API, nor are views from this location protected as part of the historic resource. As stated in the Draft EIR, "While the loss of open areas around the API and the increase in scale on the Project site have the potential to adversely impact the Southern Pacific Railroad Industrial Landscape District API, the Southern Pacific Railroad Industrial Landscape District API has its primary significance under Criterion C – Architecture for its 'unity of architectural style' and as a representation of trackside industrial development in Oakland through the late 19th and early

[4] OCHS, 1990. *Historic Resources Inventory Form for the Southern Pacific Railroad Industrial Landscape District*, 1990.

I311-2

COMMENT

RESPONSE

20th centuries." The proposed Project would not affect the architectural design of the grouping, nor would it alter the relationship of the contributing structures to each other or the railroad tracks. Therefore, the impact would be less than significant.

It should be noted that the current openness of the Howard Terminal site is a relatively recent condition. Comparison of aerial photographs show that from at least 1930 until circa 1982 when Howard Terminal was redeveloped, the blocks immediately south of the railroad tracks were dominated by large gas storage tanks that were associated with Pacific Gas and Electric Company Station B (see Draft EIR Appendix CUL.1). ("Former Oakland Manufactured Gas Plant," https://www.pge.com/en_US/about-pge/environment/taking-responsibility/manufactured-gas-plants/oakland.page.) While their height is difficult to measure from photographs, these structures appear to be at least 10 stories high and cast shadows well across the railroad tracks. (Comparison of views available on historicaerials.com.)

I311-2

COMMENT

RESPONSE

Landscape District API. Visual openness and line of sight through the district are character-defining features of the API helping to define the setting.

While the loss of open areas around the API and the increase in scale on the Project site have the potential to adversely impact the Southern Pacific Railroad Industrial Landscape District API, the Southern Pacific Railroad Industrial Landscape District API has its primary significance under Criterion C – Architecture for its "unity of architectural style" and as a representation of "trackside industrial development in Oakland through the late 19th and early 20th centuries." The proposed Project would not impact the architectural design of the grouping, nor would it alter the relationship of the contributing structures to each other or the railroad tracks. The scale and design of [1] landscaping at intersections within the district (Market Street and the terminus of Brush Street) would allow views along the railroad tracks, maintaining the visual unity and character-defining perspectives within the district (see Figure 3-23, Landscape Plan and Amenities). Therefore, the impact to setting resulting from an increase in mass, bulk, and density of the surrounding built environment would not "demolish or materially alter in an adverse manner those physical characteristics… that convey its historical significance and that justify inclusions in the or eligibility for, inclusion in" the California register," (CEQA Section 15064.5(b)(2)(A)) Therefore, the impact resulting from alteration of the setting is less than significant and no mitigation is required.

Mitigation: None require[2]

Impact CUL-3: The Project could result in significant impacts to the Southern Pacific Railroad Industrial Landscape District API and the PG&E Station C API resulting from construction-related vibrations. (Criterion 1) ***(Less than Significant with Mitigation)***

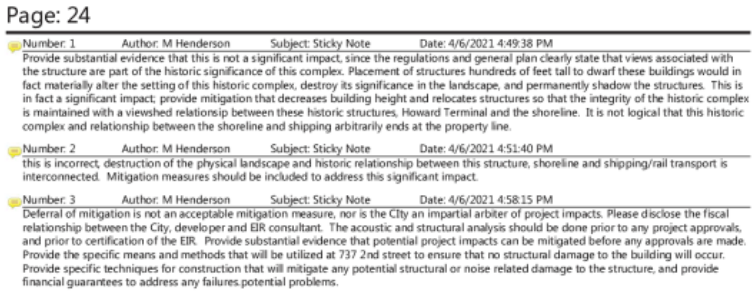
Construction in the vicinity of the Southern Pacific Railroad Industrial Landscape District API and the PG&E Station C API would introduce new temporary sources of vibration associated with construction activities. Historic masonry structures can be particularly sensitive to ground vibrations resulting in material damage to the historic fabric. Maintaining vibration levels below a site-specific threshold would limit the potential for damage associated with construction activities. **Mitigation Measure CUL-2, Vibration Analysis for Historic Structures,** would reduce potential impacts to less than significant.

Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.

As presented in Chapter 4.11 Noise and Vibration, building damage is generally experienced when vibration levels exceed 94 VdB. Table 4.11-17 lists a number of construction activities with their estimated VdB at various distances. At distances up to 150 feet, there is potential for vibration levels to exceed 94 VdB, therefore, prior to any vibratory construction within 150 feet of a historic resource the Project sponsor shall submit a Vibration Analysis [3] prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street. The Vibration Analysis shall identify design means and methods of

I311-2

COMMENT



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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 4:49:38 PM

Provide substantial evidence that this is not a significant impact, since the regulations and general plan clearly state that views associated with the structure are part of the historic significance of this complex. Placement of structures hundreds of feet tall to dwarf these buildings would in fact materially alter the setting of this historic complex, destroy its significance in the landscape, and permanently shadow the structures. This is in fact a significant impact; provide mitigation that decreases building height and relocates structures so that the integrity of the historic complex is maintained with a viewshed relationsip between these historic structures, Howard Terminal and the shoreline. It is not logical that this historic complex and relationship between the shoreline and shipping arbitrarily ends at the property line.

I311-2-3

Number: 2 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 4:51:40 PM

this is incorrect, destruction of the physical landscape and historic relationship between this structure, shoreline and shipping/rail transport is interconnected. Mitigation measures should be included to address this significant impact.

Number: 3 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 4:58:15 PM

Deferral of mitigation is not an acceptable mitigation measure, nor is the CIty an impartial arbiter of project impacts. Please disclose the fiscal relationship between the City, developer and EIR consultant. The acoustic and structural analysis should be done prior to any project approvals, and prior to certification of the EIR. Provide substantial evidence that potential project impacts can be mitigated before any approvals are made. Provide the specific means and methods that will be utilized at 737 2nd street to ensure that no structural damage to the building will occur. Provide specific techniques for construction that will mitigate any potential structural or noise related damage to the structure, and provide financial guarantees to address any failures potential problems.

I311-2-4

RESPONSE

I311-2-3 The OCHS documentation provides detailed descriptions of how views within the district contribute to understanding the grouping of buildings in relation to each other as well as to critical aspects of their setting. Specifically, the railroad tracks are a key defining element connecting the four remaining contributing buildings to each other and to their shared history. Impacts on historic resources must meet the established significance thresholds of being "materially impaired" by the Project. Loss of views from outside the API do not meet this threshold. See Response to Comment I311-2-2 for further discussion of the analysis of views of the SPRR Industrial Landscape API for the purposes of CEQA.

I311-2-4 See Consolidated Response 4.2, *Formulation, Effectiveness and Enforceability of Mitigation Measures*. Construction-related vibrations have the potential to affect historic resources located within 150 feet of construction activities. Mitigation Measure CUL-2: Vibrations Analysis for Historic Structures requires that additional study be completed to establish baseline vibration thresholds that document the current exposure to groundborne vibrations as a result of train and truck traffic and general industrial operations in the area. Based on this information, a study is required to identify potential sources of construction-related vibration that could exceed this baseline threshold, and to identify means and methods to reduce vibrations below the recommended thresholds to limit damage to historic resources in the vicinity. The sequence of this analysis prior to any construction, but after completion of the environmental review process, is standard methodology and allows for a wider variety of construction methods to be considered as the design process moves from the environmental review stage to the building permit stage. While the specific construction methods will be determined upon completion of further analysis, an example of possible methods would be limiting impacting activities such as pile driving or reducing the size of trucks operating in close proximity to sensitive buildings.

I311-2

COMMENT

RESPONSE

construction that shall be utilized in order to not exceed the thresholds. The Project sponsor shall implement the recommendations during construction.

Significance after Mitigation: Less than Significan[1]

Impact CUL-4: The proposed Project would result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (Criterion 1) (*Significant and Unavoidable*[2])

As noted earlier, the City has received two studies with differing conclusions on the historic significance of Crane X-422 (ESA, 2019; Jacobs, 2019). For public disclosure purposes and out of an abundance of caution, this EIR treats Crane X-422 as an eligible historic resource.[8] With relation to this significance, the ESA report states that the character-defining features for Crane X-422 include aspects of its setting both at the edge of a shipping channel and within industrial maritime setting where it is taller than most of the buildings or structures in its immediate vicinity, except for other cranes.

If feasible the proposed Project would fix all four existing cranes, including Crane X-422, on portions of their existing tracks along the waterfront (see Section 3.5.2).[9] The fixed locations are at the ends of Myrtle Street (Crane X-422), MLK, Jr. Way (Crane X-416), and at the southeastern corner of the project site approximately at the end of Jefferson Street (Cranes X-415 and X-417). See Figure 3-8, *Illustrated Buildout Site Plan*. From these positions, the cranes would be framed by elements of the proposed Project, and remain visible along the street corridors. As such, limited visibility of the cranes from outside the Project site would remain. Views from the water would also remain.

The historic setting of Crane X-422 as described in the ESA report was comprised of direct access to the shipping channel and a maritime location where it was taller than most of the buildings or structures in its immediate vicinity (except for other cranes). If the crane is maintained on site, the proposed Project would alter its historic setting, and the degree of alteration differs between the waterside and landside areas. From the landside, the proposed Project would result in increased scale and density of development resulting from the introduction of multi-story (up to 600 feet tall[3]) residential, retail, and commercial structures on what was a seaport site within an area of the city that has historically been nearly devoid of such development. From the water, the proposed Project would maintain Crane X-422's relationship to the Estuary, retaining its historical setting immediately adjacent to an active shipping channel and near a maritime area.

[8] As noted above, the City has received two studies with differing conclusions on the historic significance of Crane X-422. This EIR conservatively treats Crane X-422 as an historic resource. It will be up to the Lead Agency to make the final determination on whether or not Crane X-422 is an historical resource under CEQA.

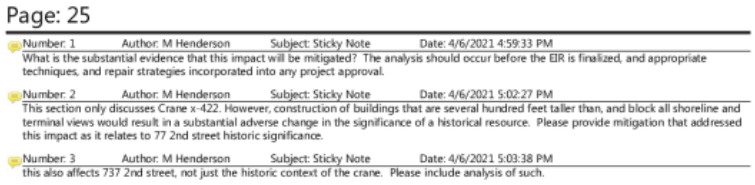
[9] Retention of the cranes is a baseline design concept for the Project. However, retention of the container cranes will ultimately be determined by a later assessment of whether such retention meets required feasibility and safety standards to incorporate the cranes within a publicly accessible space. Safety, while paramount, is not the only factor in play when considering retention. Other factors affecting feasibility will be considered as well, such as cost/schedule. Therefore, the Project is described as maintaining the cranes in their current locations, but includes discussion of impacts resulting from their loss if retention is not feasible.

I311-2

COMMENT

I311-2-5

I311-2-6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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 4:59:33 PM
What is the substantial evidence that this impact will be mitigated? The analysis should occur before the EIR is finalized, and appropriate techniques, and repair strategies incorporated into any project approval.

Number: 2 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 5:02:27 PM
This section only discusses Crane x-422. However, construction of buildings that are several hundred feet taller than, and block all shoreline and terminal views would result in a substantial adverse change in the significance of a historical resource. Please provide mitigation that addressed this impact as it relates to 77 2nd street historic significance.

Number: 3 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 5:03:38 PM
this also affects 737 2nd street, not just the historic context of the crane. Please include analysis of such.

RESPONSE

I311-2-5 This comment addresses the analysis of vibrations on adjacent historic resources. See Response to Comment I311-2-4 for further discussion of this topic.

I311-2-6 The comment references a section of the Draft EIR that is specific to Crane X-422 and potential Project-related impacts on that particular historic resource. Analysis of impacts on the views associated with the SPRR Industrial Landscape API, including 737 2nd Street (Dalziel Warehouse), are presented under Impact CUL-2. See Response to Comment I311-2-2 for further discussion of this topic.

I311-2

COMMENT

RESPONSE

If the Project succeeds in maintaining the cranes in or near their current locations along the southern project boundary and immediately adjacent to the Estuary (Figure 3-7), they would be within a new waterfront public park that would maintain the open areas between cranes and provide a landside open space buffer between the cranes and proposed new buildings. These design aspects would maintain the spatial and visual connections between the Crane X-422 and the water such that the impact to setting resulting from an increase in mass, bulk, and density of the surrounding built environment on the landside would not "demolish or materially alter in an adverse manner those physical characteristics…convey its historical significance and that justify inclusions in the or eligibility for, inclusion in" the California register," (CEQA Section 15064.5(2)(A)).

As stated in section 3.5.2 Major Project Components – Ship to Shore Container Cranes, retention of the existing container cranes on site and Crane X-422 in particular will ultimately be determined upon future assessment based on feasibility and safety standards for public places. If Crane X-422 is removed from the site (i.e. demolished), this EIR conservatively concludes that this would result in the loss of a historical resource and therefore a significant and unavoidable impact.

In certain cases, relocation of a historical resource can be utilized to mitigate impacts resulting from the loss of the resource, provided aspects of the historical setting are maintained between the former location and the receptor site. The California State Office of Historic Preservation states (OHP, 2001):

> Relocation of an historical resource may constitute an adverse impact to the resource. However, in situations where relocation is the only feasible alternative to demolition, relocation may mitigate below a level of significance provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the California Register (14 CCR § 4852(d)(1)).

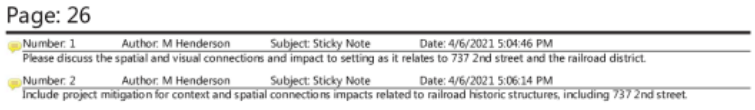
These conditions are applicable to Crane X-422; which was moved within the Port of Oakland to its current Howard Terminal location in 1994. The Project includes removal of the container crane rails during Phase 1. The rails are used to move the cranes laterally along the waterfront on the site. Once removed, movement of the cranes would only be possible by lifting them up from their current positions and moving them to a new location, either on the site or elsewhere. The new site would require a small segment of rails to secure the cranes to the ground. Therefore, lateral relocation on site is possible only prior to Phase 1. To address impacts associated with potential removal of Crane X-422 from the project site, the following mitigations are identified. (Note that Port staff has indicated they would not relocate Crane X-422 on Port property.

> **Mitigation Measure CUL-3a: Crane Removal Documentation.**
>
> Prior to issuance of a demolition permit, the City shall require HABS documentation of Crane X-422. This documentation shall be prepared by professionals meeting, or exceeding, the Secretary of the Interior's Historic Preservation Professional Qualifications Standards and shall include recommendations regarding selection criteria for an appropriate receiver site that approximates the crane's current relationship to the Estuary. HABS documentation of the crane shall include recordation in both written and photographic media of the current and historical physical context and conditions of Crane X-422.

I311-2

COMMENT

I311-2-7


Page: 26

Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 5:04:46 PM
Please discuss the spatial and visual connections and impact to setting as it relates to 737 2nd street and the railroad district.

Number: 2 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 5:06:14 PM
Include project mitigation for context and spatial connections impacts related to railroad historic structures, including 737 2nd street.

RESPONSE

I311-2-7 The OCHS documentation provides detailed descriptions of how views within the district contribute to understanding the grouping of buildings in relation to each other as well as to critical aspects of their setting. Specifically, the railroad tracks are a key defining element connecting the four remaining contributing buildings to each other and to their shared history. Impacts on historic resources must meet the established significance thresholds of being "materially impaired" by the Project. Loss of views from outside the API do not meet this threshold. Because impacts on the historic resource would be less than significant, no mitigation is necessary. See Response to Comment I311-2-2 for a full discussion of the analysis of views of the SPRR Industrial Landscape API for the purposes of CEQA.

I311-2

COMMENT

RESPONSE

By referencing cumulative development citywide, the DOSP DEIR's cumulative impact finding encompasses other past, present, and future projects in the City of Oakland that have or will result in demolition or alteration of historic resources. An example is redevelopment of the Oakland Coliseum site as envisioned under the adopted specific plan for the area. All of the redevelopment scenarios under the CASP that were analyzed in the CASP EIR anticipated demolition of the Coliseum itself, which was considered an historical resource. Some scenarios also anticipated demolition of the Arena, which was also considered an historic resource (City of Oakland, 2014).

As noted above, the Project includes retention of all four cranes as a baseline condition of the design, however, removal of the cranes, including Crane X-422 from the project site may be necessary pending future assessment based on feasibility and safety standards for public places. If they cannot be maintained on the Project site, the cranes would be offered for relocation as discussed in Mitigation Measure CUL-3b (Crane Relocation). However, because the likelihood of successful relocation of Crane X-422 is low due to the relatively few suitable relocation sites and anticipated high cost associated with preparation of a receiver site, relocation, and required maintenance, loss of the crane is assumed. As a result of the loss of Crane X-422, the Project would contribute to the significant and unavoidable citywide cumulative impact identified in the DOSP DEIR. Mitigation Measures CUL-3a and CUL-3c would reduce but not eliminate this significant impact.[1]

Mitigation Measure CUL-3a: Crane Removal Documentation. (see Impact CUL-4)

Mitigation Measure CUL-3b: Crane Relocation. (see Impact CUL-4)

Mitigation Measure CUL-3c: Interpretive Displays. (see Impact CUL-4)

Significance after Mitigation: Significant and Unavoidable.

Impact CUL-2.CU: The Project, combined with cumulative development in the Project vicinity and citywide, could contribute to cumulative adverse impacts on archaeological resources, human remains, and tribal cultural resources. (*Less than Significant with Mitigation*)

Geographic Context

The geographic scope for cumulative effects on archaeological resources, human remains, and tribal cultural resources includes the Oakland waterfront from Jack London Square to the Bay Bridge, where the Project could cause disturbance and/or impact the setting of archaeological resources, human remains, and tribal cultural resources. This geographic scope includes a similar environmental setting for prehistoric and ethnohistoric resources as well as historic occupation and development in Alameda County.

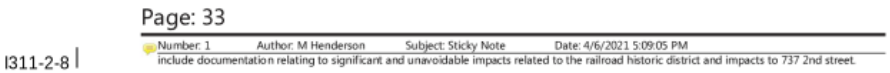
Cumulative Impact and Project Contribution

As the preliminary analysis indicates that the Project would not have an impact on archaeological resources, human remains, and tribal cultural resources, there would be no cumulative impact. Similar to the proposed Project, cumulative projects in the vicinity could have a significant impact on previously undiscovered archaeological resources, including human remains, as well as

I311-2

COMMENT

I311-2-8



RESPONSE

I311-2-8 This comment requests a mitigation measure for documentation of the SPRR Industrial Landscape API that is analogous to that provided for demolition of Crane X-422. Historic American Buildings Survey (HABS) documentation prior to relocation and/or demolition of Crane X-422 is provided in case this potential historic resource would no longer remain on the site. Demolition is a considered a "substantial adverse change" that would result in significance of the historic resource being materially impaired (State CEQA Guidelines Section 15064.5). Even with documentation, the analysis concludes that the impact on the historic resource would be significant and unavoidable.

As presented in the discussion for Impact CUL-2, the Project would not result in a substantial adverse change that would materially impair the Southern Pacific Railroad Industrial Landscape API. This historic resource derives its historical significance for its "unity of architectural style" and as a representation of "trackside industrial development in Oakland through the late 19th and early 20th centuries". [5] The Project would not alter these conditions. All the contributing buildings would remain in place with their current spatial relationships intact. No alterations to the district's relationship to the railroad tracks would occur as a result of the Project. Therefore, Impact CUL-2 would be less than significant and no further mitigation is required.

[5] OCHS, 1990. *Historic Resources Inventory Form for the Southern Pacific Railroad Industrial Landscape District*, 1990.

I311-2

COMMENT

RESPONSE

archaeological resource that are considered tribal cultural resources during ground-disturbing activities. The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on buried archaeological resources, human remains, or tribal cultural resources. However, implementation of Mitigation Measures CUL-4a, CUL-4b, and CUL-5 would require that work halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist, and in the case of human remains the County Coroner. In addition, cumulative projects undergoing CEQA review would be subject to similar types of inadvertent discovery measures.

Conclusion

Therefore, with implementation of Mitigation Measure CUL-4a, Mitigation Measure CUL-4b and Mitigation Measure CUL-5, the proposed Project's contribution to cumulative impacts would not be considerable, and the potential impact on archaeological resources, human remains, and tribal cultural resources would be less than significant.

Mitigation Measure CUL-4a: Archaeological Resources and Tribal Cultural Resources – Discovery During Construction. (see Impact CUL-5)

Mitigation Measure CUL-4b: Archaeologically Sensitive Areas – Pre-Construction Measures. (see Impact CUL-5)

Mitigation Measure CUL-5: Human Remains – Discovery During Construction. (see Impact CUL-6)

Significance after Mitigation: Less than Significant.

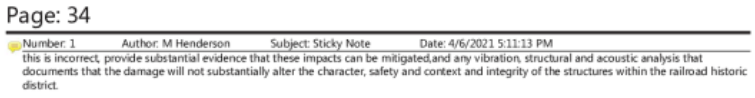
Maritime Reservation Scenario - Cumulative

As discussed above, the reduction in acreage would not result in a change in impacts to cultural resources, as a result of development of the Project under the Maritime Reservation Scenario. The proposed Project with the Maritime Reservation Scenario would result in the same less than significant cumulative impacts when considered together with similar impacts from other probable future projects in the vicinity with regard to archaeological resources and tribal cultural resources as the proposed Project, as it would be subject to the same mitigation measures. The proposed Project with the Maritime Reservation Scenario would also result in the same significant and unavoidable cumulative impact, Impact CUL-1.CU, as the proposed Project due to the potential removal of Crane X-422.

I311-2

COMMENT

I311-2-9



RESPONSE

I311-2-9 This comment is on Impact CUL-2.CU, which discusses cumulative impacts on archaeological resources, human remains, and tribal cultural resources. The comment disagrees with the conclusion that cumulative impacts as a result of the Project in combination with present and future projects would have a less-than-significant impact on subsurface or tribal resources. The comment also requests that vibration, structural and acoustic analysis be provided to prove that the character, safety, context, and integrity of the SPRR Industrial Landscape API would not be altered.

Mitigation Measures CUL-4a, CUL-4b, and CUL-5 are designed to address subsurface discoveries if any are made during construction. They include provisions for suspension of construction activities and processing of any finds according to current professional standards and methodologies and follow industry standard practices that are considered to be adequate to avoid environmental impacts on archeological resources, human remains, and tribal cultural resources.

With regard to additional analysis for vibration, structural and acoustic impacts on and within the SPRR Industrial Landscape API, see Response to Comment I311-2-4.

I311-2

COMMENT

4.5 Energy

Section 21100(b) of the California Public Resources Code (PRC) directs all State agencies, boards, and commissions to assess the environmental impacts of projects for which they are a Lead Agency under CEQA to determine whether the project could result in significant effects on the environment, including effects from the wasteful, inefficient, and unnecessary consumption of energy, and to identify mitigation measures to minimize any such significant effects. The goal of this assessment is to evaluate whether the Project would ensure the wise and efficient use of energy.

> This section describes the California energy profile (i.e., mix of energy resources and consumption characteristics); describes the energy production and transmission profile of Pacific Gas and Electric Company (PG&E), the regional purveyor of natural gas and electricity throughout the Bay Area and much of central and Northern California; identifies regulatory and policy frameworks that govern the production and consumption of energy resources and aim to increase energy efficiency while reducing reliance on fossil fuels; and examines the proposed Project's energy usage characteristics to determine whether the Project could result in any significant energy-related environmental impacts during its construction or operation activities.

This section incorporates information and analysis from the *Energy Technical Report* (see **Appendix ENE**) and the *Air Quality, Greenhouse Gas, and Health Risk Assessment Technical Report* (see **Appendix AIR**) prepared by Ramboll, which were independently peer reviewed by the City of Oakland's environmental consultant, Environmental Science Associates (ESA).

Comments on the Notice of Preparation (NOP) included a request to analyze potential on-site energy usage reduction measures and concerns regarding fossil fuel consumption. This analysis and potential effects of the proposed Project on energy resources are included in the following analysis.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts, and mitigation measures that are different from those identified for the proposed Project.

4.5.1 Environmental Setting

State Setting

Energy Profile

Total energy usage in California was 7,830 trillion British Thermal Units (Btus) in 2016 (the most recent year for which specific data are available), which equates to an average of 199 million Btu per capita. These figures place California second among the nation's 50 states in total energy use and 48th in per capita consumption. Of California's total energy usage, the breakdown by sector is roughly 40 percent transportation, 24 percent industrial, 19 percent commercial, and 18 percent residential. Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum-based fuel consumption is generally accounted for by transportation-related energy use (EIA, 2019).

COMMENT

The following energy-related actions in the 2030 ECAP direct the City to take actions that would directly or indirectly affect private development in Oakland:

TLU-1: Align all Planning Policies and Regulations with ECAP Goals and Priorities. In the course of scheduled revisions, the City will amend or update the General Plan, Specific Plans, Zoning Ordinance, Subdivision Regulations, Parks Master Plan, and appropriate planning policies or regulations to be consistent with the GHG reduction, adaptation, resilience, and equity goals in this ECAP. Appropriate planning policies should study the following strategies and incorporate such policies that are found not to have adverse environmental or equity impacts:

- Remove parking minimums and establish parking maximums where feasible, ensuring public safety and accessibility
- Require transit passes bundled with all new major developments
- Revise zoning such that the majority of residents are within 1/2-mile of the most essential destinations of everyday life
- Provide density bonuses and other incentives for developments near transit that provide less than half of the maximum allowable parking
- Update the Transit Oriented Development (TOD) Guidelines to further prioritize development of housing near transit, including housing for low, very low, and extremely low-income levels
- Require structured parking be designed for future adaptation to other uses
- Institute graduated density zoning
- Remove barriers to and incentivize development of affordable housing near transit
- Incorporate policies addressing sea level rise, heat mitigation, and other climate risks into zoning standards and all long-range planning documents. Revise these policies every five years based on current science and risk projections
- Identify and remove barriers to strategies that support carbon reduction, adaptation, resilience, and equity goals, including community solar and energy storage.[1]

TLU-4: Abundant, Affordable, and Accessible Public Transit. The City will work with public transit agencies to replace autos with public transit as a primary transportation mode for trips beyond walking distance, ensuring convenient, safe, and affordable public transit access within Oakland and to neighboring cities for all Oaklanders.

TLU-5: Create a Zero Emission Vehicle (ZEV) Action Plan. Completion of the ZEV Action Plan by 2021 will increase adoption of electric vehicles and e-mobility while addressing equity concerns and prioritizing investment in frontline communities. The plan will set ambitious targets for ZEV infrastructure and be coordinated with other land use and mobility options so that ZEVs increase as a percentage of all vehicles while overall vehicle miles traveled decreases. The plan will address the following sectors: medium and heavy-duty vehicle electrification, including trucks and delivery vehicles; personal vehicle charging infrastructure in multifamily buildings, including affordable buildings; curbside charging; electric micromobility; workforce development; curbside charging in the public right-of-way; and City-owned parking facilities.

I311-2

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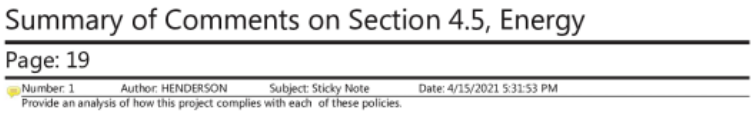
I311-2-10



RESPONSE

I311-2-10 For the transportation and land use consistency analysis associated with the 2030 Equitable Climate Action Plan (ECAP) Action TLU-1, see Draft EIR Table 4.7-8, Summary of ECAP Actions that are Relevant to the Project (Draft EIR p. 4.7-67). Regarding the last bullet listed for Action TLU-1, the Project would be consistent with this action because Mitigation Measure GHG-1 includes on-site solar and community solar programs as a qualifying off-site measure for reducing air quality and GHG operational emissions from energy sources (Draft EIR pp. 4.7-56 through 4.7-65). In addition, the Peaker Power Plant Variant, if implemented, would provide a battery storage system that would improve grid reliability, promote the transition to more renewably sourced electricity, and eliminate the need for additional Peaker Power Plant operation using fossil fuels. (See Draft EIR Chapter 5, *Project Variants*, for more information.)

I311-2

COMMENT

RESPONSE

energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. The prohibition does not affect existing buildings, renovations or additions made to a structure, including attached accessory dwelling units. The ban includes a waiver for developers who can demonstrate that it is not feasible for a new building to go 100% electric.

4.5.3 Significance Criteria

Changes to Appendix G of the State CEQA Guidelines effective in December 2018 were intended to reflect recent changes to the CEQA statutes and court decisions. In the case of energy, the topic was added to the Appendix G checklist, in addition to being discussed in Appendix F of the State CEQA Guidelines. For purposes of this analysis, consistent with the changes to Appendix G of the State CEQA Guidelines, impacts associated with energy are considered to be significant if the Project would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The City of Oakland has also established thresholds of significance for CEQA impacts (City of Oakland, 2016). The City's thresholds of significance for CEQA impacts listed under the topic of utilities include the following two thresholds relating to energy. Based on these thresholds, the Project would have a significant adverse impact related to energy if it would:

1. Violate applicable federal, state and local statutes and regulations relating to energy standards;[4] or
2. Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.

These City thresholds of significance are addressed as part of the analysis of the two significance criteria identified above.

Approach to Analysis

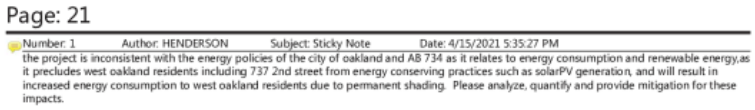
This impact analysis evaluates the potential for the proposed Project to result in the wasteful use of energy or wasteful use of energy resources during Project construction and operation, consistent with Public Resources Code Section 21100(b)(3) and Section 15126.2(b) and Appendices F and G of the State CEQA Guidelines. The analysis provides construction and operational energy use estimates for the proposed Project. The analysis then uses this information to evaluate whether this energy use would be considered wasteful, inefficient, or unnecessary, taking into account available energy supplies and existing use patterns, the Project's energy efficiency features, and compliance with applicable standards and policies aimed to reduce

[4] See Appendix F of the State CEQA Guidelines for guidance on information related to energy-conservation that must be contained in an EIR.

I311-2

COMMENT

I311-2-11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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:35:27 PM

the project is inconsistent with the energy policies of the city of oakland and AB 734 as it relates to energy consumption and renewable energy,as it precludes west oakland residents including 737 2nd street from energy conserving practices such as solarPV generation, and will result in increased energy consumption to west oakland residents due to permanent shading. Please analyze, quantify and provide mitigation for these impacts.

RESPONSE

I311-2-11 The commenter provides no evidence to substantiate the claim that the Project would preclude West Oakland residents, including those at 737 2nd Street, from pursuing energy-conserving practices such as solar photovoltaic (PV) generation. See Draft EIR Section 4.1, *Aesthetics, Shadow, and Wind*, Impact AES-4 (Draft EIR pp. 4.1-52 through 4.1-63), for an analysis associated with the Project's casting of a shadow that could impair a nearby use reliant on sunlight, including a building using passive solar heat collection, solar collectors for hot water heating, or PV solar collectors; or that could result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, with the exception resulting in inadequate light for appropriate uses. As concluded by the impact analysis, the proposed Project's impact with respect to shadowing effects on existing PV systems would be less than significant; therefore, mitigation is not required for that issue.

I311-2

COMMENT

RESPONSE

energy consumption, including the City's 2030 ECAP and the State's Title 24 Energy Efficiency Standards. Energy quantification details supporting the Project estimates presented in this section are based on the *Energy Technical Report* prepared by Ramboll, provided in Appendix ENE of this Draft EIR, which has been peer-reviewed for use in this EIR by ESA.

Sustainable Design Features

LEED Certification

To qualify for CEQA expedited judicial review for claims under AB 734, the proposed ballpark must receive LEED Gold certification for new construction within one year after completion of the first baseball season, and each new nonresidential building must receive LEED Gold certification for new construction within one year after its construction is completed. Residential buildings must achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to quality transit. According to the City of Oakland Green Building Compliance Standards, the GreenPoint rating equivalent to LEED Gold for Homes is 53 points after including other mandatory local measures, for situations when a historic building is demolished (City of Oakland, 2014).

Building Electrification

Through the AB 734 process, the Project sponsor has committed to construct at least 50 percent of residential buildings to be all-electric (i.e., no use of natural gas) and the Project would be required to comply with any changes to the City's building code applicable to the Project that eliminate the use of natural gas, unless a waiver is granted for the Project's restaurants and/or other land use[1]

Electric Vehicle Chargers

Chapter 15.04 of the City's Municipal Code requires the installation of plug-in electric vehicle (PEV) charging infrastructure for at least 10 percent of the proposed Project's total number of parking spaces. City code requires EV-ready electrical prewiring but not actual charger installation. The Project sponsor anticipates that the electric vehicle charging stations would achieve a similar or better functionality as a Level 2 charging station.[5] This would encourage the use of EVs at the Project site and discourage the use of gasoline and diesel passenger vehicles, thus reducing mobile source fuel consumption associated with vehicle travel to and from the Project sit[2]

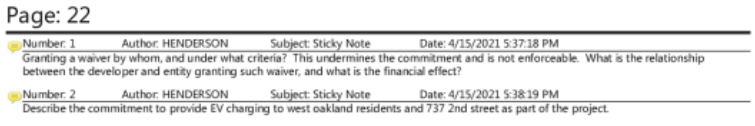
Transportation Management Plan

As discussed in Section 4.15, *Transportation and Circulation*, California Assembly Bill 734 provides that the construction of a new ballpark for the Oakland A's and an accompanying mixed-use development would qualify for expedited judicial review if it meets several environmental standards, including a 20 percent Vehicle Trips Reduction (VTR). This VTR would be achieved via a Transportation Management Plan (TMP) for the ballpark and a Transportation Demand Management (TDM) Plan for non-ballpark uses. The 20 percent VTR

[5] Level 2 charging stations use higher-output 240-volt power sources so that recharge times for PEVs are much faster than standard charging stations.

I311-2

COMMENT



I311-2-12

I311-2-13

RESPONSE

I311-2-12 Developers can apply to the City of Oakland for a waiver to avoid complying with the natural gas ban based on "technology feasibility reasons." The financial effect associated with such a waiver is unknown.

I311-2-13 The proposed Project includes no commitment to provide electric vehicle (EV) charging stations to West Oakland residents or 737 2nd Street. However, pursuant to Mitigation Measure GHG-1, part A. 2) b. (4) ii. (d), as part of the menu of strategies to achieve "no net additional" Project GHG emissions, the Project sponsor would have the option to fund or implement a program that expands the installation of off-site EV chargers, including but not limited to curbside public EV charging stations.

I311-2

COMMENT

RESPONSE

needs to be achieved within one year after completing the first baseball season for the ballpark component of the Project and within one year after completing the non-ballpark development.

Note that while the TMP and TDM Plan are required as part of AB 734 and proposed as part of the Project, they are also included as transportation mitigation to ensure their effectiveness and monitoring. For more information, see **Mitigation Measures TRANS-1a** (Transportation Demand Management plan for non-ballpark development) and **TRANS-1b** (Transportation Management Plan for ballpark development).[6]

Construction Energy Estimates

The proposed Project would be constructed in two or more development phases with full buildout expected to occur approximately seven or more years after entitlements for the Project would be secured. This energy analysis includes quantification of electricity, natural gas, and fuels that would be required to construct the Project. The analysis conservatively assumes that there would be as few as two phases, that the complete build out would occur in as few as seven years, and that the buildings constructed in each phase of the construction program (i.e., Phase 1 or Phase 2) would be occupied and fully operational as soon as construction of each phase is completed. These assumptions are conservative because full build-out may take longer than seven years, and because occupancy and operation of each phase would likely ramp up over time, rather than upon completion of construction.

The first phase of construction would commence after all existing uses have vacated the site. The preliminary construction schedule assumed that construction would start in 2020, that it would last approximately seven years, and that it would mostly occur five days per week with multiple pieces of equipment conducting various construction activities at the site. While the start of construction is now anticipated to begin in 2022 and the duration of construction activities may change, the analysis is conservative because technological and regulatory advances are anticipated to reduce energy use in the future.

Initial construction activities would include demolition of the existing Howard Terminal buildings and parking lots, followed by geotechnical work. Construction activities related to Phase 1 land uses (i.e., the ballpark and initial mixed-use development) would include construction of a cut off wall, grading, site preparation, and site utility upgrades, followed by building construction, paving, and architectural coating. Construction activities related to Phase 2 would be the same for the remaining mixed-use development as described for Phase 1.

Energy use requirements in the form of diesel fuel and electricity consumption associated with on-site off-road construction equipment have been estimated based on the construction schedule; type, quantity, and use hours of equipment provided by the Project sponsor where available; California Emissions Estimator Model (CalEEMod) default information where specific information is not available; and methods consistent with U.S. EPA AP-42 technical guidance for analysis of diesel fuel. All off-road equipment is assumed to be either diesel-fueled or electric

[6] The transportation analysis for the Project indicates that the Project's TMP and TDM Plan would reduce vehicle trip generation by at least 20 percent, and in doing so would achieve at least a 15 percent reduction below similar existing uses.

I311-2

COMMENT

I311-2-14

RESPONSE

I311-2-14

This comment expresses a desire to know how the Transportation Management Plan (TMP) and the Transportation Demand Management (TDM) Plan would be monitored and enforced, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

Mitigation Measure TRANS-1a would implement a TDM plan for the non-ballpark development. The mitigation measure includes a performance standard (20 percent vehicle trip reduction). The monitoring and enforcement is described on Draft EIR pp. 4.15-188 and 4.15-189. In summary, the non-ballpark development would be responsible for submitting to the City a compliance report each year documenting the status and effectiveness of the TDM strategies and vehicle trip reduction achieved. The City would require corrective action plans if the performance standard were not met. Enforcement actions would be outlined in the Project's Conditions of Approval and as provided in the Oakland Planning Code Chapter 17.152.

Mitigation Measure TRANS-1b would implement a TMP for ballpark events. The mitigation measure includes a performance standard (20 percent vehicle trip reduction). The monitoring and enforcement is described on Draft EIR pp. 4.15-196 and 4.15-197. In summary, the Project sponsor would be responsible for submitting to the City a compliance report each year documenting the status and effectiveness of the TDM strategies and vehicle trip reduction achieved. The City would require corrective action plans if the performance standard were not met. Enforcement actions would be outlined in the Project's Conditions of Approval and as provided in Oakland Planning Code Chapter 17.152.

I311-2

COMMENT

RESPONSE

based on Project-specific information. Table 2 of the *Energy Technical Report* (Appendix ENE) provides the anticipated fuel and electricity usage that would be associated with each type of off-road equipment during each construction activity for Project Phases 1 and 2. The construction energy use for the Project was estimated assuming implementation of **Mitigation Measure AIR-1c** (Diesel Particulate Matter Controls).

With regard to on-road construction vehicles, it is assumed that light-duty automobiles and trucks that would be used by commuting workers would be fueled by gasoline and that on-road construction vehicles, such as vendor and haul trucks for demolition debris, soil, and other material hauling, would require diesel fuel. This analysis assumes that no electric on-road vehicles would be used during construction of the Project. The fuel quantities that would be required for on-road vehicles during construction have been calculated based on fuel efficiency factors estimated for each vehicle type using the Emission Factors Model version 2017 (EMFAC2017). Estimated trip counts were provided by the Project sponsor and CalEEMod defaults were used for worker, vendor, and haul trip lengths. Refer to Table 8 of the *Energy Technical Report* for details on the fuel efficiency derivations for the on-road vehicle types and the anticipated fuel consumption that would be associated with on-road construction vehicles.

In addition to fuels for equipment and vehicles, construction activities would include the use of water that would require electricity to supply, treat, and transport the water to the Project site. Table 5 of the *Energy Technical Report* provides details on the estimated electricity consumption that would be required associated with water usage during construction of the Project. Summaries of the total estimated Project construction energy use requirements for electricity, diesel fuel, and gasoline are presented in Table 4.5-3 under the Impact ENE-1 discussion.

Construction energy use for the Maritime Reservation Scenario was calculated by scaling the Project energy usage by the ratio of acreage of the Maritime Reservation Scenario to the Project. According to the Project Description, the only difference in acreage is in Phase 2 of construction; therefore, Phase 1 energy usage for the Maritime Reservation Scenario would be the same as the Project. Additionally, building square footage would be conserved under the Maritime Reservation Scenario so energy from building construction and architectural coating phases would be the same as the Project. The electricity usage for electric equipment and water consumption were conservatively assumed to be the same as the Project, and thus these values were not scaled for energy usage. Summaries of the total estimated Maritime Reservation Scenario construction energy use requirements for electricity, diesel fuel, and gasoline are presented in Table 4.5-5 under the Maritime Reservation Scenario discussion in Section 4.5.4.

Operational Energy Estimates

Building Energy Use

Natural gas and electricity would be the energy sources for the proposed residential and commercial use buildings. Energy use associated with A's-related activities, which represents existing conditions for the Project, was estimated based on a combination of historical use data, the 30-year annual average A's game attendance of 22,671, the energy use per attendee in 2017 for A's games, and CalEEMod default values for the existing Coliseum stadium, per-attendee electricity and natural gas use rates were estimated for the 2017 A's season using PG&E

I311-2

COMMENT

I311-2-15 | Page: 24

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:41:14 PM
Include analysis of increased energy usage by west oakland and 737 2nd street as a result of permanent shading aand increased wind.

RESPONSE

I311-2-15 Shading and wind impacts of the Project are analyzed by comparing potential changes to the City's adopted significance thresholds, which do not pertain to energy use in nearby buildings. The Draft EIR evaluates the proposed Project's use of energy in a manner that is consistent with Public Resources Code Section 21100(b)(3) and Section 15126.2(b) and Appendices F and G of the State CEQA Guidelines. Accordingly, estimates of operational energy use pertain to buildings proposed on the Project site and do not speculate as to incremental increases in energy use that may be experienced in nearby buildings.

I311-2

COMMENT

RESPONSE

TABLE 4.5-3
PROJECT CONSTRUCTION ENERGY RESOURCE US

Energy Use Type	Unit of Measure	Project Energy Usage	Mitigated Project Energy Usage[a]
Electricity			
Water Consumption[b]	kWh/Project	812,894	815,619
Off-road Equipment[c]	kWh/Project	3,019,533	3,019,591
Total Electricity Use	kWh/Project	3,832,427	3,835,210
Annual Average Electricity Consumption[d]	**kWh/year**	**547,490**	**547,887**
Diesel			
On-road vehicles[e]	gallons/Project	750,725	777,648
Off-road equipment[c]	gallons/Project	1,800,927	1,845,763
Total Diesel Use	gallons/Project	2,551,652	2,623,410
Annual Average Diesel Use[d]	**gallons/year**	**364,522**	**374,773**
Gasoline			
On-road vehicles[e]	gallons/Project	859,030	869,915
Total Gasoline Use	gallons/Project	859,030	869,915
Annual Average Gasoline Use[d]	**gallons/year**	**122,719**	**124,274**

NOTES:
a The energy usage for the mitigated Project includes usage associated with construction of a pedestrian and bicycle overcrossing and other off-site construction associated with transportation improvements, which are required as mitigation in the Transportation section.
b Construction water use is based on the Project specific estimate as shown in Table 5 of the Energy Technical Report.
c Off-road equipment electricity use based on hours of operation for electric equipment. Off-road diesel fuel usage based on a fuel usage rate of 0.051 gallons of diesel per horsepower (hp)-hour, consistent with diesel conversion factors provided in U.S. EPA AP-42 Table 3.4-1.
d Annual averages are estimated by dividing the total use values by the expected 7-year duration of construction.
e On-road mobile source fuel use is based on vehicle miles traveled (VMT) for all years of construction and fleet-average fuel consumption in gallons per mile from EMFAC2017 for calendar years 2020 through 2027 in Alameda County.

SOURCE: Ramboll, 2020. (Detail provided in Appendix ENE to this Draft EIR.)

Mobile source fuel use associated with operation of the Project has been estimated based on VMT and the fleet-average fuel consumption (in gallons per mile) from EMFAC2017 for 2027 for the full Project buildout. Project VMT reflects the 20 percent VTR required by AB 734. Electricity demand for electric vehicles is based on VMT estimated for the Project, which in turn is based on the number of EV charging stations and their utilization and estimated EV energy economy (in kWh per mile), assuming 30 kWh/100 miles for existing conditions and 25 kWh/100 miles for full buildout conditions. Electricity used to charge additional EVs beyond the projected EMFAC2017 fleet average EV penetration has been estimated based on the Project's commitments to install electric vehicle chargers at 10 percent of the total number of parking spaces (which goes beyond City of Oakland code requirements), as described in *Air Quality, Greenhouse Gas, and Health Risk Assessment Technical Report*, Table 38.

The *Air Quality Technical Report* assumes that the Project would support EV populations needed in the Bay Area region for the State to reach its ZEV goal for 2030, as represented by CARB's

I311-2

COMMENT

I311-2-16

Page: 29

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:44:17 PM
Include analysis of increased energy use by west oakland and 737 2nd street residents due to permanent shading, including needs for HVAC improvements to accommodate this impact. Provide mitigation for such impact.

RESPONSE

I311-2-16 This comment refers to the Draft EIR's analysis of energy used in construction of the proposed Project. There would be no effect of this energy use on off-site locations.

I311-2

COMMENT

RESPONSE

TABLE 4.5-4
PROJECT OPERATIONAL ENERGY USE (ANNUAL) 1

Energy Use Type	A's-Related Existing Conditions in 2018	Phase 1 Operational Usage	Full Buildout Operational Usage	Net New Project
Electricity (MWh/year)				
Buildings[a]	6,376	19,356	58,767	52,391
Water Consumption	225	1,270	3,957	3,732
Mobile Sources[b]	84	334	1,147	1,063
EV Chargers	0	3	235	235
Total Electricity Use	**6,685**	**20,963**	**64,107**	**57,421**
Natural Gas (kBtu/year)				
Buildings[a]	3,174,285	24,539,193	72,122,326	68,948,041
Mobile Sources[b,c]	3,566	801,762	3,546,469	3,542,903
Total Natural Gas Use	**3,177,851**	**25,340,955**	**75,668,795**	**72,490,944**
Diesel (gallons/year)				
Mobile Sources[b]	6,891	281,745	1,025,277	1,018,386
TRU Operation	260	288	319	59
Mobile Source Reduction from EV Chargers	0	-136	-8,453	-8,453
Generator Testing[d]	0	6,234	16,167	16,167
Total Diesel Use	**7,151**	**288,131**	**1,033,310**	**1,026,159**
Gasoline (gallons/year)				
Mobile Sources	798,616	1,921,269	3,953,070	3,154,454
Mobile Source Reduction from EV Chargers	0	-445	-26,518	-26,518
Total Gasoline Use	**798,616**	**1,920,825**	**3,926,552**	**3,127,936**

NOTES:

kBtu = thousand British Thermal Unit; MWh = Megawatt-hour; and EV = electric vehicle.

a The analysis does not reflect the Project sponsor's commitment to CARB to construct at least 50 percent of residential buildings to be all-electric (i.e., use of electricity rather than natural gas for cooking and heating), which results in an overstatement of natural gas use and an understatement of electricity use.

b Mobile source energy use estimates include the 20 percent VTR required by AB 734.

c EMFAC2017 includes compressed natural gas in terms of diesel gallon equivalents. This is converted into Btu per the U.S. Department of Energy Alternative Fuel Data Center conversion: 1 DGE of CNG = 128,488 Btu. Available at: https://afdc.energy.gov/fuels/equivalency_methodology.html.

d Emergency generator diesel use estimates account for implementation of Mitigation Measure AIR-2c.

SOURCE: Ramboll, 2020. (Detail provided in Appendix ENE to this Draft EIR.)

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COMMENT

I311-2-17

Page: 31

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:46:22 PM
Include analysis of increased energy use by west oakland and 737 2nd street residents due to permanent shading, including needs for HVAC improvements to accommodate this impact. Provide mitigation for such impact.

RESPONSE

I311-2-17 See Response to Comment I311-2-15. No significant impact would ensue; therefore, no mitigation is required.

I311-2

COMMENT

RESPONSE

AIR-2d, AIR-2e, GHG-1, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.[1]

Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2e: Criteria Pollutant Mitigation Plan. (See Section 4.2, *Air Quality*)

Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan. (See Section 4.7, *Greenhouse Gas Emissions*)[2]

Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan. *(See Section 4.15, Transportation and Circulation)*

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, Transportation and Circulation)

Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See *Section 4.15, Transportation and Circulation*)

Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Section 4.15, *Transportation and Circulation*)

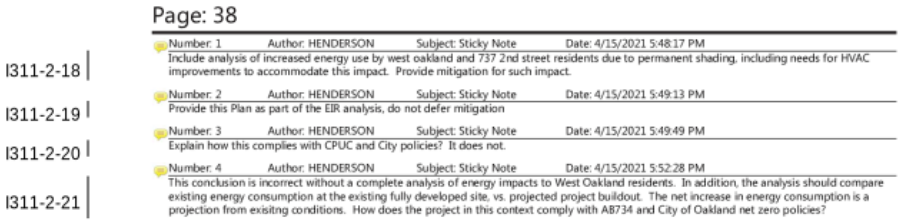
Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements. (See Section 4.15, *Transportation and Circulation*)[3]

Mitigation Measure Trans-3b: Pedestrian and Bicycle Overcrossing. (See Section 4.15, *Transportation and Circulation*)

Significance after Mitigation: Less than Significant[4]

I311-2

COMMENT



Page: 38

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:48:17 PM
Include analysis of increased energy use by west oakland and 737 2nd street residents due to permanent shading, including needs for HVAC improvements to accommodate this impact. Provide mitigation for such impact.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:49:13 PM
Provide this Plan as part of the EIR analysis, do not defer mitigation

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:49:49 PM
Explain how this complies with CPUC and City policies? It does not.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:52:28 PM
This conclusion is incorrect without a complete analysis of energy impacts to West Oakland residents. In addition, the analysis should compare existing energy consumption at the existing fully developed site, vs. projected project buildout. The net increase in energy consumption is a projection from exisitng conditions. How does the project in this context comply with AB734 and City of Oakland net zero policies?

I311-2-18
I311-2-19
I311-2-20
I311-2-21

RESPONSE

I311-2-18 See Response to Comment I311-2-15. No significant impact would ensue; therefore, no mitigation is required.

I311-2-19 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-2-20 This comment expresses an opinion that the railroad crossing improvements (Mitigation Measures TRANS-3a and TRANS-3b) do not comply with California Public Utilities Commission (CPUC) and City policies, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

The Draft Downtown Oakland Specific Plan includes Policy M-2.11, "Continue to implement the recommendations of the 2011 Train Quiet Zone Study that details the specific safety measures for each intersection and provide a blueprint of the Jack London Train Quiet Zone. Extend study area east of Oak Street."

Draft EIR Mitigation Measure TRANS-3a (pp. 4.15-235 and 4.15-236) states that improvement measures should be consistent with Quiet Zone features. See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, for responses to issues addressing extending railroad corridor improvements to Oak Street. See also Draft EIR p. 4.15-236, which states that the Project sponsor shall be responsible for undertaking the necessary Diagnostic Study based on the suite of improvements described above and coordinating with the City, CPUC, and affected railroads and obtaining all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings), and constructing the at-grade improvements prior to opening day of the ballpark.

I311-2-21 Regarding the effects of Project-related shading on West Oakland buildings, See Response to Comment I311-2-15. For an analysis that compares existing energy consumption at the existing site compared to proposed buildout of the Project, see Impact ENE-1 (Draft EIR pp. 4.5-28 through 4.5-38). Specifically, the annual Project energy use requirements estimated for Phase 1 operational usage and full buildout operations relative to baseline conditions (i.e., A's-related existing conditions in 2018) are summarized in Table 4.5-4 by energy use type (Draft EIR p. 4.5-31).

I311-2

COMMENT

RESPONSE

Further reductions can be anticipated from future Title 24 code revision cycles if building permits are issued at future dates corresponding to those updates. Additionally, pursuant to the implementation of and the A's commitment to AB 734, construction and operation of the proposed new buildings would achieve the LEED Gold standard,[13] which goes beyond current Title 24 energy conservation requirements. The energy conservation benefit of this commitment is conservatively not reflected in the energy use estimates for the Project presented in Table 4.5-4. Also, Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce diesel fuel consumption associated with diesel generators by restricting generator testing to 20 hours per year.

Reductions in energy use associated with the Project's operation would also be consistent with the City's 2030 ECAP. ECAP Measure B-1 calls for the City to eliminate natural gas in new buildings, and specifically by 2023 to prohibit new buildings and major renovations from connecting to natural gas infrastructure. The Project sponsor has committed to eliminating natural gas in at least 50 percent of residential buildings and would be required to comply with any changes to the City's building code that eliminate the use of natural gas as applicable to the Project, and as noted in Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan), unless a waiver is granted for the Project's restaurants and/or other land uses.

ECAP measure B-4 calls for reducing lifecycle emissions from building materials, and specifically by 2023 for the City to adopt a concrete code for new construction that limits embodied energy and carbon emissions. The Project would be required to comply with City codes and performance standards regarding construction materials and building practices, except as expressly provided for in the Development Agreement. In addition, the Leadership in Energy and Environmental Design (LEED) standard to which the Project is being held provides multiple credits to projects that reduce lifecycle emissions from building materials, through Building Life-Cycle Impact Reduction and Building Product Disclosure and Optimization regarding environmental product declarations, the sourcing of raw materials, and material ingredients.

Transportation

Pursuant to Mitigation Measure AIR-1b (Criteria Air Pollutant Controls) idling of commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of 2 minutes in accordance with the Title 13, Section 2485, of the California Code of Regulations and Title 13, Section 2449, of the California Code of Regulations. Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) would reduce diesel fuel consumption through the use of newer model, more efficient off-road construction equipment. Additionally, Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel use in trucks by requiring a 2-minute idling maximum for trucks.

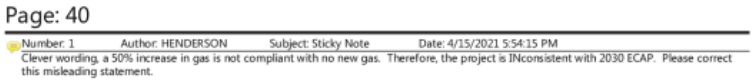
Operational vehicle use associated with the Project would be reduced consistent with requirements of AB 734, achieved and monitored through the TMP and TDM Plan via implementation Mitigation Measure TRANS-1A (Transportation Demand Management) and TRANS-1B (Transportation Management Plan). VMT is generally correlated with fuel use. Many regulatory requirements reduce mobile vehicle fuel use and VMT, and the Project would comply with or exceed

[13] AB 734 has differing LEED requirements for different land uses. The Ballpark and non-residential uses must be LEED Gold certified, but the residential uses can use another rating scale equivalent to LEED Gold.

I311-2

COMMENT

I311-2-22



RESPONSE

I311-2-22 Since the release of the Draft EIR, Mitigation Measure GHG-1 has been revised to be consistent with the City's natural gas ban, which went into effect on December 16, 2020, via Ordinance 13632, which requires all newly constructed buildings to be all-electric and prohibits installation of natural gas or propane plumbing. The revised mitigation measure requires the Project to be fully electric pursuant to Ordinance 13632, except for food service uses, which may seek a waiver for exemption pursuant to the Ordinance. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I311-2

COMMENT

RESPONSE

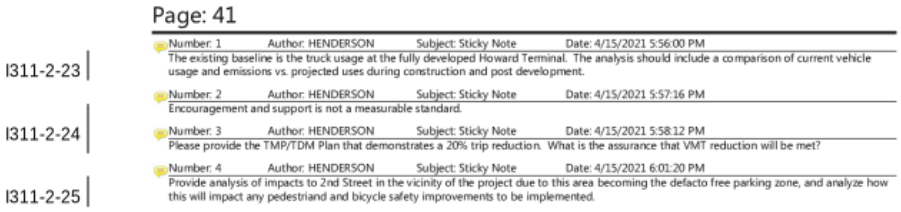
all requirements. For example, SB 743 requires projects to evaluate VMT relative to existing regional averages rather than evaluating traffic Level of Service (LOS) for CEQA significance, and allows streamlining for projects in high quality transit areas. SB 375, the Sustainable Communities & Climate Protection Program, requires Metropolitan Planning Organizations to develop Sustainable Communities Strategies to reduce per capita VMT. The Project would focus on housing and job growth within an existing urbanized area near transit in order to fulfill one of the key aspects of the Sustainable Communities Strategies (CARB, 2019). The Project would also help accomplish the Governor's Zero Emission Vehicle Action Plan (Executive Order B-48-18) by promoting the use of electric vehicles through the installation of EV charging infrastructure. The vehicles that travel to and from the Project sites would be registered at the Department of Motor Vehicles consistent with the overall regional fleet. To obtain registration, the Department of Motor Vehicles requires that vehicles comply with vehicle efficiency standard

Reductions in operational vehicle use associated with the Project would also be consistent with the City's 2030 ECAP. ECAP Measure TLU-1 calls for future updates to the General Plan, Specific Plans, Zoning Ordinance, Subdivision Regulations, Parks Master Plan, and appropriate planning policies or regulations to be consistent with the GHG reduction, adaptation, resilience, and equity goals in the ECAP. The Project is consistent with TLU-1 in that it supports its relevant objectives regarding transit, transit-oriented development (TOD) and VMT reduction::

- The Project site plan and TMP/TDM program include TDM measures that encourage and support transit and alternative transportation strategies for employees. Information will be provided to residents, employees and workers about various transportation options in the project area and the TDM strategies provided by the building or employe
- The Project is located within the Downtown and Jack London Priority Development Area (PDA) as defined by Plan Bay Area and is consistent with the region's Sustainable Communities Strategy;
- The Project may assist in meeting the City's goal of constructing 17,000 new housing units between 2015 and 2023, as identified in the 2014 Housing Element of the General Plan (City of Oakland, 2014) by constructing up to 3,000 new dwelling units, including implementation of an affordable housing plan
- The Project is located adjacent to the San Francisco Bay Ferry Terminal, and within a one-mile area that includes the Lake Merritt, 12th Street, and West Oakland BART Stations, the Amtrak Rail Station, and within a 10- to 15-minute walk of 13 AC Transit bus routes serving downtown and beyond.
- The Project would meet the 20 percent trip reduction requirement of AB 734 via implementation of the TMP/ TDM Plan. The Project will meet the VMT reductions under the City CEQA threshol
- Parking: The zoning for the Project will include parking maximums and unbundled parking. Parking maximums would be the same or more stringent than current maximums downtown. The project would propose 3,500 (phase one) and 2,000 (built-out) parking spaces for the ballpark as opposed to 9,100 at the Coliseum, and would have a maximum of 6,900 spaces for non-ballpark developme

I311-2

COMMENT



Page: 41

I311-2-23

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:56:00 PM
The existing baseline is the truck usage at the fully developed Howard Terminal. The analysis should include a comparison of current vehicle usage and emissions vs. projected uses during construction and post development.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:57:16 PM
Encouragement and support is not a measurable standard.

I311-2-24

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 5:58:12 PM
Please provide the TMP/TDM Plan that demonstrates a 20% trip reduction. What is the assurance that VMT reduction will be met?

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 6:01:20 PM

I311-2-25

Provide analysis of impacts to 2nd Street in the vicinity of the project due to this area becoming the defacto free parking zone, and analyze how this will impact any pedestriand and bicycle safety improvements to be implemented.

RESPONSE

I311-2-23 The referenced Draft EIR discussion is related to whether construction and operation of the Project could conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards (Impact ENE-2). For a quantitative analysis of Project energy consumption relative to existing operational baseline conditions, including Howard Terminal truck activity, see the discussion of Impact ENE-1 (Draft EIR pp. 4.5-28 through 4.5-38). Specifically, energy use values associated with existing Howard Terminal truck activity are included in the "A's-Related Existing Conditions in 2018" column in Draft EIR Table 4.5-4 (p. 4.5-31). For estimates of Project construction energy use, see Table 4.5-3 (Draft EIR p. 4.5-29). For a conservative analysis, it is assumed that there are no baseline construction energy uses.

I311-2-24 This comment expresses a desire for information about the Transportation Demand Management (TDM) Plan and the Transportation Management Plan (TMP), a demonstration that the 20 percent trip reduction could be achieved, and assurances that it would be met. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See Draft EIR pp. 4.15-136 through 4.15-148, which describe the elements in the TDM Plan and the TMP as well as their expected effectiveness at reducing vehicle trips. Mitigation Measure TRANS-1a (Draft EIR pp. 4.15-183 through 4.15-189) would implement the TDM Plan for non-ballpark development and Mitigation Measure TRANS-1b (Draft EIR pp. 4.15-193 through 4.15-197) would implement the TMP for ballpark events. Both mitigation measures include a performance standard to reduce by 20 percent vehicle trips over a baseline condition without a TDM Plan or TMP. The Project would be responsible for developing, implementing, monitoring, and adjusting the plans. The City would be responsible for approving the initial plans and any subsequent updates, reviewing the monitoring reports, and confirming that the vehicle trip reductions achieve the performance standards. Should the standards not be met, the City would require corrective action plan(s) to bring the plans into conformance. The City would also institute enforcement procedures consistent with the Project's Conditions of Approval and Oakland Planning Code Chapter 17.152 if the performance standard were not met.

I311-2

COMMENT

RESPONSE

Draft EIR Appendix TRA.1 contains the draft TMP for ballpark events. The TDM Plan and TMP effectiveness memo included in Draft EIR Appendix TRA.2 demonstrate that the mitigation measure would be effective with a range of strategies. As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, because the effectiveness of various vehicle trip reduction strategies is likely to change over time as there are changes in transit services, parking supplies, travel behavior, and advances in technology, it would be impractical to lock in place a list of discrete actions at the time the Project is approved. It is therefore appropriate to require approval of a TDM plan for each building prior to occupancy and require approval of a TMP with building permits for the ballpark, and recognize that the TMP would be a living document with ongoing monitoring and adjustment to respond to the performance standard as well as stakeholder needs.

See Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations,* for additional information regarding effectiveness The consolidated response shows that in addition to the required TDM and TMP measures stated in the Draft EIR, several of the additional measures stated in the Draft EIR would likely be required to achieve the performance standard including implementation of all the mitigation measures in Draft Section 4.15, *Transportation and Circulation*, an effective TDM marketing and program element, and transit subsidies for residents, employees, and attendees.

I311-2-25 See Consolidated Response 4.7, *Parking*, with regard to general concerns about parking impacts including on-street parking supply. Parking impacts are not a CEQA significance criterion per the *City of Oakland Transportation Impact Review Guidelines,* Chapter 5, *CEQA Analysis*,[6] but the City has produced a parking management plan (PMP) for the Project, a draft of which is included in the Additional Transportation Reference Materials of the Draft EIR.[7] Per the PMP, the existing Residential Permit Program parking supply on both sides of 2nd Street between Martin Luther King, Jr. Way and Brush Street would be preserved. The PMP recommends new parking meters for both sides of 2nd Street between Clay Street and Brush Street, with the street eventually

6 City of Oakland, 2017. City of Oakland Transportation Impact Review Guidelines, April 14, 2017. Available at: https://cao-94612.s3.amazonaws.com/documents/oak063581.pdf.

7 Primus Consulting, 2020. Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan, January 2020.

I311-2

COMMENT

RESPONSE

having new parking meters on both sides for its entire length eastward. With regard to pedestrian and bicycle improvements, the PMP recommends:

> On many block faces in the Jack London Square and Howard Terminal areas, installing parking meters will require improvements to sidewalks and establishing the public right of way where private landowners are using it for private parking. This is also an opportunity to construct sidewalks to the newest ADA access standards (as described in OakDOT's parking and curb management policy document).

These changes are not expected to conflict with any of the pedestrian and bicycle improvements encompassed by Mitigation Measures TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, or TRANS-3b. For additional details, including the City's approach for establishing parking pricing rates, see the PMP.

I311-2

COMMENT

RESPONSE

ECAP Measure TLU-4 calls for Abundant, Affordable, and Accessible Public Transit. Although TLU-4 is concerned with the City's coordination with transit agencies, the Project supports transit ridership by proposing a Transportation Hub supporting integration with existing lines, adding stops, and increasing walkability to/from and between stops.

ECAP Measure TLU-5 calls for the City to create a Zero Emission Vehicle (ZEV) Action Plan. by 2021, to increase adoption of electric vehicles and e-mobility while addressing equity concerns and prioritizing investment in frontline communities. The Project supports the goal of TLU-5 by providing EV charging infrastructure and stations. Project parking would be equipped with EV chargers at 10 percent of the total number of parking spaces (which goes beyond City of Oakland code requirements.1

ECAP Measure TLU-7 calls for the City to prioritize use of curb space throughout the city for mobility needs for public transit and active transportation, such as walking and biking. As outlined in more detail in Section 4.15, *Transportation and Circulation*, the Project is consistent with the City's policies, plans, and programs addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian sidewalks and paths.2

ECA Measure TLU-8 calls for the City to increase TDM performance requirements for new developments where feasible to support the mode shifts necessary to achieve a low carbon transportation system. The Project includes a TDM plan (MM TRANS-1a) for non-ballpark uses and TMP for the ballpark (MM TRANS-1b). These plans include TDM measures that encourage and support transit and alternative transportation strategies for employees. The goals of the TDM Plan include:

- Reduce vehicle traffic and parking demand generated by the Project by at least 20%
- Prioritize pedestrian, bicycle, transit, and carpool/vanpool modes of travel.
- Enhance the City's transportation system, consistent with City policies and programs.

The TDM Plan shall include a range of services and programs designed to meet the 20 percent reduction that is required by AB 734, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information. Per the TMP and TDM Plan, information will be provided to residents, employees and workers about various transportation options in the project area and the TDM strategies provided by the building or employer. Both are intended to be living documents with strategies to increase use of transit, biking, and walking, and meet the 20 percent vehicle trip reduction performance standar.3

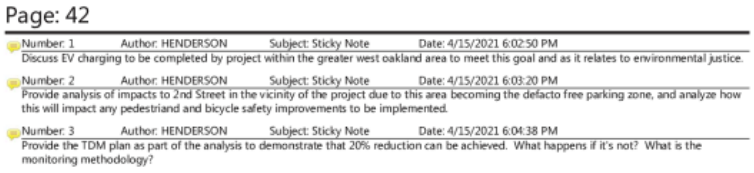
Impact Conclusion Summary

Based on the above analysis, the potential for the Project to conflict with adopted energy conservation plans or violate energy standards could result in a significant impact; however, with the 20 percent VTR requirement of AB 734 and implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, GHG-1, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a and TRANS-3b the impact would be reduced to a less-than-significant level.

I311-2

COMMENT

I311-2-26
I311-2-27
I311-2-28



Page: 42

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 6:02:50 PM
Discuss EV charging to be completed by project within the greater west oakland area to meet this goal and as it relates to environmental justice.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 6:03:20 PM
Provide analysis of impacts to 2nd Street in the vicinity of the project due to this area becoming the defacto free parking zone, and analyze how this will impact any pedestriand and bicycle safety improvements to be implemented.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 6:04:38 PM
Provide the TDM plan as part of the analysis to demonstrate that 20% reduction can be achieved. What happens if it's not? What is the monitoring methodology?

RESPONSE

I311-2-26 See Response to Comment I311-2-13.

I311-2-27 This comment is identical to Comment I311-2-25; see the corresponding response.

I311-2-28 See Response to Comment I311-2-24 and Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*.

I311-2

COMMENT

RESPONSE

Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (See Section 4.2, *Air Quality*)

Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan. (See Section 4.7, Greenhouse Gas Emissions)

Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-3c: Pedestrian and Bicycle Overcrossing. (See Section 4.15, *Transportation and Circulation*)

Significance after Mitigation: Less than Significant.

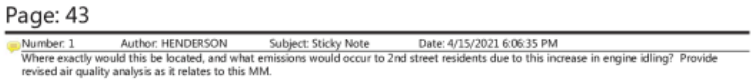
Maritime Reservation Scenario

Under the Maritime Reservation Scenario, up to approximately 10 acres of the proposed Project site would not be developed. The reconfigured Project site boundary would change, and the Project site area would become smaller. **Table 4.5-5** presents the Maritime Reservation Scenario's total and annual average estimated construction energy consumption by energy source. Gasoline and diesel fuel would be the primary energy source for vehicles driven by construction

I311-2

COMMENT

I311-2-29



RESPONSE

I311-2-29 See Draft EIR Section 4.15, *Transportation and Circulation*, p. 4.15-198, for a discussion of Mitigation Measure TRANS-1d. The bus-only lanes would be located on Broadway generally between Embarcadero West and 11th Street. Although the change in mobile-source emissions associated with implementation of Mitigation Measure TRANS-1d was not quantified, this measure would likely *reduce* vehicle idling and travel emissions because the bus-only lanes would improve bus travel efficiency, reduce bus idling, and increase bus ridership, which would reduce travel and idling by light-duty vehicles.

I311-2

COMMENT

RESPONSE

limited to a maximum of 2 minutes. VMT associated with operations of the Project would be reduced consistent with the 20 percent VTR requirement of AB 734 achieved and monitored through the TDM and TMP programs via implementation Mitigation Measure TRANS-1A (Transportation Demand Management) and TRANS-1B (Transportation Management Plan). Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce diesel fuel consumption associated with diesel generators, Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel use, and both Mitigation Measure AIR-2e (Criteria Pollutant Mitigation Plan) and Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) would further reduce energy use associated with operations through a wide variety of emission reduction measures (although the specific measures to be implemented are currently not known). Therefore, the Project's incremental impact associated with its energy use would result in less-than-significant cumulative impacts with mitigation.

The cumulative projects listed in Appendix DEV could require increased peak and base energy demands and, therefore, could cause or contribute to adverse cumulative conditions. However, the cumulative projects would be subject to the same applicable federal, State, and local energy efficiency requirements (e.g., the State's Title 24 requirements and Chapter 15.04, Part 11, of the City of Oakland Municipal Code) that would be required of the Project, which would result in efficient energy use during their construction and operation. Adverse Project-related impacts to electricity demand would be negligible, would not significantly impact peak or base power demands during construction, operation, or maintenance. Accordingly, the Project's less-than-significant incremental contribution to cumulative peak and base demands would not be cumulatively considerable.

Conclusion

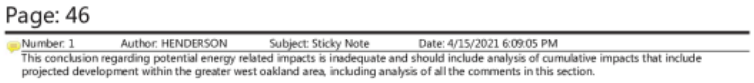
Therefore, potential energy-related impacts that would result from construction and operation of development of the Project could have a cumulatively considerable contribution to a cumulative impact; however, the impact would be reduced to less than significant with the 20 percent VTR requirement of AB 734 and implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, GHG-1, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.[1]

> **Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.** (See Section 4.2, *Air Quality*)
>
> **Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.** (See Section 4.2, *Air Quality*)
>
> **Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.** (See Section 4.2, *Air Quality*)
>
> **Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.** (See Section 4.2, *Air Quality*)
>
> **Mitigation Measure AIR-2e: Criteria Pollutant Mitigation Plan.** (See Section 4.2, *Air Quality*)
>
> **Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.** (See Section 4.7, *Greenhouse Gas Emissions*)

I311-2

COMMENT

I311-2-30



RESPONSE

I311-2-30 As described in the first paragraph of the Impact ENE-1.CU discussion on Draft EIR p. 4.5-45, the scope of potential cumulative effects with respect to energy resources needed for new structures includes the Pacific Gas and Electric Company's electric grid and natural gas transmission system that would serve the Project. Transportation-related energy, including mobile-source fuels, are analyzed for this EIR, and include publicly available fuel sources in the vicinity of the Project site. Cumulative projects that were analyzed are discussed in Draft EIR Section 4.0 and identified in Appendix DEV, *Oakland Major Development Projects List–March 2019*, and include projected development within the greater West Oakland area.

I311-2

COMMENT

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COMMENT

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I311-3 Andrew Peters (Part 4)

COMMENT

RESPONSE

4.6 Geology, Soils, and Paleontological Resources

This section identifies and describes the geology, soils, seismicity, and paleontological resources, and analyzes the effects of the proposed Project's impacts related to these resources. The section contains a description of the existing regional and local conditions, a summary of the pertinent regulations, and an analysis of the potential impacts related to geology, soils, and paleontological resources associated with construction and operation of the proposed Project. Issues related to effects on mineral resources are addressed in Section 4.17, *Effects Found Not to Be Significant*. This section relies in part on a *Preliminary Geotechnical Exploration Report* prepared by ENGEO, dated April 19, 2019, in support of the Project (see **Appendix GEO**), which was independently peer reviewed by ESA. This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the proposed Project.

No comments pertaining to geology, soils or paleontological resources were received in response to the Notice of Preparation (NOP) for this EIR.

4.6.1 Environmental Setting

Regional Setting

The Project site lies within the geologically complex region of California referred to as the Coast Ranges geomorphic province.[1] The Project site is located at the northern most extent of the Southern Coast Ranges. The Project site is adjacent to the Oakland-Alameda Estuary (Estuary), part of San Francisco Bay, with Alameda Island to the south. The geologic map by R.W. Graymer (USGS, 2000), published by the United States Geological Survey, indicates the Project site is entirely on artificial fill of varying depths. Directly beneath the fill is Young Bay Mud, which is composed of mostly clayey material, and is described in more detail below.

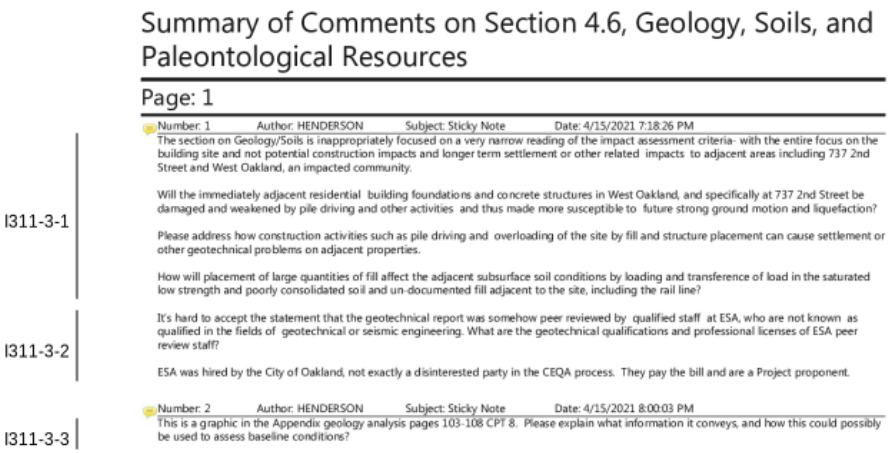
Local Geology and Soils

The geologic unit descriptions described below come from the Preliminary Geotechnical Exploration Report (ENGEO, 2019). **Figure 4.6-1** depicts the Project site separated into zones, with **Table 4.6-1** listing the stratigraphic units,[2] and thicknesses of the units, that correspond to these zones. **Figure 4.6-2** presents a schematic geologic cross-section of the Project site, which depicts the units in their stratigraphic order from youngest at the top to oldest at the bottom. The units are described further below. The entire Project site is nearly level and paved with 4 to 20 inches of asphalt concrete and 6 to 24 inches of aggregate base, for a total thickness of approximately 1.2 to 4 feet of pavement (ENGEO, 2019).

1 A geomorphic province is an area that possesses similar bedrock, structure, history, and age. California has 11 geomorphic provinces.
2 A stratigraphic unit is a volume of rock of identifiable origin and a given age range.

I311-3

COMMENT



Summary of Comments on Section 4.6, Geology, Soils, and Paleontological Resources

Page: 1

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:18:26 PM

The section on Geology/Soils is inappropriately focused on a very narrow reading of the impact assessment criteria- with the entire focus on the building site and not potential construction impacts and longer term settlement or other related impacts to adjacent areas including 737 2nd Street and West Oakland, an impacted community.

I311-3-1

Will the immediately adjacent residential building foundations and concrete structures in West Oakland, and specifically at 737 2nd Street be damaged and weakened by pile driving and other activities and thus made more susceptible to future strong ground motion and liquefaction?

Please address how construction activities such as pile driving and overloading of the site by fill and structure placement can cause settlement or other geotechnical problems on adjacent properties.

How will placement of large quantities of fill affect the adjacent subsurface soil conditions by loading and transference of load in the saturated low strength and poorly consolidated soil and un-documented fill adjacent to the site, including the rail line?

I311-3-2

It's hard to accept the statement that the geotechnical report was somehow peer reviewed by qualified staff at ESA, who are not known as qualified in the fields of geotechnical or seismic engineering. What are the geotechnical qualifications and professional licenses of ESA peer review staff?

ESA was hired by the City of Oakland, not exactly a disinterested party in the CEQA process. They pay the bill and are a Project proponent.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 8:00:03 PM

I311-3-3

This is a graphic in the Appendix geology analysis pages 103-108 CPT 8. Please explain what information it conveys, and how this could possibly be used to assess baseline conditions?

RESPONSE

I311-3-1 A liquefaction analysis is presented in Section 4.6, *Geology, Soils, and Paleontological Resources*, Impact GEO-1. The preliminary geotechnical analysis provided preliminary recommendations to address liquefaction. Upon completion of the CEQA documentation, the Project would be required by the California Building Code (i.e., Chapter 18A, *Soils and Foundations*), and by the City of Oakland Building Code and Grading Regulations (i.e., Section 1802B.6, *Site Map and Grading Plan*), to conduct a final geotechnical investigation that would further inform the final Project design and provide recommendations to address all identified geotechnical issues, including liquefaction.

Additionally, the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021, provides further explanation and analysis of the effects of liquefaction, noting that the vibration effects of equipment preparing fill materials at the Project site would only be noted a few feet in lateral directions.[8] This distance would not reach the 737 2nd Street site.

I311-3-2 The preliminary geotechnical investigation was prepared by state-licensed geotechnical engineers at ENGEO, a well-known and established engineering consulting firm. Implementing the regulatory requirements in the California Building Code (CBC) (i.e., Chapter 18A, *Soils and Foundations*) and City of Oakland Building Code and Grading Regulations (i.e., Section 1802B.6, *Site Map and Grading Plan*) and ensuring that all buildings and structures constructed in compliance with the law is the responsibility of the Project engineers and building officials. The geotechnical engineer, as a registered professional with the State of California, is required to comply with the CBC and local codes while applying standard engineering practice and the appropriate standard of care for the particular region in California, which, in the case of the Project, is the City of Oakland. The California Professional Engineers Act (Building and Professions Code Sections 6700–6799) and the Codes of Professional Conduct, as administered by the California Board of Professional Engineers and Land Surveyors, provide the basis for regulating and enforcing engineering practice in California. The local building officials are typically with the local jurisdiction and are responsible for inspections and ensuring CBC compliance prior to approval of the building permit. The geotechnical report was peer reviewed by a state-certified engineering geologist at ESA to verify that the investigation report provided the information necessary to inform the CEQA analysis of significance criteria.

[8] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

RESPONSE

I311-3-3 This figure is a depiction of the nature of the subsurface materials with the proposed site layout. The depicted zones correlate to Table 4.6-1 in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources*, which displays the underlying stratigraphy and corresponding depths.

With regard to the analysis of potential liquefaction effects, see Response to Comment I311-3-1.

Additionally, the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021, provides an explanation and analysis of the effects of liquefaction.[9] This memorandum also discusses the effects that Project activities would have on adjacent properties. The memorandum concludes that, while noise and ground surface vibration impacts would be noticeable at distances over 100 feet, the improvements would only extend approximately 5 to 10 feet from the ground improvement point. Measurable settlement or liquefaction would not occur off-site with these ground improvement methods. Finally, the Project is not required to analyze the nature of soils that are not located on the Project site and would not be affected by the Project.

The geotechnical report by ENGEO was peer-reviewed by a senior ESA staff certified engineering geologist. The peer review was to verify that the geotechnical report provided information necessary to support the Draft EIR geology section's analysis.

[9] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

SOURCE: ENGEO, 2020

Oakland Waterfront Ballpark District Project

Figure 4.6-1
Geotechnical Zone Plan

ESA

I311-3-3

COMMENT

Page: 2

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:18:58 PM

Provide anayThe section on Geology/Soils is inappropriately focused on a very narrow reading of the impact assessment criteria- with the entire focus on the building site and not potential construction impacts and longer term settlement or other related impacts to adjacent areas including 737 2nd Street and West Oakland, an impacted community.

Will the immediately adjacent residential building foundations and concrete structures in West Oakland, and specifically at 737 2nd Street be damaged and weakened by pile driving and other activities and thus made more susceptible to future strong ground motion and liquefaction?

Please address how construction activities such as pile driving and overloading of the site by fill and structure placement can cause settlement or other geotechnical problems on adjacent properties.

How will placement of large quantities of fill affect the adjacent subsurface soil conditions by loading and transference of load in the saturated low strength and poorly consolidated soil and un-documented fill adjacent to the site, including the rail line?

It's hard to accept the statement that the geotechnical report was somehow peer reviewed by qualified staff at ESA, who are not known as qualified in the fields of geotechnical or seismic engineering. What are the geotechnical qualifications and professional licenses of ESA peer review staff?

ESA was hired by the City of Oakland, not exactly a disinterested party in the CEQA process. They pay the bill and are a Project proponent.

I311-3

COMMENT

RESPONSE

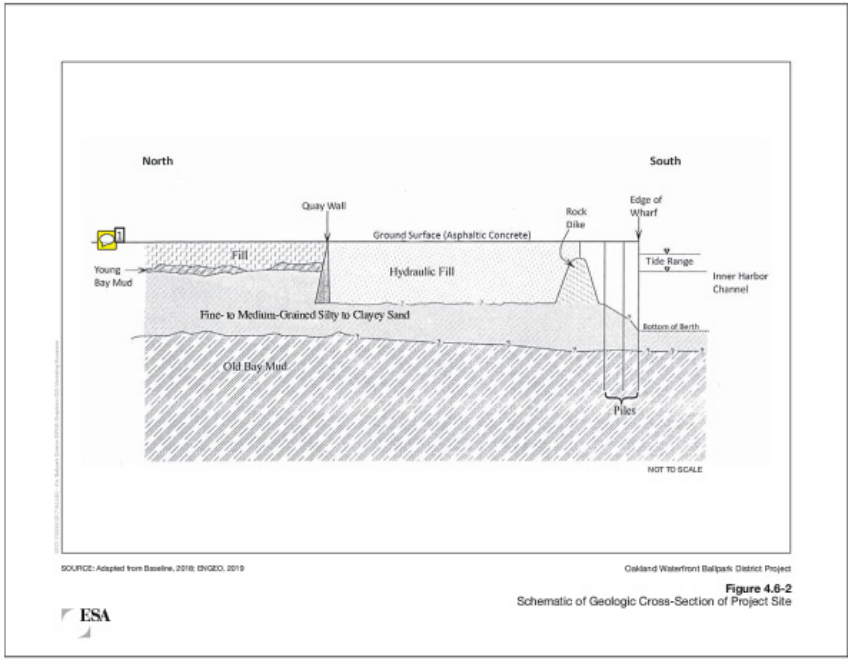
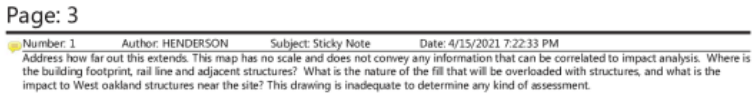


Figure 4.6-2
Schematic of Geologic Cross-Section of Project Site

I311-3

COMMENT

I311-3-4



RESPONSE

I311-3-4 As noted by the commenter, this figure has no scale, which is indicated in the bottom right-hand corner of the illustration; this is a generalized representation of the subsurface. The figure is included to provide context to the reader so that the reader might better understand the nature of the subsurface. The geologic units that are depicted correlate to the geologic units described in the text.

This figure was adapted from another document, which is cited at the bottom of the figure. ESA did not create the illustration, so the Project components are not included in the figure. The figure is included mostly for context, as mentioned above, and is not necessarily intended to be used as a tool for assessment.

I311-3

COMMENT

RESPONSE

Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, past history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit. Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey. In its "Standard Guidelines for the Assessment and Mitigation of Adverse Impacts to Non-renewable Paleontologic Resources," the SVP (2010) defines four categories of paleontological sensitivity (potential) for rock units: high, low, undetermined, and no potential.

While the artificial fill directly beneath the Project site has no potential for recovery of paleontological resources and the Holocene-age Young Bay Mud has a low potential, the geologic units below the fill and Bay Mud (i.e., Merritt Sand and San Antonio Formation) would be considered to have a high sensitivity for paleontological resources.

4.6.3 Significance Criteria

The City of Oakland has established thresholds of significance for CEQA impacts which incorporate those in Appendix G of the State CEQA Guidelines (City of Oakland, 2016). The Project would have a significant impact on the environment if it would expose people or structures to geologic hazards, soils, and/or seismic conditions so unfavorable that they could not be overcome by special design using reasonable construction and maintenance practices, specifically,

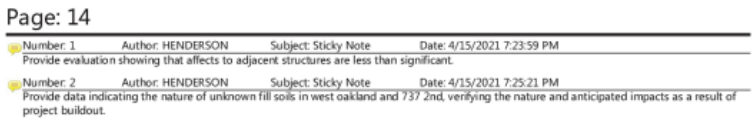
1. Expose people or structures to substantial risk of loss, injury, or death involvin[1]
   a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;[7]
   b. Strong seismic ground shaking;
   c. Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or
   d. Landslides;
2. Result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways;
3. Be located on expansive soil, as defined in Section 1803.5.3, Expansive Soil, of the California Building Code (2016 version, as it may be revised), or corrosive soil, creating substantial risks to life or property;
4. Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property;
5. Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soil[2]ating substantial risks to life or property; or

[7] Refer to California Geological Survey 42 and 117 and Public Resources Code Section 2690 et seq.

I311-3

COMMENT

I311-3-5
I311-3-6


Page: 14

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:23:59 PM
Provide evaluation showing that affects to adjacent structures are less than significant.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:25:21 PM
Provide data indicating the nature of unknown fill soils in west oakland and 737 2nd, verifying the nature and anticipated impacts as a result of project buildout.

RESPONSE

I311-3-5 See Responses to Comments I311-3-1 and I311-3-4.

I311-3-6 See Responses to Comments I311-3-1 and I311-3-4. Measurable settlement or liquefaction would not occur off-site with the ground improvement methods described in the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021.[10] Further, the Project is not required to analyze the nature of soils that are not located on the Project site and would not be affected by the Project.

[10] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

RESPONSE

recommendations to manage the potential impacts associated with consolidation and settlement of the Young Bay Mud unit, liquefaction-induced settlement in the existing fill, and strong ground shaking. The report also includes recommendations for ground improvement and deep foundations to address the potential for statically and seismically-induced settlement. There are multiple options (to be narrowed down during the final geotechnical investigation), and the recommendations are tailored to each of the zones within the Project site. Both Zone 1 and Zone 2 are recommended to have ground improvement and either shallow or deep foundations. Based on the results from the preliminary report, the planned development at the Project site is feasible from a geotechnical standpoint, provided the preliminary recommendations and guidelines provided are implemented. As required by Mitigation Measure GEO-1, the Project would be required to conduct a final geotechnical investigation that would inform the final Project design and provide recommendations that will be required to be implemented to address all identified geotechnical issues and mitigate any potential impacts.

In addition, as described in Chapter 3, *Project Description*, additional fill will be added to raise the elevation of the entire site to address sea level rise. This fill will be engineered specifically, following CBC requirements for acceptable fill, so as to not fail or liquefy if subjected to seismic ground shaking. Adherence to the fill engineering requirements described in the Preliminary Geotechnical Exploration Report by ENGEO and the forthcoming final geotechnical report, as required under Mitigation Measure GEO-1, would ensure that the impacts are mitigated to a less-than-significant level.

Compliance with existing laws and regulations, and Mitigation Measure GEO-1 requiring the development and implementation of geotechnical recommendations to be incorporated into the design plans and specifications, the impact would be less than significant.

Operational Impacts

Phase 1 and Buildout Operations

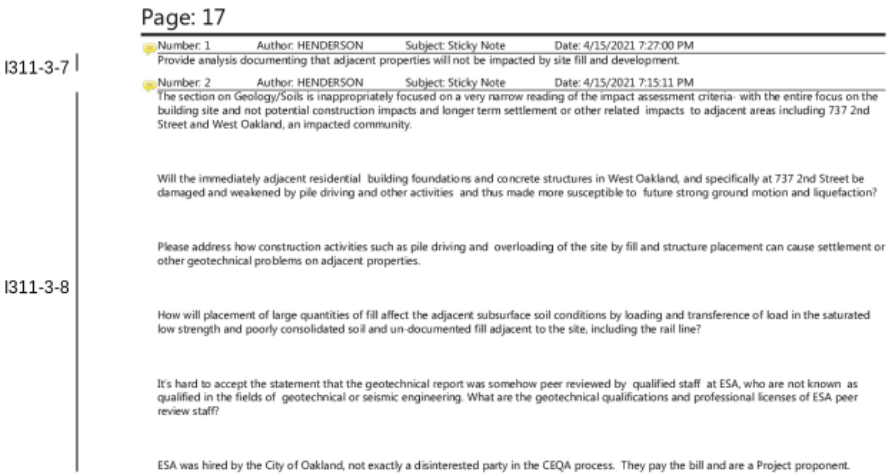
Upon completion of the construction activities, the Project would have complied with the CBC, the City of Oakland Building Code and Grading Regulations regarding seismic-related ground shaking and seismic induced ground failures (i.e., liquefaction, lateral spreading, and settlement), and Mitigation Measure GEO-1. Compliance with existing laws and regulations, and Mitigation Measure GEO-1, which requires adhering to the recommendations in the final geotechnical report approved by the City, would reduce the Project's potential impacts to less than significant.

Mitigation Measure GEO-1: Site-Specific Final Geotechnical Report

The Project sponsor shall submit a site-specific final geotechnical report, consistent with the requirements of the CBC and California Geological Survey Special Publication 117 (as amended). The geotechnical investigation and report shall be prepared by a registered geotechnical engineer for City review and approval containing, at a minimum, a description of the geological and geotechnical conditions at the site, evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to seismic shaking, liquefaction, corrosion, and all other ground stability hazards. The geotechnical investigation shall also include a report prepared by a corrosion consultant that evaluates whether specific corrosion recommendations are advised for the Project. The submittal and approval of the final geotechnical report shall be a condition of the grading and construction permits issued by the City's Bureau of

I311-3

COMMENT



Page: 17

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:27:00 PM
Provide analysis documenting that adjacent properties will not be impacted by site fill and development.

I311-3-7

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:15:11 PM
The section on Geology/Soils is inappropriately focused on a very narrow reading of the impact assessment criteria- with the entire focus on the building site and not potential construction impacts and longer term settlement or other related impacts to adjacent areas including 737 2nd Street and West Oakland, an impacted community.

Will the immediately adjacent residential building foundations and concrete structures in West Oakland, and specifically at 737 2nd Street be damaged and weakened by pile driving and other activities and thus made more susceptible to future strong ground motion and liquefaction?

Please address how construction activities such as pile driving and overloading of the site by fill and structure placement can cause settlement or other geotechnical problems on adjacent properties.

I311-3-8

How will placement of large quantities of fill affect the adjacent subsurface soil conditions by loading and transference of load in the saturated low strength and poorly consolidated soil and un-documented fill adjacent to the site, including the rail line?

It's hard to accept the statement that the geotechnical report was somehow peer reviewed by qualified staff at ESA, who are not known as qualified in the fields of geotechnical or seismic engineering. What are the geotechnical qualifications and professional licenses of ESA peer review staff?

ESA was hired by the City of Oakland, not exactly a disinterested party in the CEQA process. They pay the bill and are a Project proponent.

RESPONSE

I311-3-7 See Responses to Comments I311-3-1 and I311-3-4. Measurable settlement or liquefaction would not occur off-site with the ground improvement methods described in the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021.[11]

I311-3-8 See Responses to Comments I311-3-2 and I311-3-3.

[11] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

RESPONSE

Building. The Project sponsor shall implement the recommendations contained in the approved report during Project design and construction.

Significance after Mitigation: Less than Significant.

Impact GEO-2: The Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways. (Criterion 2) (*Less than Significant with Mitigation*)

The entire Project site is covered with hardscape, beneath which is fill material. There is no topsoil at the Project site, and consequently, effects on topsoil are not discussed further. The analysis below focuses on potential soil erosion impacts during construction and operation.

Construction Impacts

Phase 1 and Buildout – Construction

The Project would include ground-disturbing construction activities, including grading, removal of existing asphalt covering site, excavation for certain utilities, and installation of piles for building foundations, which could increase the risk of erosion or sediment transport. Construction would have the potential to result in soil erosion during excavation and grading.

Because the overall footprint of construction activities would exceed 1.0 acre, the Project would be required to comply with the Construction General Permit, described above in Section 4.6.2, *Regulatory Setting*. This State requirement was developed to ensure that stormwater is managed and erosion is controlled on construction sites. The Construction General Permit requires preparation and implementation of a SWPPP, which requires applications of BMPs to control run-on and runoff from construction work sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The Construction General Permit is under the jurisdiction of the State Water Resources Control Board (SWRCB) and the local RWQCB. Compliance with these independently enforceable existing requirements would reduce the Project's potential impacts associated with soil erosion during construction. Additionally, as discussed in Section 4.9, *Hydrology and Water Quality*, **Mitigation Measure HYD-1a** (Creek Protection Plan) would require the Project to comply with the provisions of the Creek Protection Ordinance, and prepare a Creek Protection Plan, which would require the Project to incorporate erosion, sedimentation, and debris control BMPs to protect the Estuary during construction, and would further reduce the Project's potential impacts associated with soil erosion during construction. Therefore, impacts during construction would be less than significant.

Operational Impacts

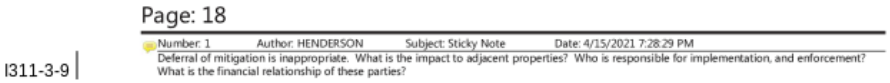
Phase 1 and Buildout Operations

Operations related to Phase 1 and the Buildout of the Project are not expected to contribute substantially to soil erosion at the Project site because the Project site would be constructed largely upon artificial fill and hardscape. The proposed Project would import some soil to the

I311-3

COMMENT

I311-3-9



RESPONSE

I311-3-9 The topics of deferral of mitigation measures and the reliance on future documents in the analysis are addressed in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. See Responses to Comments I311-3-1 and I311-3-4. Measurable settlement or liquefaction would not occur off-site with the ground improvement methods described in the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021.[12]

As explained in Consolidated Response 4.22, *General Non-CEQA,* in Section 4.22.2, *Financial Considerations, Community Benefits, and Other Miscellaneous Opinions*, analysis of the financial impacts of a project is outside of the purview of CEQA.

[12] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

RESPONSE

Project site to support new areas of landscaping and open space areas, however, would not provide any large open areas of soil that would be subject to erosion from wind and rain. As discussed in Section 4.9, *Hydrology and Water Quality*, drainage at the Project site would be controlled with Project design features and BMPs to enter the City's stormwater system without causing erosion and sedimentation. **Mitigation Measure HYD-1b** (NPDES Stormwater Requirements) would ensure that the Project would comply with the requirements of the City's MRP Permit for post-construction stormwater management on the Project site. Therefore, with implementation of Mitigation Measure HYD-1b, potential impacts associated with soil erosion during operations would therefore be less than significant.

Mitigation Measure HYD-1a: Creek Protection Plan. (See Section 4.9, *Hydrology and Water Quality*)

Mitigation Measure HYD-1b: NPDES Stormwater Requirements. (See Section 4.9, *Hydrology and Water Quality*)

Significance after Mitigation: Less than Significant.

Impact GEO-3: The Project could be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016, as it may be revised), or corrosive soil, creating substantial risks to life or property. (Criterion 3) (*Less than Significant with Mitigation*)

Construction Impacts

Phase 1 and Buildout – Construction

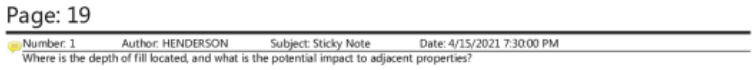
The existing artificial fill beneath the Project site has a thickness ranging from 5 to 40 feet, depending on location. Bay Mud is stratigraphically below the artificial fill and ranges in thickness from 0 to 30 feet. As explained below, the artificial fill is not considered to be an expansive soil. The Bay Mud is mostly clay, which is known to have shrink-swell properties if subjected to changes in water content. Due to the sea-level rise that is predicted to occur at the Project site (see Section 4.9, *Hydrology and Water Quality*, for a detailed discussion on the predicted sea-level changes that are anticipated to affect the Project site), there are plans to raise the site by introducing specifically engineered fill (see Chapter 3, *Project Description*, for details). The Preliminary Geotechnical Exploration Report includes details on the requirements that the introduced fill must meet in order to be acceptable for use, which are based on the CBC and are engineered to specifically to reduce impacts from potential soil expansion. Because this unit is completely beneath sea-level and would not be exposed at the surface, there can be no substantial changes in the moisture content of the unit. Therefore, the risk of impacts related to soil expansion are less than significant.

Although there is a lack of expansive soils at the site, the potential for soil corrosion remains a potential impact. Two soils samples tested for corrosivity of the soil beneath the Project site indicated a "moderate" to "not applicable" classification for sulfate exposure. Additionally, the samples had a pH level of above 7.0, which does not present corrosion concerns for steel, iron, or concrete. However, based on the resistivity and redox measurements, both samples are classified

I311-3

COMMENT

I311-3-10



RESPONSE

I311-3-10 The depth of the fill is indicated in the text (see Table 4.6-1 and Impact GEO-3).

The potential impacts on adjacent structures are discussed in the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021.[13] This memorandum discusses the effects that Project activities would have on adjacent properties. The memorandum concludes that, while noise and ground surface vibration impacts are noticeable at distances over 100 feet, the improvements would only extend approximately 5 to 10 feet from the ground improvement point. Measurable settlement or liquefaction would not occur off-site with these ground improvement methods.

[13] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

RESPONSE

paleontologist, as appropriate, according to current professional standards and at the expense of the Project sponsor.

Significance after Mitigation: Less than Significant.

Operational Impacts

Operation of the proposed Project would result in no further disturbance of geologic units or paleontological resources, and accordingly, would have a less than significant impact.

Maritime Reservation Scenario

Under the Maritime Reservation Scenario, the Port of Oakland may retain up to approximately 10 acres at the southwest corner of the Project site to accommodate future expansion of a turning basin that is used to turn large vessels accessing berths in Oakland's Inner Harbor of the Estuary. If this option is exercised, that portion of the proposed Project site would not be developed, and the Project site boundary would change and the Project site area would become smaller. However, all site conditions relative to geology, soils, and paleontological resources would remain the same as described for the proposed Project but with a smaller Project area, and therefore the impacts and analysis for the Maritime Reservation Scenario would be the same as those discussed above for the proposed Project. Development of the Project, including grading improvements, may be phased, and are unlikely to occur on any part of the site affected by the Maritime Reservation Scenario until a decision is made regarding the need for and size of an expanded turning basin. The impacts from the construction of an expanded turning basin would be analyzed by the Port of Oakland under a separate CEQA document.

4.6.5 Cumulative Impacts

Impact GEO-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative impacts to geology, soils, seismicity, or paleontology. ***(Less than Significant with Mitigation)***

Geographic Context

The geographic area affected by the proposed Project and its potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative geologic impacts encompasses and is limited to the Project site and its immediately adjacent area. This is because impacts relative to geologic hazards are generally site-specific. For example, the effect of erosion would tend to be limited to the localized area of a project and could only be cumulative if erosion occurred as the result of two or more adjacent projects that spatially overlapped.

The time frame during which proposed Project could contribute to cumulative geologic hazards includes the construction and operations phases. For the proposed Project, the operations phase is permanent. However, similar to the geographic limitations discussed above, it should be noted that impacts relative to geologic hazards are generally time-specific. Geologic hazards could only

I311-3

COMMENT

I311-3-11

Page: 24

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:34:37 PM
Explain potential differential geotechnical impacts to adjacent parcels at 737 2nd street and west oakland, due to overloading the project site with structures, piles, and fill for SLR. This is a potentially significant cumulative impact.

RESPONSE

I311-3-11 See Response to Comment I311-3-1.

I311-3

COMMENT

RESPONSE

be cumulative if two or more geologic hazards occurred at the same time, as well as overlapping at the same location.

Cumulative Impact – Construction

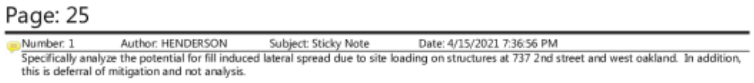
Other cumulative projects that would be near or adjacent to the Project that could be constructed at the same time, could result in cumulative erosion effects. However, as with the proposed Project, the State Construction General Permit would require cumulative projects to prepare and implement a SWPPP. The SWPPPs would describe BMPs to control runoff and prevent erosion for each project. Through compliance with this requirement, the potential for erosion impacts would be controlled. The Construction General Permit has been developed to address cumulative conditions arising from construction throughout the state, and is intended to maintain cumulative effects of projects subject to this requirement to less-than-significant levels. For example, two adjacent construction sites would be required to implement BMPs to reduce and control the release of sediment and/or other pollutants in any runoff leaving their respective sites. The runoff water from both sites would be required to achieve the same action levels, measured as a maximum amount of sediment or pollutant allowed per unit volume of runoff water. Thus, even if the runoff waters were to combine after leaving the sites, the sediments and/or pollutants in the combined runoff would still be at concentrations (amount of sediment or pollutants per volume of runoff water) below action levels and would not be cumulatively considerable. Additionally, as discussed under Impact GEO-2, Mitigation Measure HYD-1a (Creek Protection Plan) would require the Project to comply with the provisions of the Creek Protection Ordinance, and prepare a Creek Protection Plan, which would further reduce the Project's potential impacts associated with soil erosion during construction. Similar to the proposed Project, cumulative projects subject to the Creek Protection Ordinance would also be required to comply with the ordinance and incorporate applicable erosion, sedimentation, and debris control BMPs to protect qualifying waterbodies, including the Estuary, during construction, and the proposed Project's contribution to cumulative effects would not be cumulatively considerable.

Seismically induced groundshaking, liquefaction and lateral spreading, and expansive and corrosive soils could cause structural damage or ruptures during construction of cumulative projects. However, as discussed for the Project, the CBC and City of Oakland building regulations and standards have been established to address and reduce the potential for such impacts to occupants. Cumulative projects would be required to comply with the same applicable provisions of these laws and regulations. Through compliance with these requirements, the potential for impacts would be reduced to less than significant. The purpose of the CBC and City of Oakland building regulations and standards is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction; by design, it is intended to reduce the cumulative risks from buildings and structures. Based on compliance with these requirements, such as that specified in project-level Mitigation Measure GEO-1 for the proposed Project, the incremental impacts of the Project, combined with impacts of other projects in the area would not combine to cause a significant cumulative impact related to seismically-induced ground shaking, liquefaction, and lateral spreading, or expansive soils.

I311-3

COMMENT

I311-3-12



RESPONSE

I311-3-12 Liquefaction analysis is presented in Section 4.6, *Geology, Soils, and Paleontological Resources.* Additionally, the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021 provides additional explanation and analysis of the effects of liquefaction.[14] The memorandum concludes that, after mitigation, liquefaction would not be a hazard to development in the event of an earthquake with a Maximum Considered earthquake (MCE) level of groundshaking, as defined in the current California Building Code.

This memorandum also discusses the effects that Project activities would have on adjacent properties. The memorandum concludes that, while noise and ground surface vibration impacts are noticeable at distances over 100 feet, the improvements would only extend approximately 5 to 10 feet from the ground improvement point. Measurable settlement or liquefaction would not occur off-site with these ground improvement methods.

See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for a discussion of the topics of deferral of mitigation measures and the reliance on future documents in the analysis.

[14] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I311-3

COMMENT

RESPONSE

cumulatively considerable contribution to a cumulative impact. If no significant cumulative impact is identified.

Mitigation Measure GEO-1: Site-Specific Final Geotechnical Report. (See Impact GEO-1)

Mitigation Measure GEO-2: Inadvertent Discovery of Paleontological Resources During Construction. (See Impact GEO-6)

Mitigation Measure HYD-1a: Creek Protection Plan. (See Section 4.9, *Hydrology and Water Quality*)

Mitigation Measure HYD-1b: NPDES Stormwater Requirements. (See Section 4.9, *Hydrology and Water Quality*)

Significance after Mitigation: Less than Significant.

Maritime Reservation Scenario – Cumulative

As described above, under the Maritime Reservation Scenario, approximately 10 acres of the proposed Project site would not be developed, and the reconfigured Project site boundary would change and the Project site area would become smaller. However, all site conditions relative to geology, soils and paleontological resources would remain the same as described for the proposed Project, and therefore the cumulative impacts and analysis for the Maritime Reservation Scenario would be the same as those discussed above for the proposed Project.

As discussed above, the proposed Project and other cumulative developments will comply with State and local building regulations and standards, in particular the CBC, and all applicable construction and design laws and regulations. Therefore, based on compliance with these requirements, the incremental impacts of the proposed Project combined with impacts of other projects in the area would not cause a significant cumulative impact related to seismically induced groundshaking, liquefaction and lateral spreading, expansive soils, or paleontological resources. If the Port was to proceed with the expanded turning basin, the impacts from the construction of an expanded turning basin would be analyzed by the Port of Oakland under a separate CEQA document, and that project would be subject to the same regulatory requirements as the Project, and would not combine to cause a significant cumulative impact.

4.6.6 References – Geology, Soils, and Paleontological Resources

California Geology Survey (CGS), 2010. Fault Activity Map of California. Map. Scale 1:175,000.

CGS, 2008. PSHA Ground Motion Interpolator. Accessed February 15, 2019.

I311-3

COMMENT

I311-3-13

Page: 27

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/15/2021 7:39:13 PM
Document this statement. The analysis was only for the project boundaries and did not consider potential impacts to adjacent structures on bay mud and unconsolidated fill. This conclusion is inadequate given the lack of analysis.

RESPONSE

I311-3-13 See Response to Comment I311-3-1.

I311-3

COMMENT

COMMENT

4.8 Hazards and Hazardous Materials

This section presents hazards and hazardous materials conditions in the Project vicinity and evaluates the potential for the construction or operation of the proposed Project to result in significant impacts related to exposing people or the environment to adverse hazards and hazardous materials conditions; and impairment of emergency response and access plans. Impacts related to water quality are analyzed in Section 4.9, *Hydrology and Water Quality*; impacts related to air quality are analyzed in Section 4.2, *Air Quality*; and impacts related to exposure of people or structures to wildland fires are addressed in Section 4.17, *Effects Found Not to Be Significant*.

This section relies in part on the site-specific technical reports listed below prepared in support of the Project, which were independently peer reviewed by ESA:

- ENGEO Inc., *Athletics Ballpark Development, Howard Terminal Site, Oakland, California, Phase I Environmental Site Assessment*, December 21, 2018b.
- ENGEO Inc., *Oakland Athletics Ballpark Development, Oakland, California, Considerations of Remediation and Mitigation Alternatives*, revised July 31, 2019b.
- ENGEO Inc., *Athletics Ballpark Development, Howard Terminal Site, Oakland, California, Site Investigation Report*, April 22, 2020a.

In addition, this section relies on other technical reports cited in the discussions below and listed in Section 4.8.6, *References*.

4.8.1 Environmental Setting

Site Investigation Areas

As summarized in the discussions further below, the Project site has a long history of industrial use that has resulted in the contamination of fill, soil, and groundwater. Various investigations, cleanup actions, and land use restrictions have been implemented to address the contamination. The California Department of Toxic Substances Control (DTSC) is the lead regulatory agency overseeing the investigations, proposed cleanup actions, and land use covenants (LUCs), and will continue in this role for the foreseeable future.

For the purposes of the Hazards and Hazardous Materials section of this Draft EIR, the Project site consists of the five areas listed below and delineated on **Figure 4.8-1**. The three principal areas (Howard Marine Terminal Gas Load Center, and Peaker Power Plant) that comprise the majority of the Project site are currently three separate active cleanup cases overseen by DTSC and have LUCs enforced by the DTSC that restrict land uses. Smaller areas not under LUCs include a parking lot and two road extensions into the Project site:

1. Howard Marine Terminal Site (DTSC Case No. 01440006)
2. Pacific Gas and Electric Company (PG&E) Oakland-1 MGP (DTSC Case No. 01490012), which encompasses both the Gas Load Center subarea that is part of the Project site and the Station C subarea that is across Embarcadero Street and not part of the Project site

whether the groundwater beneath the former E-D facility is contaminated. The nature of some chemicals used at the site are known (zinc, cadmium, chromium) and it is assumed that cleaning solvents were also used (e.g., trichloroethene [TCE]). The extent of the release, including migration in groundwater, if any, is unknown. However, the listed metals are not highly mobile in groundwater and unlikely to have migrated to the Project site. In addition, if solvents such as TCE has been used and had migrated in groundwater, the solvents would have been previously detected at the Project site or at the intervening sites (PG&E CNG Station, Port of Oakland CNG Station, and/or Merritt Two). Given that solvents associated with plating shops (e.g., TCE) have not been detected in groundwater at the Project site, this indicates that contamination from the E-D Cost site has not migrated to the Project site.

East Bay Ford Truck Sales

East Bay Ford Truck Sales is located at 333 Filbert Street, about 700 feet north of the Project site (SCS, 2017). Several soil and groundwater investigations have been conducted at this site and revealed soil contamination with TPH as diesel and motor oil, 2-methylnaphthalene, and arsenic above ESLs. The arsenic detections were within what are considered to be background arsenic concentrations for the San Francisco Bay area. The analyzed grab groundwater samples detected TPH as gasoline, diesel, and motor oil, PCE, TCE, DCE, and naphthalene in excess of ESLs.

Groundwater remediation consisting of in-situ treatment by anaerobic bioremediation was conducted in 2014. The post-treatment sampling results indicated only cis-1,2-DCE and benzene in two wells at concentrations slightly above ESLs. In addition, one grab groundwater sample collected from the southern and hydraulically downgradient portion of the site detected TPH as diesel and motor oil in excess of their respective ESLs. The investigation concluded that groundwater contamination from this site does not extend far offsite, and no further investigation is recommended.

Proximity to Existing Sensitive Receptors

There are no schools within 0.25 miles of the Project site; the nearest school is Lincoln Elementary, about 0.74 miles from the Project site. There are no hospitals located within a mile of the Project site; the nearest hospital is the Providence Hospital about 2 miles to the northeast.

There are several residential uses within 1,000 feet of the Project site, as listed below:

- One live-work loft building immediately across Embarcadero West from the site at 737 2nd Street between Brush Street and the PG&E electrical substation
- Three residences on the northeast corner of 4th Street and Brush Street
- Four residences at the north corner of Martin Luther King Jr. Way and 4th Street
- One residential high-rise with 144 units at 222 Broadway at the east corner of Broadway and 2nd Street

As of March 2019, there were also liveaboards (boats used as residences) in the Jack London Square marina, an estimated 600 to 800 feet from the eastern boundary of the Project site (see Section 4.10, *Land Use, Plans, and Policies*).

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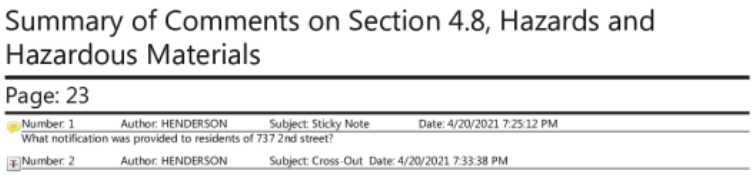
COMMENT

I311-3-14


Summary of Comments on Section 4.8, Hazards and Hazardous Materials

Page: 23

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 7:25:12 PM
What notification was provided to residents of 737 2nd street?

Number: 2 Author: HENDERSON Subject: Cross-Out Date: 4/20/2021 7:33:38 PM

RESPONSE

I311-3-14 This Draft EIR was available for public review and comment during the period identified in the Notice of Availability/Notice of Completion (NOA/NOC) dated February 26, 2021, accompanying the Draft EIR. The notice was sent to responsible agencies and other interested parties, including persons who responded to the NOP and property owners within 300 feet of the Project site. The City of Oakland mailed the Notice of Availability and Notice of Public Hearing for public review of the Draft EIR to owners listed on the Assessor's roll at 737 2nd Street on February 26, 2021.

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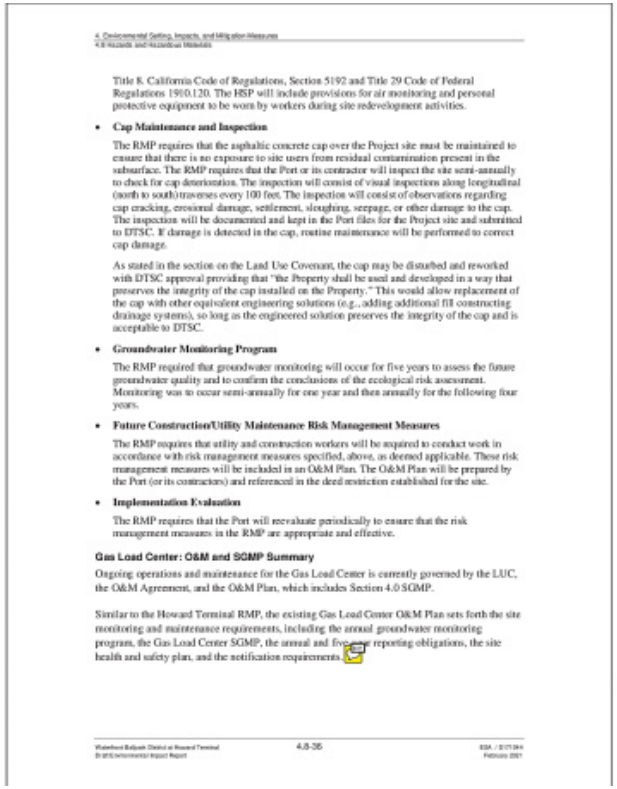
COMMENT

RESPONSE



4. Environmental Setting, Impacts, and Mitigation Measures
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Title 8, California Code of Regulations, Section 5192 and Title 29 Code of Federal Regulations 1910.120. The HSP will include provisions for air monitoring and personal protective equipment to be worn by workers during site redevelopment activities.

- **Cap Maintenance and Inspection**

  The RMP requires that the asphaltic concrete cap over the Project site must be maintained to ensure that there is no exposure to site users from residual contamination present in the subsurface. The RMP requires that the Port or its contractor will inspect the site semi-annually to check for cap deterioration. The inspection will consist of visual inspections along longitudinal (north to south) traverses every 100 feet. The inspection will consist of observations regarding cap cracking, erosional damage, settlement, sloughing, seepage, or other damage to the cap. The inspection will be documented and kept in the Port files for the Project site and submitted to DTSC. If damage is detected in the cap, routine maintenance will be performed to correct cap damage.

  As stated in the section on the Land Use Covenant, the cap may be disturbed and reworked with DTSC approval providing that "the Property shall be used and developed in a way that preserves the integrity of the cap installed on the Property." This would allow replacement of the cap with other equivalent engineering solutions (e.g., adding additional fill constructing drainage systems), so long as the engineered solution preserves the integrity of the cap and is acceptable to DTSC.

- **Groundwater Monitoring Program**

  The RMP required that groundwater monitoring will occur for five years to assess the future groundwater quality and to confirm the conclusions of the ecological risk assessment. Monitoring was to occur semi-annually for one year and then annually for the following four years.

- **Future Construction/Utility Maintenance Risk Management Measures**

  The RMP requires that utility and construction workers will be required to conduct work in accordance with risk management measures specified, above, as deemed applicable. These risk management measures will be included in an O&M Plan. The O&M Plan will be prepared by the Port (or its contractors) and referenced in the deed restriction established for the site.

- **Implementation Evaluation**

  The RMP requires that the Port will reevaluate periodically to ensure that the risk management measures in the RMP are appropriate and effective.

Gas Load Center: O&M and SGMP Summary

Ongoing operations and maintenance for the Gas Load Center is currently governed by the LUC, the O&M Agreement, and the O&M Plan, which includes Section 4.0 SGMP.

Similar to the Howard Terminal RMP, the existing Gas Load Center O&M Plan sets forth the site monitoring and maintenance requirements, including the annual groundwater monitoring program, the Gas Load Center SGMP, the annual and five-year reporting obligations, the site health and safety plan, and the notification requirements.

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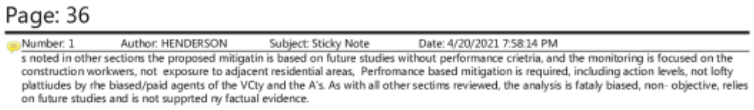
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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 7:58:14 PM

s noted in other sections the proposed mitigatin is based on future studies without performance crietria, and the monitoring is focused on the construction workwers, not exposure to adjacent residential areas, Perfromance based mitigation is required, including action levels, not lofty plattiudes by rhe biased/paid agents of the VCty and the A's. As with all other sectims reviewed, the analysis is fataly biased, non- objective, relies on future studies and is not supprted ny factual evidence.

RESPONSE

I311-3-15 See Response to Comment I-308-1. As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a human health and ecological risk assessment (HHERA) has been prepared for the Project site using all testing results collected through August 2020. The HHERA developed specific target cleanup levels (i.e., performance criteria) that would be protective of human health and the environment. The HHERA assessed both construction workers and on-site residents. As discussed above, the results of the HHERA indicated that certain areas of the Project site have chemicals in the subsurface at concentrations above target cleanup levels, which is the reason the cap will need to be maintained across the Project site. Note that residents are more sensitive receptors than construction workers because of the longer amount of time residents would spend at the Project site. Consequently, target cleanup levels are almost always lower for residents than for construction workers. In addition, the unlikely potential exposure to off-site residents, if any, would be even less than for on-site residents because off-site residents would be located farther away from the encapsulated contaminated materials. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

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In particular, the SGMP describes the framework for managing soil and groundwater. The owner of the site has overall responsibility for implementing the SGMP and must periodically evaluate if the control measures must be updated to be effective.

The soil handling guidelines are largely similar to that provided in the Howard Terminal RMP. For example, notification is required to DTSC and other agencies prior to any work that would disturb the cap. Stockpiled soil must be temporarily place on plastic sheeting of a minimum thickness in a designated stockpile area. Small volumes could be placed in 55-gallon drums and large volumes could be placed directly in secured, roll-off bins. The stockpiled soil must be secured with a cover to prevent erosion or run-off and secured by temporary fences to prevent access. Any reuse of affected soil for backfill requires DTSC concurrence. Soil and groundwater must be fully characterized prior to disposal and disposal must be done in accordance with applicable laws. If any backfill material is used at the site, the soil must be tested, based on the knowledge of the soil source, and the analytical results must be provided to DTSC for approval.

Minor construction projects, including routine maintenance, must be included in the annual report. Prior to any major construction projects, a construction plan must first be submitted to DTSC for approval as well as a completion report.

The Gas Load Center SGMP also describes equipment decontamination procedures and dust control and monitoring practices that must be taken, in accordance with Bay Area Air Quality Management District requirements. For example, vehicle speeds should be kept below 5 miles per hour, spray water should be utilized to minimize dust, and stockpiles should be covered when not in use. For monitoring, earthwork activities require daily work zone air monitoring and the SGMP sets for the specific action levels for dust.

The Gas Load Center SGMP also outlines procedures to take if unanticipated subsurface structures, soil, or groundwater conditions are encountered, including that work must be stopped and the area be secured so that further evaluation can occur prior to taking additional action. Any equipment onsite must be decontaminated prior to leaving the access-controlled work area, to prevent inadvertent exposure of impacted soil or groundwater, or tracking onto other parts of the site or public streets.

Stormwater management and construction dewatering water must be managed in the same or similar manner as described in the RMP for Howard Terminal, including that construction dewatering water must be pumped into holding tanks and the water must be characterized prior to discharge. The SGMP also describes the disposal requirements, which in general require that any soil or groundwater removed from the site must be recorded and characterized prior to disposal.

Following the completion any construction activities, the cap must be restored to match the existing paving, which includes pervious asphalt, pervious concrete, regular asphalt, regular concrete slab, and aggregate cover. Any different pavement used requires DTSC approval.

Peaker Power Plant: O&M and SGMP Summary

Ongoing operations and maintenance for the Peaker Power Plant is currently governed by the LUC, the O&M Agreement, and the O&M Plan, including Appendix B containing the SGMP.

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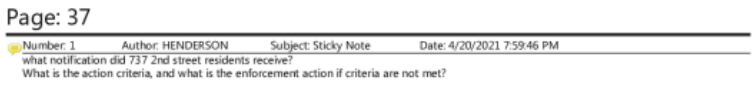

RESPONSE

I311-3-16 The City of Oakland mailed the Notice of Availability and Notice of Public Hearing for public review of the Draft EIR to owners listed on the Assessor's roll at 737 2nd Street on February 26, 2021.

The criteria (i.e., the "action criteria" referred to in this comment) relative to hazardous materials are described in Draft EIR Section 4.8, *Hazards and Hazardous Materials, Current Nature and Extent of Onsite Contamination*. This section describes the nature and extent of chemicals of concern at the Project site, and the results of the Human Health and Ecological Risk Assessment (HHERA) that developed specific target cleanup levels (i.e., performance or action criteria) that would be protective of human health and the environment. The HHERA assessed both construction workers and on-site residents. As discussed above, the results of the HHERA indicated that certain areas of the Project site have chemicals in the subsurface at concentrations above target cleanup levels, which is the reason the cap would need to be maintained across the Project site. Note that residents are more sensitive receptors than construction workers because of the longer amount of time residents would spend at the Project site. Consequently, target cleanup levels are almost always lower for residents than for construction workers. In addition, the unlikely potential exposure to off-site residents, if any, would be even less than for on-site residents because off-site residents would be located farther away from the encapsulated contaminated materials. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*. For further explanation of the enforcement roles of DTSC and the City, see Consolidated Response 4.2, *Formulation, Effectiveness and Enforceability of Mitigation Measures*.

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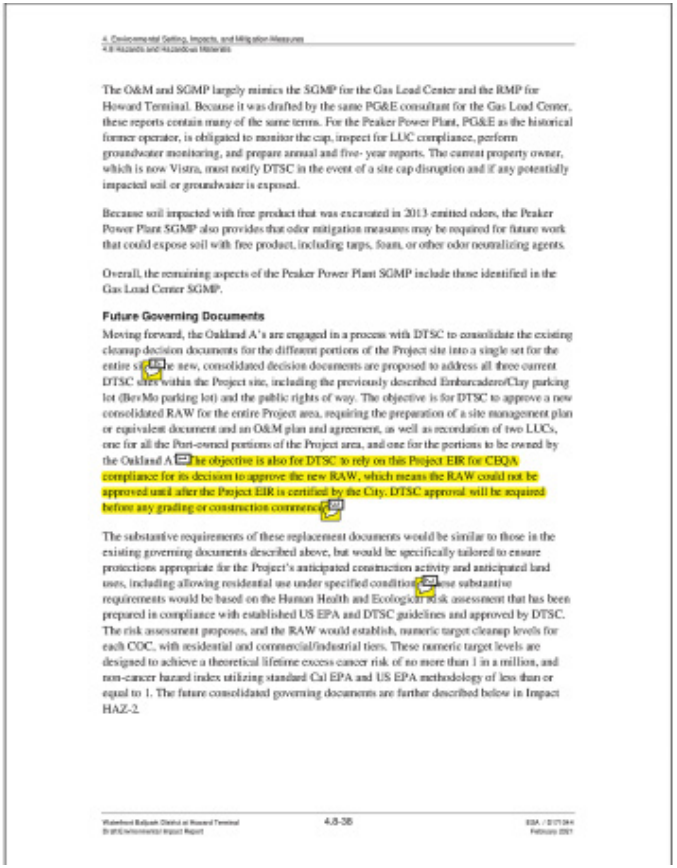
RESPONSE



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The O&M and SGMP largely mimics the SGMP for the Gas Load Center and the RMP for Howard Terminal. Because it was drafted by the same PG&E consultant for the Gas Load Center, these reports contain many of the same terms. For the Peaker Power Plant, PG&E as the historical former operator, is obligated to monitor the cap, inspect for LUC compliance, perform groundwater monitoring, and prepare annual and five- year reports. The current property owner, which is now Vistra, must notify DTSC in the event of a site cap disruption and if any potentially impacted soil or groundwater is exposed.

Because soil impacted with free product that was excavated in 2013 emitted odors, the Peaker Power Plant SGMP also provides that odor mitigation measures may be required for future work that could expose soil with free product, including tarps, foam, or other odor neutralizing agents.

Overall, the remaining aspects of the Peaker Power Plant SGMP include those identified in the Gas Load Center SGMP.

Future Governing Documents

Moving forward, the Oakland A's are engaged in a process with DTSC to consolidate the existing cleanup decision documents for the different portions of the Project site into a single set for the entire site. The new, consolidated decision documents are proposed to address all three current DTSC sites within the Project site, including the previously described Embarcadero/Clay parking lot (BayMo parking lot) and the public rights of way. The objective is for DTSC to approve a new consolidated RAW for the entire Project area, requiring the preparation of a site management plan or equivalent document and an O&M plan and agreement, as well as recordation of two LUCs, one for all the Port-owned portions of the Project area, and one for the portions to be owned by the Oakland A's. The objective is also for DTSC to rely on this Project EIR for CEQA compliance for its decision to approve the new RAW, which means the RAW could not be approved until after the Project EIR is certified by the City. DTSC approval will be required before any grading or construction commences.

The substantive requirements of these replacement documents would be similar to those in the existing governing documents described above, but would be specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and anticipated land uses, including allowing residential use under specified conditions. These substantive requirements would be based on the Human Health and Ecological risk assessment that has been prepared in compliance with established US EPA and DTSC guidelines and approved by DTSC. The risk assessment proposes, and the RAW would establish, numeric target cleanup levels for each COC, with residential and commercial/industrial tiers. These numeric target levels are designed to achieve a theoretical lifetime excess cancer risk of no more than 1 in a million, and non-cancer hazard index utilizing standard Cal EPA and US EPA methodology of less than or equal to 1. The future consolidated governing documents are further described below in Impact HAZ-2.

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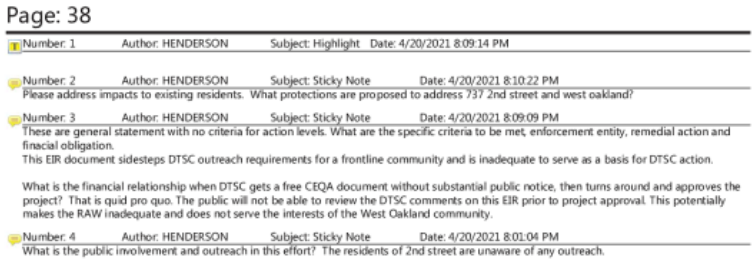
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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/20/2021 8:09:14 PM

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 8:10:22 PM
Please address impacts to existing residents. What protections are proposed to address 737 2nd street and west oakland?

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 8:09:09 PM
These are general statement with no criteria for action levels. What are the specific criteria to be met, enforcement entity, remedial action and finacial obligation.
This EIR document sidesteps DTSC outreach requirements for a frontline community and is inadequate to serve as a basis for DTSC action.

What is the financial relationship when DTSC gets a free CEQA document without substantial public notice, then turns around and approves the project? That is quid pro quo. The public will not be able to review the DTSC comments on this EIR prior to project approval. This potentially makes the RAW inadequate and does not serve the interests of the West Oakland community.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 8:01:04 PM
What is the public involvement and outreach in this effort? The residents of 2nd street are unaware of any outreach.

RESPONSE

I311-3-17 Regarding air quality impacts on existing residents and mitigation measures to reduce these impacts, see Impact AIR-4 and Impact AIR-2.CU. Impact AIR-4 evaluates the Project's health risk impacts on all nearby off-site sensitive receptors, including Phoenix Lofts at 737 2nd Street. Through implementation of Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, and AIR-3, this impact would be reduced to less-than-significant levels (Draft EIR pp. 4.2-105 through 4.2-108). Additional mitigation, including specific mitigation at 737 2nd Street, is not required. Impact AIR-2.CU considers the existing background health risk of West Oakland residents and the contribution of the Project's TAC emissions within the context of the poor background air quality conditions. The Draft EIR concludes that this impact would be significant and unavoidable. All feasible mitigation measures are required to reduce this impact, including Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2b, AIR-1.CU, AIR-2.CU, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.

As discussed in Section 4.8, *Hazards and Hazardous Materials, Environmental Setting*, the on-site contamination is currently encapsulated under a hardscape cap across the entire Project site. Consequently, the on-site contamination is unable to migrate to off-site properties. See Response to Comment I-308-1.

The "action levels" are the Target Cleanup Levels developed in the HHERA, also described in Section 4.8, *Hazards and Hazardous Materials, Environmental Setting.*

As explained in Consolidated Response 4.22, *General Non-CEQA,* Section 4.22.3, *Financial Considerations, Community Benefits, and Other Miscellaneous Opinions*, analysis of the financial impacts of a project is outside of the purview of CEQA.

DTSC has an established public participation process that facilitates and encourages public participation. The DTSC Public Participation Manual is available at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/07/DTSC-PublicParticipationManual.pdf. This manual states that remediation documents shall be posted on the publicly accessible DTSC website EnviroStor. The website address for the Project site is https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=01440006. Upon receipt and approval by DTSC,

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RESPONSE

the Land Use Covenant and remediation plans will be posted to the Project website. In addition, DTSC provides paper copies of documents for public review at designated repositories in the local community, including at the DTSC office at 700 Heinz Avenue in Berkeley, California. The public will be able to access the documents and provide comments to DTSC by submitting comments to the Public Participation Specialist, whose email address is provided on the webpage. The public can also submit comments by mail to DTSC. The public comment period would be a minimum of 30 days, as required by Health and Safety Code Section 25356. Note that public access to these documents is required by the Public Records Act, Government Code Section 6250, California Health and Safety Code Section 25103, and various other laws and policies.

The City mailed the Notice of Availability and Notice of Public Hearing for public review of the Draft EIR to owners listed on the Assessor's roll at 737 2nd Street on February 26, 2021.

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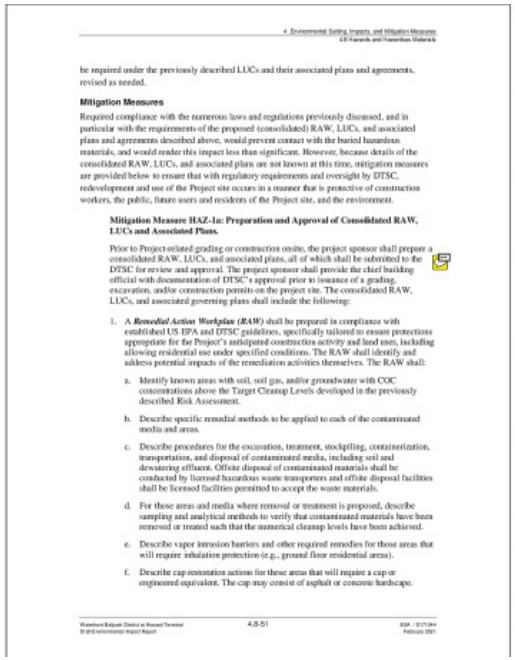

4. Environmental Setting, Impacts, and Mitigation Measures
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be required under the previously described LUCs and their associated plans and agreements, revised as needed.

Mitigation Measures

Required compliance with the numerous laws and regulations previously discussed, and in particular with the requirements of the proposed (consolidated) RAW, LUCs, and associated plans and agreements described above, would prevent contact with the buried hazardous materials, and would render this impact less than significant. However, because details of the consolidated RAW, LUCs, and associated plans are not known at this time, mitigation measures are provided below to ensure that with regulatory requirements and oversight by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of construction workers, the public, future users and residents of the Project site, and the environment.

Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAW, LUCs and Associated Plans.

Prior to Project-related grading or construction onsite, the project sponsor shall prepare a consolidated RAW, LUCs, and associated plans, all of which shall be submitted to the DTSC for review and approval. The project sponsor shall provide the chief building official with documentation of DTSC's approval prior to issuance of a grading, excavation, and/or construction permits on the project site. The consolidated RAW, LUCs, and associated governing plans shall include the following:

1. A ***Remedial Action Workplan (RAW)*** shall be prepared in compliance with established US EPA and DTSC guidelines, specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and land uses, including allowing residential use under specified conditions. The RAW shall identify and address potential impacts of the remediation activities themselves. The RAW shall:
   a. Identify known areas with soil, soil gas, and/or groundwater with COC concentrations above the Target Cleanup Levels developed in the previously described Risk Assessment.
   b. Describe specific remedial methods to be applied to each of the contaminated media and areas.
   c. Describe procedures for the excavation, treatment, stockpiling, containerization, transportation, and disposal of contaminated media, including soil and dewatering effluent. Offsite disposal of contaminated materials shall be conducted by licensed hazardous waste transporters and offsite disposal facilities shall be licensed facilities permitted to accept the waste materials.
   d. For those areas and media where removal or treatment is proposed, describe sampling and analytical methods to verify that contaminated materials have been removed or treated such that the numerical cleanup levels have been achieved.
   e. Describe vapor intrusion barriers and other required remedies for those areas that will require inhalation protection (e.g., ground floor residential areas).
   f. Describe cap restoration actions for those areas that will require a cap or engineered equivalent. The cap may consist of asphalt or concrete hardscape.

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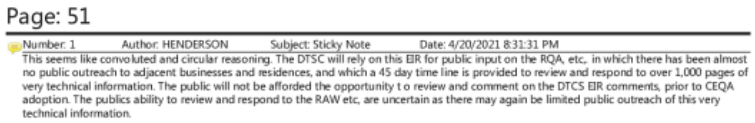
Page: 51

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 8:31:31 PM

This seems like convoluted and circular reasoning. The DTSC will rely on this EIR for public input on the RQA, etc., in which there has been almost no public outreach to adjacent businesses and residences, and which a 45 day time line is provided to review and respond to over 1,000 pages of very technical information. The public will not be afforded the opportunity t o review and comment on the DTCS EIR comments, prior to CEQA adoption. The publics ability to review and respond to the RAW etc, are uncertain as there may again be limited public outreach of this very technical information.

RESPONSE

I311-3-18 DTSC has an established public participation process that facilitates and encourages public participation. The DTSC Public Participation Manual is available at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/07/DTSC-PublicParticipationManual.pdf. This manual states that remediation documents shall be posted on the publicly accessible DTSC website EnviroStor. The website address for the Project site is https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=01440006. Upon receipt and approval by DTSC, the land use covenant and remediation plans will be posted to the Project website. In addition, DTSC provides paper copies of documents for public review at designated repositories in the local community, including at the DTSC office at 700 Heinz Avenue in Berkeley, California. The public will be able to access the documents and provide comments to DTSC by submitting comments to the Public Participation Specialist, whose email address is provided on the webpage. The public can also submit comments by mail to DTSC. The public comment period would be a minimum of 30 days, as required by Health and Safety Code 25356. Note that public access to these documents is required by the Public Records Act, Government Code Section 6250, California Health and Safety Code Section 25103, and various other laws and policies.

The City mailed the Notice of Availability and Notice of Public Hearing for public review of the Draft EIR to owners on the Assessor's roll at 737 2nd Street on February 26, 2021.

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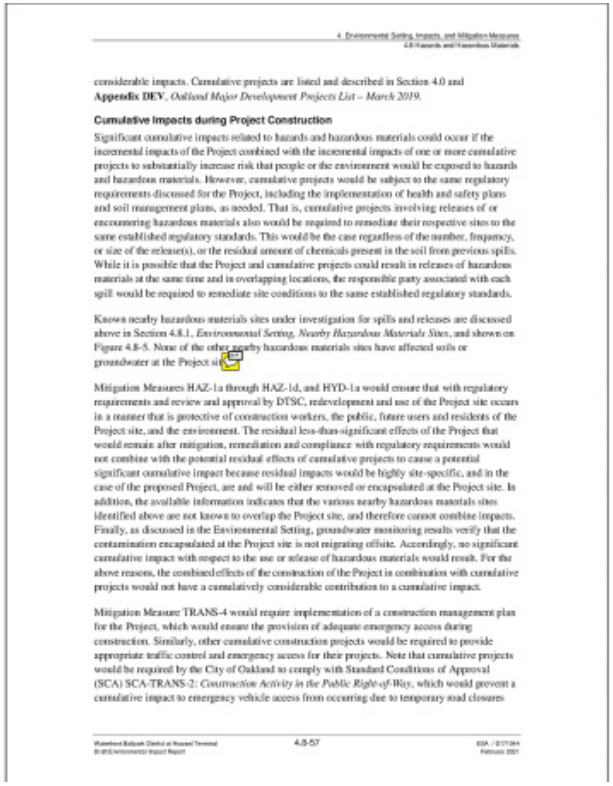


4. Environmental Setting, Impacts, and Mitigation Measures
4.8 Hazards and Hazardous Materials

considerable impacts. Cumulative projects are listed and described in Section 4.0 and **Appendix DEV**, *Oakland Major Development Projects List – March 2019*.

Cumulative Impacts during Project Construction

Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the Project combined with the incremental impacts of one or more cumulative projects to substantially increase risk that people or the environment would be exposed to hazards and hazardous materials. However, cumulative projects would be subject to the same regulatory requirements discussed for the Project, including the implementation of health and safety plans and soil management plans, as needed. That is, cumulative projects involving releases of or encountering hazardous materials also would be required to remediate their respective sites to the same established regulatory standards. This would be the case regardless of the number, frequency, or size of the release(s), or the residual amount of chemicals present in the soil from previous spills. While it is possible that the Project and cumulative projects could result in releases of hazardous materials at the same time and in overlapping locations, the responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards.

Known nearby hazardous materials sites under investigation for spills and releases are discussed above in Section 4.8.1, *Environmental Setting, Nearby Hazardous Materials Sites*, and shown on Figure 4.8-5. None of the other nearby hazardous materials sites have affected soils or groundwater at the Project site.

Mitigation Measures HAZ-1a through HAZ-1d, and HYD-1a would ensure that with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of construction workers, the public, future users and residents of the Project site, and the environment. The residual less-than-significant effects of the Project that would remain after mitigation, remediation and compliance with regulatory requirements would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific, and in the case of the proposed Project, are and will be either removed or encapsulated at the Project site. In addition, the available information indicates that the various nearby hazardous materials sites identified above are not known to overlap the Project site, and therefore cannot combine impacts. Finally, as discussed in the Environmental Setting, groundwater monitoring results verify that the contamination encapsulated at the Project site is not migrating offsite. Accordingly, no significant cumulative impact with respect to the use or release of hazardous materials would result. For the above reasons, the combined effects of the construction of the Project in combination with cumulative projects would not have a cumulatively considerable contribution to a cumulative impact.

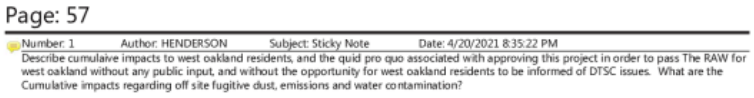
Mitigation Measure TRANS-4 would require implementation of a construction management plan for the Project, which would ensure the provision of adequate emergency access during construction. Similarly, other cumulative construction projects would be required to provide appropriate traffic control and emergency access for their projects. Note that cumulative projects would be required by the City of Oakland to comply with Standard Conditions of Approval (SCA) SCA-TRANS-2: *Construction Activity in the Public Right-of-Way*, which would prevent a cumulative impact to emergency vehicle access from occurring due to temporary road closures

Waterfront Ballpark District at Howard Terminal
Draft Environmental Impact Report
4.8-57
ESA / D171044
February 2021

I311-3

COMMENT

I311-3-19


Page: 57

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 8:35:22 PM

Describe cumulaive impacts to west oakland residents, and the quid pro quo associated with approving this project in order to pass The RAW for west oakland without any public input, and without the opportunity for west oakland residents to be informed of DTSC issues. What are the Cumulative impacts regarding off site fugitive dust, emissions and water contamination?

RESPONSE

I311-3-19 Each of the topic area sections in the Draft EIR analyze the cumulative impacts that could result due to the Project when combined with cumulative projects that occur in the vicinity. For hazards and hazardous materials, cumulative impacts are analyzed in Section 4.8, *Hazards and Hazardous Materials*, on pp. 4.8-56 through 4.8-60. For air quality, cumulative impacts are analyzed in Section 4.2, *Air Quality*, on pp. 4.2-133 through 4.2-165. For water contamination, cumulative impacts are analyzed in Section 4.9, *Hydrology and Water Quality*, on pp. 4.9-36 through 4.9-39.

The comment refers to a "quid pro quo associated with approving this project" but provides no evidence that this is occurring. As explained in Consolidated Response 4.22, *General Non-CEQA,* in Section 4.22.2, *Financial Considerations, Community Benefits, and Other Miscellaneous Opinions*, analysis of financial impacts of a project is outside of the purview of CEQA. Further explanation of the enforcement roles of DTSC and the City are provided in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*.

The City mailed the Notice of Availability and Notice of Public Hearing for public review of the Draft EIR to owners listed on the Assessor's roll at 737 2nd Street on February 26, 2021.

I311-3

COMMENT

RESPONSE

4.9 Hydrology and Water Quality

This section presents a summary of the hydrology and water quality conditions in the Project vicinity and evaluates the potential for the proposed Project to result in significant impacts related to water quality and flooding. This section relies in part on the Civil Infrastructure Technical Report prepared by BKF Engineers (BKF, 2020) in support of the Project (see **Appendix HYD**), which was independently peer reviewed by ES

Comments received on the Notice of Preparation (NOP) included concerns with surface water and groundwater quality during construction and operation of the Project, and for the Project to meet federal, State, and local federal water quality policies and regulations. No other comments on hydrology or water quality were received on the NOP.

4.9.1 Environmental Setting

Regional Setting

Climate

The Project site is located in a region generally characterized as having a Mediterranean climate with moist, mild winters and hot, dry summers. However, the region's varied topography creates microclimates dependent upon elevation, proximity to the Bay or coast, and orientation. As a result, stark climatic differences reflected in temperature, rainfall amounts, and evapotranspiration can occur over relatively short distances. More than 90 percent of precipitation in the Bay Area falls between November and April.

Surface Water

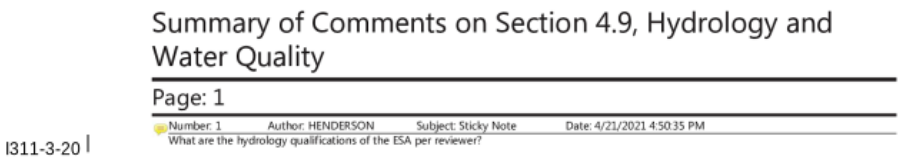
The Project site lies along shoreline of the Oakland Inner Harbor, within the San Francisco Bay. The San Francisco Bay Region is approximately 4,600 square miles, and characterized by its dominant feature, the 1,600-square-mile San Francisco Bay (Bay), the largest estuary on the west coast of the United States, where fresh waters from California's Central Valley mix with the saline waters of the Pacific Ocean. The San Francisco Bay Region also includes coastal portions of Marin and San Mateo Counties, from Tomales Bay in the north to Pescadero and Butano Creeks in the south.

The Bay conveys the waters of the Sacramento and San Joaquin rivers into the Pacific Ocean. Located on the central coast of California, the Bay system functions as the only drainage outlet for waters of the Central Valley. It also marks a natural topographic separation between the northern and southern coastal mountain ranges. The San Francisco Bay Region's waterways, wetlands, and bays form the fourth-largest metropolitan region in the United States, including all or major portions of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

The Sacramento and San Joaquin rivers, which enter the Bay system through the Delta at the eastern end of Suisun Bay, contribute almost all the freshwater inflow to the Bay. Many small rivers and streams also convey fresh water to the Bay system. The rate and timing of these

I311-3

COMMENT



RESPONSE

I311-3-20 The ESA peer review was completed by an employee with more than 20 years of experience in environmental analysis of hydrology and water quality impacts.

I311-3

COMMENT

RESPONSE

urban sources into the Bay. The cumulative development for water quality includes all development within the Basin Plan, as described previously in this section. The cumulative context for groundwater is the East Bay Basin Plan boundary. The cumulative context for sea level rise are all areas within the BCDC's jurisdiction over low-lying areas of land developed or planned for development that are subject to predicted inundation from sea level rise in the future. Because the Project's stormwater runoff would be isolated and contained on the Project site through a separate stormwater system and discharged at the end of the City's stormwater system at two outfalls at the Inner Harbor boundary of the Project, the Project's impacts on flooding from stormwater would not combine with other areas of the City.

Cumulative Impact and Project Contributio [1]

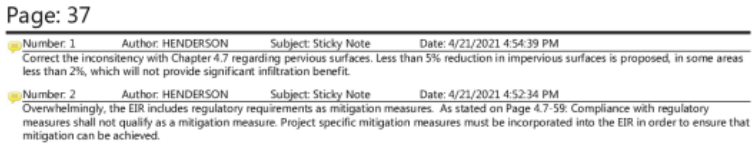
Water Quality

The proposed Project, in combination with other past, present, and future development in the Basin Plan watersheds would continue to contribute runoff and discharges to the Bay that contain constituents from agriculture, industrial, and urban land uses that would continue to potentially impact water quality in the Basin Plan area resulting in the need for continual updates to water quality control plans like the Basin Plan, as described previously on pages 4.9-2 to 4.9-3, and water quality regulations like those listed in the regulatory setting in this section. Likewise, these activities would continue to infiltrate and affect groundwater quality in the East Bay Basin. This is considered a significant cumulative impact. As described previously, development under the proposed Project would include construction and operation activities that could result in the degradation of surface water and groundwater quality, resulting in a potentially significant contribution to the cumulative impact. However, the Project would be required to comply with the current and future Basin Plan, applicable NPDES Permit requirements and ordinances, and other water quality regulations, as referenced previously in Impacts HYD-1 and HYD-2, as well as Mitigation Measures HYD-1a (Creek Protection Plan) and HYD-1b (NPDES Stormwater Requirements). These regulatory requirements and the design of the Project to capture all onsite stormwater within a new onsite stormwater system meeting stormwater quality design specifications would reduce the Project's incremental contribution to the cumulative impact to a less-than-considerable lev [2]

Further, the required compliance with the numerous laws and regulations previously discussed, and in particular with the requirements of the Remedial Action Workplan (RAW), LUCs, and associated plans and agreements described in Section 4.8, *Hazards and Hazardous Materials*, would remediate and reduce the impact of hazardous materials on water quality, and would render contribution to the cumulative impact to a less-than-considerable level. However, because details of the consolidated RAW, LUCs, and associated plans are not known at this time, Mitigation Measures HAZ-1a through HAZ-1c are provided to ensure that with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of water quality, the environment, and construction workers, the public, future users and residents of the Project site, specifically, Mitigation Measure HAZ-1a(Preparation and Approval of Consolidated RAW, LUCs and Associated Plans); Mitigation Measure HAZ-1b (Compliance with Approved RAW, LUCs and Associated Plans); and Mitigation Measure HAZ-1c (Health and Safety Plan). The impact with these mitigation measures is less than significant. Therefore, construction and operation of the Project would not

I311-3

COMMENT



I311-3-21

I311-3-22

RESPONSE

I311-3-21 Information presented in Section 4.9 of the Draft EIR regarding pervious surfaces and stormwater is correct. Section 4.7, *Greenhouse Gas Emissions,* does not include information on the percentage of reduction of impervious surfaces as indicated in the comment and no further response is required.

I311-3-22 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-3

COMMENT

RESPONSE

source, the entire Bay, and potential areas of future inundation with sea level rise, is negligible. Therefore, the Project, combined with other past, present, or reasonably foreseeable future projects, would not result in a cumulative impact to which the proposed Project would have a cumulatively considerably contribution.

Mitigation Measure HYD-1a: Creek Protection Plan. (See Impact HYD-1)

Mitigation Measure HYD-1b: NPDES Stormwater Requirements. (See Impact HYD-1)

Mitigation Measure HYD-2: Structures in a Flood Zone. (See Impact HYD-4)

Mitigation Measure HYD-3: Sea Level Rise Final Adaptive Management and Contingency Plan. (See Impact HYD-5)

Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAW, LUCs and Associated Plans. (See Section 4.8, *Hazards and Hazardous Materials*)

Mitigation Measure HAZ-1b: Compliance with Approved RAW, LUCs and Associated Plans. (See Section 4.8, *Hazards and Hazardous Materials*)

Mitigation Measure HAZ-1c: Health and Safety Plan. (See Section 4.8, *Hazards and Hazardous Materials*)

Significance after Mitigation: Less than Significa

Maritime Reservation Scenario – Cumulative

Under the Maritime Reservation Scenario, up to approximately 10 acres of the proposed Project site would not be developed. The reconfigured Project site boundary would change and the Project site area would become smaller. However, all cumulative site conditions relative to hydrology and water quality would remain the same as described for the proposed Project. Relative to hydrology and water quality impacts, the impacts from the removal of the portion of the wharf and construction and operation of an expanded turning basin would be analyzed by the Port of Oakland under a separate CEQA document if that project goes forward, and would require compliance with applicable NPDES Permit requirements and ordinances, and other water quality regulations, similar to the proposed Project, and would not combine to create a significant cumulative impact. Therefore, the cumulative impacts and analysis for the Maritime Reservation Scenario would be the same as those discussed above for the proposed Project.

4.9.6 References – Hydrology and Water Quality

Baseline, 2018. Final Third Five-Year Review Report, Charles P. Howard Terminal, Port of Oakland, CA, January 4, 2018.

BKF Engineers, 2020. Civil Narrative – CEQA Support, Oakland Athletics Proposed Development, Oakland, California. October 23, 2020.

I311-3

COMMENT

I311-3-23

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:52:00 PM

Overwhelmingly, the EIR includes regulatory requirements as mitigation measures. As stated on Page 4.7-59: Compliance with regulatory measures shall not qualify as a mitigation measure. Project specific mitigation measures must be incorporated into the EIR in order to ensure that mitigation can be achieved.

RESPONSE

I311-3-23 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4 Andrew Peters (Part 5)

COMMENT

4.7 Greenhouse Gas Emissions

This section assesses the potential for the Project to result in significant adverse environmental impacts from greenhouse gas (GHG) emissions. This analysis considers the GHG emissions that would result from construction and operation activities associated with the Project and compares these emissions to thresholds of significance. Existing City policies that would reduce potential impacts are identified.

This section relies in part on the Air Quality, Greenhouse Gas, and Health Risk Assessment Technical Report (*Air Quality Technical Report*) prepared by Ramboll in support of the Project (see Appendix AIR, *Air Quality Supporting Information*), which was independently peer reviewed by ESA.

The Notice of Preparation (NOP) for this EIR received comments related to GHG emissions, involving the Project's consistency with various plans, policies, and regulations relating to GHG reduction and climate change, requests for green infrastructure in the West Oakland Community, fossil fuel alternatives in the development and operation of the Project, and evaluation of on- and off-site GHG reduction measures. These topics are included in the analysis in this section.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the proposed Project.

4.7.1 Environmental Setting

Greenhouse Gases and Climate Change

Gases that trap heat in the atmosphere are called greenhouse gases or GHGs. GHGs allow sunlight to enter the atmosphere, but trap a portion of the outward-bound infrared radiation, which warms the air. The process is similar to the effect greenhouses have in raising the internal temperature, hence the name GHGs. Both natural processes and human activities emit GHGs. The natural accumulation of GHGs in the atmosphere regulates the Earth's temperature; however, emissions from human activities such as fossil fuel-based electricity production, the use of internal combustion engines and motor vehicles have elevated the concentration of GHGs in the atmosphere. This anthropogenic accumulation of GHGs has contributed to an increase in the temperature of the Earth's atmosphere and has contributed to global climate change.

Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change, multiple studies published in peer-reviewed scientific journals show that 97 percent or more of actively publishing scientists agree: climate-warming trends over the past century are very likely due to human activities (NASA, 2015). The principal GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs) and nitrogen trifluoride (NF_3). CO_2 is the reference gas for estimating GHG emissions.

COMMENT

carbon neutrality will require complete decarbonization (ensuring that all mechanical systems run on clean electricity) of Oakland's building sector.

The 2030 ECAP includes a set of 40 Actions projected to result in a 60 percent reduction in GHG emissions by 2030, relative to Oakland's 2005 emission levels. Actions are split into seven sectors:

- Transportation and Land Use
- Buildings
- Material Consumption and Waste
- Adaptation
- Carbon Removal
- City Leadership
- Port of Oakland

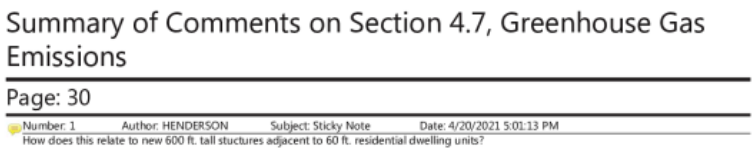
The following 2030 ECAP Actions direct the City to take actions that would affect private development in Oakland:

> ***TLU-1: Align all Planning Policies and Regulations with ECAP Goals and Priorities.*** In the course of scheduled revisions, the City will amend or update the General Plan, Specific Plans, Zoning Ordinance, Subdivision Regulations, Parks Master Plan, and appropriate planning policies or regulations to be consistent with the GHG reduction, adaptation, resilience, and equity goals in this ECAP. Appropriate planning policies should study the following strategies and incorporate such policies that are found not to have adverse environmental or equity impacts:
>
> - Remove parking minimums and establish parking maximums where feasible, ensuring public safety and accessibility
> - Require transit passes bundled with all new major developments
> - Revise zoning such that the majority of residents are within 1/2-mile of the most essential destinations of everyday life
> - Provide density bonuses and other incentives for developments near transit that provide less than half of the maximum allowable parking
> - Update the Transit Oriented Development (TOD) Guidelines to further prioritize development of housing near transit, including housing for low, very low, and extremely low-income levels
> - Require structured parking be designed for future adaptation to other uses
> - Institute graduated density zonin
> - Remove barriers to and incentivize development of affordable housing near transit
> - Incorporate policies addressing sea level rise, heat mitigation, and other climate risks into zoning standards and all long-range planning documents. Revise these policies every five years based on current science and risk projections
> - Identify and remove barriers to strategies that support carbon reduction, adaptation, resilience, and equity goals, including community solar and energy storage

I311-4

COMMENT

I311-4-1



RESPONSE

I311-4-1 The City's 2030 Equitable and Climate Action Plan (ECAP), Action TLU-1, includes "institute graduated density zoning" as an implementation policy for the action.[15] Action TLU-1 is described as follows:

> In the course of scheduled revisions, amend or update the General Plan, Specific Plans, Zoning Ordinance, Subdivision Regulations, Parks Master Plan, and appropriate planning policies or regulations to be consistent with the GHG reduction, adaptation, resilience, and equity goals in this ECAP. Specifically, appropriate planning policies should study the following strategies and should incorporate such policies that are found not to have adverse environmental or equity impacts

The City has not amended or updated the General Plan, Specific Plans, Zoning Ordinance, Subdivision Regulations, Parks Master Plan, or any appropriate planning policies yet. As such, this action does not apply to the Project. The Project would be subject to (and comply with) any future zoning change or city ordinance that would apply to the Project.

[15] City of Oakland, 2020. 2030 Equitable Climate Action Plan. Adopted June 20, 2020.

I311-4

COMMENT

RESPONSE

TLU-2: Align Permit and Project Approvals with ECAP Priorities. The City will amend Standard Conditions of Approval (SCAs), as well as mitigation measures and other permit conditions, to align with the ECAP's GHG reduction priorities. The City will explore adoption of a threshold of significance for GHG impacts to align with the ECAP. In applying conditions on permits and project approvals, the City will ensure that all cost-effective strategies to reduce GHG emissions from buildings and transportation are required or otherwise included in project designs, including infrastructure improvements like bicycle corridor enhancements, wider sidewalks, crossing improvements, public transit improvements, street trees and urban greening, and green stormwater infrastructure. Where onsite project GHG reductions are not cost-effective, prioritize local projects benefiting frontline communities.

TLU-5: Create a Zero Emission Vehicle (ZEV) Action Plan. Completion of the ZEV Action Plan by 2021 will increase adoption of electric vehicles and e-mobility while addressing equity concerns and prioritizing investment in frontline communities. The plan will set ambitious targets for ZEV infrastructure and be coordinated with other land use and mobility options so that ZEVs increase as a percentage of all vehicles while overall vehicle miles traveled decreases. The plan will address the following sectors: medium and heavy-duty vehicle electrification, including trucks and delivery vehicles; personal vehicle charging infrastructure in multifamily buildings, including affordable buildings; curbside charging; electric micromobility; workforce development; curbside charging in the public right-of-way; and City-owned parking facilities.

TLU-7: Rethink Curb Space. The City will prioritize use of curb space throughout the city by function. In order of priority, the City will allocate curb space for mobility needs for public transit and active transportation, such as walking and biking; access for people and commerce (loading zones and short-term parking); activation; and storage for long-term parking. The City's adopted Bike and Pedestrian Plans will be used to determine mobility needs. Where on-street parking is provided, the City will revise pricing, availability, and location of parking to encourage (in order of priority) active transportation, public transit, and clean vehicles, without increasing cost-burden to low-income residents and other sensitive populations such as seniors. The City will also require parking costs to be unbundled from residential and commercial leases.

TLU-8: Expand and Strengthen Transportation Demand Management Requirements. The City will increase TDM performance requirements for new developments where feasible to support the mode shifts necessary to achieve a low carbon transportation system. The City will expand the TDM program to include requirements for existing employers, and fund ongoing monitoring and enforcement of TDM requirements.

B-1: Eliminate Natural Gas in New Buildings. By 2023, the City will prohibit new buildings and major renovations from connecting to natural gas infrastructure.[1]

B-4: Reduce Lifecycle Emissions from Building Materials. By 2023, the City will adopt a concrete code for new construction that limits embodied carbon emissions. In subsequent building code updates, the City will implement improved embodied carbon performance standards including additional materials and material-efficient building practices, with exemptions for cost barriers as needed to prevent these changes from directly increasing housing or rent costs. The City will ensure requirements are at least as stringent as the State of California procurement standards in effect at the time of the building code adoption. The City will explore ways of supporting local market development for low-lifecycle-emission and carbon-storing biogenic building materials.

I311-4

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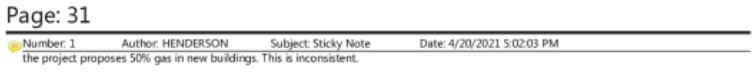
I311-4-2



RESPONSE

I311-4-2 Mitigation Measure GHG-1 has been revised to be consistent with the City's natural gas ban, which went into effect on December 16, 2020, via Ordinance 13632, requiring all newly constructed buildings to be all-electric and prohibiting installation of natural gas or propane plumbing. The revised mitigation measure requires the Project to be fully electric, except for food service activities, which may seek a waiver for exemption pursuant to Ordinance 13632. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I311-4

COMMENT

RESPONSE

natural spaces, including trees. The City will prioritize investment in frontline communities, and particularly in residential neighborhoods dominated by concrete and asphalt with limited green space and elevated air pollution, in Priority Conservation Areas, and in areas where green infrastructure, including trees and other types of vegetated buffers, can effectively address stormwater management issues and reduce air pollution exposure among sensitive populations.

CR-1: Develop Local Carbon Investment Program. By 2023, the City will establish a program for both voluntary and compliance GHG mitigation fees to be invested locally. Prioritize projects in frontline communities, such as tree planting and urban greening, including in parks; building electrification; creek restoration; and neighborhood EV car share.

CR-2: Expand and Protect Tree Canopy Coverage. By 2022, the City create a fifty-year Urban Forest Master Plan that prioritizes strategies to address disparities among neighborhoods in tree canopy coverage, and ensures that carbon sequestration is a major factor in tree planting targets, selection of tree species, and tree management practic 1

City of Oakland Ordinance Requiring All-Electric Construction in Newly Constructed Buildings

On December 1, 2020, the City of Oakland adopted Ordinance 13632 prohibiting newly constructed buildings (both residential and commercial) from connecting to natural gas or propane. Newly constructed buildings must use a permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. The prohibition does not affect existing buildings, renovations or additions made to a structure, including attached accessory dwelling units. The ban includes a waiver for developers who can demonstrate that it is not feasible for a new building to go 100 percent electric.

Port of Oakland Seaport Air Quality 2020 and Beyond Plan

In June 2019, the Port of Oakland approved its Seaport Air Quality 2020 and Beyond Plan (Port of Oakland, 2019), a masterplan that addresses emissions arising from equipment and operations at the Seaport, with a pathway towards zero emissions. The 2020 and Beyond Plan seeks to minimize emissions of criteria air pollutants and toxic air contaminants, including diesel particulate matter (DPM), as well as GHG emissions. The 2020 and Beyond Plan goals and strategies are designed to complement concurrent and future plans and studies by federal, State, regional, and regulatory agencies and organizations to address air quality, community health risk, and climate change. It builds upon the Port's existing Maritime Air Quality Improvement Plan that was approved by the Board of Port Commissioners in 2009.

Other City of Oakland Sustainability Programs and Policies

The City of Oakland has supported and adopted a number of programs and policies designed to reduce GHG emissions and continue Oakland's progress toward becoming a model sustainable city (City of Oakland, 2015). Other programs and policies of relevance to the proposed Project include:

- **Sustainable Oakland Program.** Oakland's sustainability efforts, which include actions that could reduce GHG emissions, are coordinated through the Sustainable Oakland program, a

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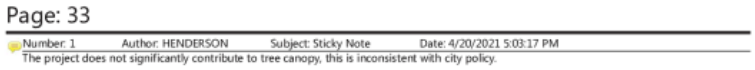
COMMENT

I311-4-3



RESPONSE

I311-4-3 The "policy" that the commenter is referring to is ECAP Measure CR-2, Expand and Protect Tree Canopy Coverage, which calls for the City by the year 2022 to create a 50-year Urban Forest Master Plan that prioritizes strategies to address disparities among neighborhoods in tree canopy coverage and ensures that carbon sequestration is a major factor in tree planting targets, selection of tree species, and tree management practices. The Urban Forest Master Plan has not yet been developed and adopted by the City, so currently there is no policy for the Project to be consistent with. However, the Draft EIR concludes that the Project is consistent with ECAP Action CR-2 because Mitigation Measure GHG-1 includes an off-site measure as part of a menu of greenhouse gas reduction plan options to increase carbon sequestration by funding or implementing a program that results in significant new tree planting and maintenance (Draft EIR p. 4.7-73).

I311-4

COMMENT

product of the Oakland Sustainability Community Development Initiative (SDI) created in 1998 (Ordinance 74678 C.M.S.).

- **Waste Reduction and Recycling Programs.** In March 2006, the Oakland City Council adopted a Zero Waste Goal by 2020 Resolution (Resolution 79774 C.M.S.) and commissioned the creation of a Zero Waste Strategic Plan to achieve the goal of 90 percent diversion from landfill.

In July 2016, the City of Oakland expanded its compost and recycling services to further its progress toward zero waste. These improvements have included:

- Compost service for food scraps and yard trimmings covering all residences, including apartment buildings and condos over five units;
- Bulky pickup service for condos and apartment buildings as well as bulky drop-off events for residents;
- Improved right-sizing opportunities for residents, including 20 gallon carts for all three material streams.

In 2016, over 600 Oakland commercial customers signed up for organics collection service, bringing the total number of commercial organics subscribers to nearly 1500 by July 2017. Technical assistance to help businesses divert the correct materials is provided by StopWaste (Alameda County's Regional Agency), and Waste Management of Alameda County, Inc. (Service Provider). The Oakland Unified School District, among other organizations, is recovering surplus edible school food and providing it to those in need.

Oakland supports a Recycling Market Development Zone (RMDZ) to incentivize the local use of recycled materials such as paper and cardboard, glass, ferrous metals, mixed plastic, and yard and food waste. The RMDZ encompasses Oakland's central business district, major industrial areas in West Oakland and the Coliseum area, the Port of Oakland's seaport facilities, and the Port of Oakland's Oakland International Airport. Oakland offers businesses participating in the RMDZ expedited permit processing, low-interest loans, and technical assistance such as site location and project coordination.

The City also adopted Construction and Demolition Recycling requirements, for which the City passed a resolution in July 2000 (Ordinance 12253, OMC Chapter 15.34), requiring certain nonresidential or apartment house projects to recycle 100 percent of all Asphalt & Concrete (A/C) materials and 65 percent of all other materials. These programs reduce GHG emissions by diverting degradable organic carbon from the landfill that would otherwise produce methane and through the reuse of existing construction and demolition materials - reducing upstream fossil-based energy required for the extraction of virgin resources and fabrication of new building materials.

Based on solid waste disposal rates reported by the California Department of Resources Recycling and Recovery (CalRecycle) for the City of Oakland in 2015 (CalRecycle, 2019), the City currently diverts about 70 percent of its waste from landfills to be recycled or reused, which exceeds the previous statewide goal to reduce waste by 50 percent in 2000 under AB 939. The current statewide goal mandated under AB 341 is to reduce waste disposal by 75 percent by 2020.

COMMENT

West Oakland Community Action Plan

AB 617 requires that communities and air districts collaborate to reduce air pollution and associated health effects in certain impacted communities like West Oakland. Pursuant to AB 617, the BAAQMD and the West Oakland Environmental Indicators Project together developed a community emissions reduction plan for West Oakland, referred to as the West Oakland Community Action Plan. The plan, adopted by the BAAQMD on October 2, 2019, and by CARB on December 5, 2019, identifies 89 potential community-level strategies and control measures that may reduce criteria air pollutant, toxic air contaminant, and GHG emissions. The West Oakland Community Action Plan Final Environmental Impact Report was certified on October 2, 2019. Specific strategies and emissions reduction measures are organized under the following categories: Health Programs, Land Use, Trucks, Other Mobile Sources, and Stationary Sources. Selected measures and strategies that are relevant to the proposed Project include, but are not limited to the following (BAAQMD and West Oakland Environmental Indicators Project, 2019):

Action 9: The City of Oakland develops a plan to limit the hours that trucks can operate in the communi[illegible]

Action 13: The City of Oakland conducts a study regarding development fees for environmental mitigations.

Action 14: The Air District provides subsidized loans for local businesses to install energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution (e.g., back-up generators).

Action 17: The City of Oakland adopts policies to lessen air quality impacts of residential and office buildings through the reduction or elimination of natural gas systems.

Action 18: The Air District advocates for more electrical infrastructure and power storage, development of (1) fast-charging facility, (1) truck charging stations and better land use support for electric trucks by 2025.

Action 20: The City of Oakland revises development requirements to require the implementation of as many transportation demand management (TDM) strategies as feasible by developers of new buildings.

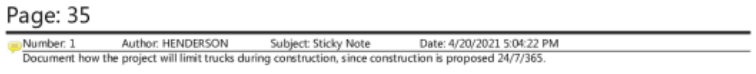
Action 29: CARB develops the following regulations to increase the number of zero-emission trucks and buses operating in West Oakland:

- The Advanced Clean Trucks regulation to transition to zero-emission technology those truck fleets that operate in urban centers, have stop-and-go driving cycles, and are centrally maintained and fueled.
- Amendment to the drayage truck regulation to transition the drayage truck fleet to zero emissions.

Action 36: The Air District works with CARB to streamline the process for providing financial incentives for fueling infrastructure, and for low and zero-emission equipment. The Air District increases outreach and assistance to individual owner-operators and small companies by providing 2 workshops in West Oakland by 2022

I311-4

COMMENT

I311-4-4 

RESPONSE

I311-4-4 The commenter is incorrect regarding the assumption of continuous 24/7/365 construction. See Mitigation Measure NOI-1a: Construction Days/Hours, which imposes restrictions on construction days and hours for the Project. Additionally, the action cited by the commenter from the WOCAP is not Project specific, but rather a direction for City consideration.

I311-4

COMMENT

RESPONSE

encourage the use of EVs at the Project site and discourage the use of gasoline and diesel passenger vehicles, thus reducing mobile source GHG emissions associated with vehicle travel to and from the Project site and requiring analysis of indirect emissions related to the source of electricity. Refer to Appendix AIR, *Air Quality Supporting Information*, for additional information on quantification methods, along with studies supporting the link between EV charging infrastructure and consumer EV purchases and EV travel.

Transportation Management Plan & Transportation Demand Management

To qualify for judicial streamlining under AB 734, the Project needs to meet several environmental standards, including achievement of a 20 percent vehicle trip reduction (VTR) via implementation of a Transportation Management Plan (TMP) and/or Transportation Demand Management (TDM) Plan. This requirement applies to both the ballpark, for which a TMP is proposed, and the other development, for which a TDM Plan is proposed. The 20 percent VTR needs to be achieved within one year after completing the first baseball season for the ballpark component of the Project and within one year after completing the other development.

Note that while the TMP and TDM Plan are required by AB 734 and proposed as part of the Project, they are also addressed in transportation mitigation to ensure their effectiveness and monitoring. For more information, see Section 4.15, *Transportation and Circulation*.

Methods for Analysis of Impacts

The evaluation of GHG emissions that may result from the construction and long-term operations of the Project is consistent with State CEQA Guidelines Section 15064.4(a) and recent related guidance from OPR.[23] This analysis considers GHG emissions resulting from Project-related incremental (net) increases in the use of on road vehicles, electricity, and natural gas compared to existing conditions. This includes construction activities associated with the proposed Project such as demolition, hauling, and construction worker trips. This analysis also considers indirect GHG emissions from water conveyance, wastewater generation, and solid waste handling. Because potential impacts resulting from GHG emissions are long-term rather than acute, GHG emissions were calculated on an annual basis.

GHG quantification methods rely on guidance from state and regional agencies with scientific expertise in quantifying GHG emissions, including CARB and the BAAQMD. GHG emissions were estimated primarily using methods consistent with CalEEMod Version 2016.3.2, which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria air pollutant and GHG emissions from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California and is recommended by the BAAQMD for evaluating GHG emissions for projects under CEQA.[24] CalEEMod separates the

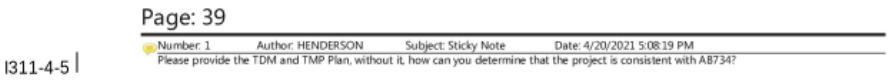
[23] The GHG operational analysis is consistent with the OPR's *CEQA and Climate Change Advisory Discussion Draft*. As stated therein, "when possible, lead agencies should quantify the project's construction and operational greenhouse gas emissions, using available data and tools, to determine the amount, types, and sources of greenhouse gas emissions resulting from the project." Governor's Office of Planning and Research, CEQA and Climate Change Advisory Discussion Draft, December 2018, page 8. Accessed March 2019.

[24] BAAQMD recommended tools and methodologies for CEQA. http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools. Accessed April 25, 2019.

I311-4

COMMENT

I311-4-5



RESPONSE

I311-4-5 See Response to Comment I311-2-24 and Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*.

I311-4

COMMENT

RESPONSE

may need an emergency generator, depending on the final configuration of Project buildings. It is assumed for the unmitigated scenario that generators would operate a maximum of 50 hours per year, consistent with the maximum allowed testing time from the ATCM (17 CCR Section 93115). For details, see the *Air Quality Technical Report* (Appendix AIR.1). With implementation of **Mitigation Measure AIR-2c** (Diesel Backup Generator Specifications), diesel backup generators would have an annual maintenance testing limit of 20 hours.

Solid Waste

Solid waste emissions for the Project's ballpark were quantified using the same methodology as described for the existing conditions. Solid waste disposal rates for the Project's retail, hotel, office, restaurant, performance venue, residential, and parking uses were calculated using CalEEMod defaults for Alameda County. The Project would also implement waste reduction and recycling measures as required by City of Oakland Ordinances that may further reduce solid waste disposal, which were not quantified as part of the analysis. For details, see the *Air Quality Technical Report* (Appendix AIR.1).

Water and Wastewater

Indirect GHG emissions result from the production of electricity used to convey, treat, and distribute the Project's water and wastewater. Indoor water use for all land uses was based on Project-specific estimates, while outdoor water use was based on CalEEMod defaults for Alameda County. Emissions from water and wastewater were calculated using methods from CalEEMod version 2016.3.2. Emission factors are based on CalEEMod defaults for Alameda County. The electricity intensity factor associated with water use is the same as used for electricity emissions, as described above. For details, see the *Air Quality Technical Report* (Appendix AIR.1

4.7.4 Impacts of the Project

GHG Emissions Impacts

Impact GHG-1: The Project could generate "net additional" GHG emissions, either directly or indirectly, from its construction and operation. (Criterion 1) (*Less than Significant with Mitigation*)

Existing emissions

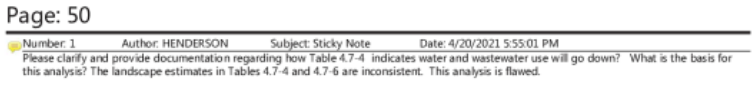
As discussed above in the *Approach to Analysis* section, the annual operational GHG emissions currently produced by Athletics games at the current Coliseum stadium and the Athletics' current headquarters/offices at Jack London Square would no longer occur when the A's move to the Project site and are subtracted from Project emissions to calculate "net additional" emissions.

Table 4.7-4 presents total annual GHG emissions by source for existing conditions (2018), and adjusts these emissions for the first operational year of Project Phase 1, and the first operational year of Project Buildout, by accounting for the effect that the RPS and the State's vehicle efficiency standards would have in reducing emissions from electricity generation and mobile sources (see Table 4.7-3). This approach is more conservative than using a fixed baseline as of the year 2018, because as emissions from existing activities would decrease over time, the net new emissions for the Project increase.

I311-4

COMMENT

I311-4-6



RESPONSE

I311-4-6 In Draft EIR Table 4.7-4 (p. 4.7-51), greenhouse gas (GHG) emissions associated with the electricity used to pump water and treat wastewater in future years are adjusted to account for the anticipated change in GHG intensity factors for electricity due to implementation of the Renewables Portfolio Standard, as shown in Draft EIR Appendix AIR.1, Tables 21 and 56. As explained on Draft EIR p. 4.7-41:

> For the purposes of determining impacts of the Project based on net additional GHG emissions, current (2018) activity levels for existing conditions were used as the basis for estimating future "existing" emissions over time as emission factors decrease… the Project's emissions in any future year were compared to existing emissions adjusted to reflect emission factors applicable that year in order to determine net additional Project emissions.

This approach to quantifying the future baseline is more conservative than using a fixed baseline as of the year 2018 because as emissions from existing activities would decrease over time, the net new emissions for the Project would increase.

Draft EIR Table 4.7-4 indicates that A's-related total annual landscaping emissions are 0.2 metric tons of carbon dioxide equivalent ($MTCO_2e$) per year for the first operational year of Phase 1 and at Full Buildout. The commenter is correct that these values are inconsistent with A's-related total annual landscaping emissions shown in Table 4.7-6 at Phase 1 and at Full Buildout. The values in Table 4.7-6, taken from Table 59 of the Air Quality Technical Report, are correct. The Final EIR updates Table 4.7-4 with the correct values for Phase 1 (0.02) and Full Buildout (0.06) [JC1] and includes the following change to the source notation for Table 4.7-4:

> SOURCE: Ramboll, 2020, Air Quality Technical Report (Appendix AIR.1), Tables 31, ~~and~~ 43, and 59; Adjusted by ESA to incorporate 2023 and 2027 emission factors.

See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised language.

I311-4

COMMENT

RESPONSE

Table 4.7-6 presents total annual GHG emissions by source for Phase 1 operations and Full Buildout operations.[38] Table 4.7-6 includes mitigated construction emissions (as shown in Table 4.7-5) amortized over a period of 30 years and then added to annual operational emissions starting with the first year of Full Buildout operation.

In addition, the operational emissions in Table 4.7-6 account for Mitigation Measures AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), and the 20 percent vehicle trip reduction required by AB 734.

As indicated in Table 4.7-6, the Project's operational GHG emissions at Phase 1 and Full Buildout (including amortized mitigated construction emissions) would be 25,452 and 58,453 $MTCO_2e$ per year, respectively. Table 4.7-6 also presents net additional annual GHG emissions for Phase 1 and full buildout, as 17,990 and 52,957 $MTCO_2e$ per year, respectively.

Net Additional Emissions

Over the 30-year life of the Project, the annual emissions for both Project operation and existing emissions associated with Athletics' games and headquarters/offices that will be shifted to the new ballpark are expected to go down with implementation of the RPS and State's vehicle efficiency standards as electricity emission factors and vehicle fleet emission factors declin[1] **Table 4.7-7** presents net additional annual GHG emissions over the 30-year lifetime of the fully built out proposed Project. As indicated in Tables 4-7.6 and 4.7-7, the Project's net additional GHG emissions at Full Buildout would be approximately 52,957 $MTCO_2e$ per year. By the end of 30 years, annual net additional emissions would be substantially lower at approximately 34,116 $MTCO_2e$ per year, due to anticipated mandated improvements in vehicle fuel efficiency and a lower GHG intensity of the electricity supply provided by PG&E.

As shown in Table 4.7-7, the Project's net additional emissions, accounting for implementation of Mitigation Measures Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) and AIR-2c (Diesel Backup Generator Specifications), and the 20 percent vehicle trip reduction required by AB 734, would exceed the City's significance threshold of zero net additional emissions for all years from the start of operations through the end of the 30 year period, with maximum net additional emissions occurring during the first full year of Project operations at full buildout at 52,957 $MTCO_2e$. As shown in Table 4.7-7, the Project's total net additional emissions over its 30-year lifetime are anticipated to be 1,266,567 $MTCO_2e$. This is a significant impact, and additional mitigation measures are required.

[38] Based on the Project proponent's 8-year construction timeline, Year 4 and Year 8 represent the earliest possible years of operation for Phase 1 and Full Buildout, respectively. The Project's GHG emissions estimates are conservative, since emission factors for electricity and on-road vehicles are expected to decrease over time due to RPS and State regulations for vehicle efficiency.

I311-4

COMMENT

I311-4-7

RESPONSE

I311-4-7 The "Net Additional" GHG emissions presented in Draft EIR Table 4.7-7 include the implementation of Mitigation Measure AIR-1c: Diesel Particulate Matter Controls and Mitigation Measure AIR-2c: Diesel Backup Generator Specifications, along with the 20 percent vehicle trip reduction required by Assembly Bill (AB) 734 and as provided for in Mitigation Measures TRANS-1a and TRANS-1b. This is documented in the table footnotes.

Draft EIR Table 4.7-7 does not account for other required measures listed in Mitigation Measure GHG-1, as revised in the Draft EIR, which include installation of electric vehicle (EV) chargers at 15 percent of on-site ballpark parking spaces and 10 percent of on-site non-ballpark parking spaces and the recently adopted City Ordinance 13632 requiring the Project's newly constructed buildings to be fully electric (except for food service, which may seek a waiver for exemption pursuant to Ordinance 13632). See Response to Comment O-45-10 for additional discussion of the changes to Mitigation Measure GHG-1.

As summarized on Draft EIR p. 4.7-53:

> As shown in Table 4.7-7, the Project's net additional emissions, accounting for implementation of Mitigation Measures AIR-1c (Diesel Particulate Matter Controls) and AIR-2c (Diesel Backup Generator Specifications), and the 20 percent vehicle trip reduction required by AB 734, would exceed the City's significance threshold of zero net additional emissions for all years from the start of operations through the end of the 30 year period, with maximum net additional emissions occurring during the first full year of Project operations at full buildout at 52,957 $MTCO_2e$. As shown in Table 4.7-7, the Project's total net additional emissions over its 30-year lifetime are anticipated to be 1,266,567 $MTCO_2e$.

I311-4

COMMENT

RESPONSE

TABLE 4.7-6
TOTAL ANNUAL PROJECT OPERATIONAL EMISSIONS AT PHASE 1 AND FULL BUILDOUT ($MTCO_2E$/YEAR)

Category[a]	Ballpark	Non-Ballpark	All Land Uses
Phase 1 Conditions			
Mobile[b]	9,106	10,469	19,575
Electricity	1,338	1,291	2,629
Natural Gas	257	1,060	1,317
Water and Wastewater	218	228	446
Solid Waste	961	368	1,329
Area Sources (Landscaping)	202	6.8	6[1]
Emergency Generators[c]	21	43	64
TRU Operation	0.4	–	0.4
Truck Idling	45	43	88
EV chargers	–	-3.5	-3.5
Total Project Operational Emissions[c]	**11,946**	**13,505**	**25,452**
A's-Related Existing Conditions Emissions[f]		–	**7,462**
Net Additional Emissions			**17,990**
Full Buildout Conditions			
Mobile[b]	7,977	37,050	45,027
Electricity	961	4,772	5,733
Natural Gas	257	3,614	3,872
Water and Wastewater	196	920	1,11[2]
Solid Waste	961	1,650	2,611
Area Sources (Landscaping)	0.06	37	37
Emergency Generators[c]	21	145	166
TRU Operation	0.2	0.2	0.5
Truck Idling	19	88	107
EV chargers	-8.9	-208	-217
Total Project Operational Emissions[d]	**10,384**	**48,068**	**58,453**
Mitigated Construction Emissions (Amortized)[e]			**1,084**
Total Emissions Including Construction			**59,537**
A's-Related Existing Conditions Emissions[f]			**6,580**
Net Additional Emissions			**52,957**

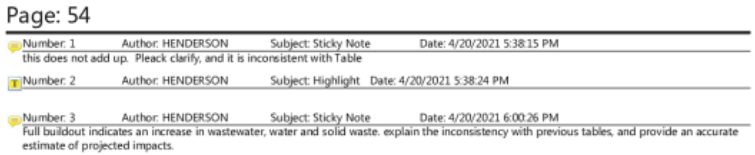
NOTES:
a These are conservative assumptions with respect to GHG emissions analysis because emission factors for electricity and on-road vehicles are expected to decrease over time due to the RPS and State regulations for vehicle efficiency, respectively.
b Mobile source emissions include the 20 percent vehicle trip reduction required by AB 734. For emissions without this reduction, refer to Appendix AIR, *Air Quality Supporting Information*.
c Emergency generator emissions account for emission reductions from Mitigation Measures AIR-1c (Diesel Particulate Matter Controls) and (Mitigation Measure AIR-2c (Diesel Backup Generator Specifications).
d Due to rounding, emissions from individual sectors may not add up to total.
e Mitigated construction emissions (see footnote "c") for Ballpark and Non-ballpark uses, amortized over a period of 30 years starting at full buildout, from Table 4.7-5.
f From Table 4.7-4. 2018 existing emissions are adjusted at Phase 1 and Full Buildout to account for the anticipated change in CO_2e intensity factors for electricity (due to the RPS) and mobile sources (due to State regulations for vehicle efficiency).

SOURCE: Ramboll, 2020, *Air Quality Technical Report* (Appendix AIR.1), Tables 16, 22, 26, 31, 33, 34, 37, 39, 43 and 59.

I311-4

COMMENT

I311-4-8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this does not add up. Pleack clarify, and it is inconsistent with Table

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/20/2021 5:38:24 PM

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:00:26 PM
Full buildout indicates an increase in wastewater, water and solid waste. explain the inconsistency with previous tables, and provide an accurate estimate of projected impacts.

RESPONSE

I311-4-8 The first part of the comment claims that the Phase 1 emissions from area sources (landscaping) do not add up in Table 4.7-6 (Draft EIR p. 4.7-54). Table 4.7-6 shows Phase 1 ballpark emissions at 0.02 $MTCO_2e$/year and Phase 1 non-ballpark emissions at 6.8 $MTCO_2e$/year. Added together, total emissions for all land uses are 6.82 $MTCO_2e$/year. However, emissions for area sources are presented using two significant digits; therefore, the total is correctly shown as 6.8 $MTCO_2e$/year (6.82 rounded).

The commenter is correct in observing that the values in Table 4.7-4 for A's-related (i.e., ballpark) area-source (landscaping) emissions are inconsistent with the annual landscaping emissions shown in Table 4.7-6 at Phase 1 and at Full Buildout. As noted in Response to Comment I311-4-6, the Final EIR updates Table 4.7-4 with the correct annual landscape emissions values for Phase 1 (0.02 $MTCO_2e$) and Full Buildout (0.06 $MTCO_2e$), as compared to 0.2 $MTCO_2e$ that was reported for both Phase 1 and Full Buildout in the Draft EIR.

The second part of the comment claims there is an inconsistency between Table 4.7-6 and previous tables regarding the increase in emissions for water, wastewater, and solid waste. Presumably the commenter is comparing Table 4.7-6 with Table 4.7-4. Table 4.7-6 shows an increase in total Project emissions from water, wastewater, and solid waste at Full Buildout compared to Phase 1. This is because Full Buildout of the Project involves more buildings than Phase 1, as presented in Table 3-1, and therefore Full Buildout operations would result in more wastewater generation, water consumption, and solid waste generation than Phase 1 operations. Table 4.7-4 presents emissions for A's-related existing conditions for 2018, Phase 1 (year 4), and Full Buildout (year 8). This table shows a decrease in water and wastewater emissions across years and constant solid waste emissions across years. For A's-related existing conditions, operations are assumed to remain constant in future years because the same buildings would exist, and the same operations would occur at those buildings. However, emissions associated with the electricity used to pump water and treat wastewater would decrease due to the anticipated change in GHG intensity factors for electricity (due to the Renewables Portfolio Standard); see Response to Comment I311-4-6. For solid waste, emission factors do not decline over time. Therefore, solid waste emissions for A's-related existing conditions remain constant over time. The two tables are not inconsistent because they are showing different things.

I311-4

COMMENT

RESPONSE

Shuttle bus service connecting the ballpark's Transportation Hub to one or more of the three nearby BART stations (West Oakland, 12th Street, and Lake Merritt) on game days or for large concerts is identified as a City priority measure in the TMP. Because shuttle service is a priority TMP measure that may result in additional GHG emissions compared to existing conditions, GHG emissions from this service have been estimated. These emissions are anticipated to be approximately 264 $MTCO_2e$ per year (see Appendix AIR, *Air Quality Supporting Information*; Ramboll, 2020). These emissions would be in addition to those set forth in Tables 4.7-6 and 4.7-7. With the addition of shuttle bus emissions, the conclusions regarding the significance of impacts from the Project's GHG emissions would not change and the mitigation measures and their application would remain the same.

Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.

Prior to the City's approval of the first construction or grading-related permit for the Project, the Project sponsor shall retain a qualified air quality consultant to develop a Project-wide GHG Reduction Plan (Plan) for implementation over the life of the Project in accordance with the requirements of this mitigation measu

The Plan shall quantify, using the most current information available, projected emissions from the first phase of Project construction as well as Project construction for full buildout of all phases of the approved development, and operational GHG emissions for the life of the project (defined as 30 years of operation). The Plan shall specify anticipated GHG emission reduction measures sufficient to reduce or offset these emissions in accordance with the standards set forth below, such that the resulting GHG emissions are below the City's "no net additional" threshold of significance pursuant to CEQA. The Plan shall also contain a separate schedule of projected GHG emissions, emission reductions and GHG offset purchases prepared in accordance with CARB's AB 734 determination (CARB, 2020) in order to comply with AB 734's requirement that that those measures be monitored and enforced by the City for the life of the Project sponsor's obligation.

For each phase or sub-phase of development, the Plan shall be updated as set forth in greater detail in Section B.1 below. At all times throughout the life of the Project, the Plan shall demonstrate that emissions from all construction and development are below the City's "no net additional" threshold of significance pursuant to CEQA for (1) phases already completed, permitted, and being proposed for permitting; and (2) anticipated future phases.

The City shall retain the services of a third-party expert to assist with the City's review and approval of the Plan. The third-party expert shall also assist the City with its review and approval of updates to the GHG Reduction Plan and Annual Reports, as described below. All costs relating to the third-party expert, including City review of its services, shall be paid by the project applicar

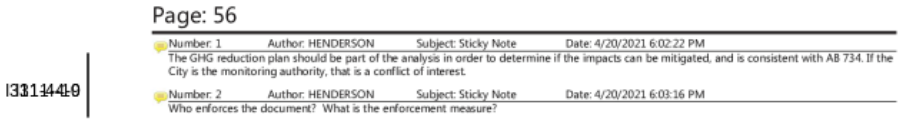
A. **GHG Reduction Plan Contents and Standards**

Specific information on the components of each element of the Plan, as it pertains to CEQA compliance, is described below:

1) ***Land Use Program and Project GHG Emissions Estimates, by Phase*** –The GHG Reduction Plan shall identify the amount of construction and square footage of development anticipated within each phase or sub-phase of the Project

I311-4

COMMENT



I311-4-1 I311-4-2 I311-4-3 I311-4-4 I311-4-5 I311-4-6 I311-4-7 I311-4-8

RESPONSE

I311-4-9 Mitigation Measure GHG-1 includes the preparation of a Greenhouse Gas Reduction Plan, which requires that the Project applicant achieve "no net additional" GHG emissions as required by AB 734. Mitigation Measure GHG-1 includes an objective performance standard; "no net additional" GHG emissions, as defined by AB 734, and requires the Project sponsor to achieve this requirement through all feasible measures. The use of performance standards is outlined in State CEQA Guidelines Section 15126.4(a)(1)(B). See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion.

As discussed in Consolidated Response 4.2, the City of Oakland is the lead agency and thus is responsible for monitoring and enforcing all mitigation measures through the Mitigation Monitoring and Reporting Program (MMRP) as required by State CEQA Guidelines Section 15097. The assertion that the City has a "conflict of interest" reflects a lack of understanding of the City's role and responsibility as the local agency with land use authority and lead agency responsibilities under CEQA, and such assertions are not relevant to the adequacy and effectiveness of identified mitigation.

I311-4-10 See Response to Comment I311-4-9.

I311-4

COMMENT

RESPONSE

and shall estimate the projected annual and total net emissions of the Project by phase or sub-phase, inclusive of all sources of Project emissions and consistent with all categories of sources identified in the EIR.

To estimate the construction and operational emissions, the Plan shall utilize full approved buildout (e.g., number of units, square footage of retail, etc.), inclusive of any required design features or other GHG Emission Reduction Measures as described below. The Project GHG emissions estimates in the Plan shall be based upon design and energy use estimates, Project-specific traffic generation, and equipment to be used on-site. The emission factors for electricity and transportation shall be based on those commonly used at the time the Plan is completed or at the time the Plan is subsequently amended, reflecting vehicle emissions standards and building energy standards in effect at the time. Consistent with the methodology used in the EIR, future year emissions factors shall be based on enacted regulations that are in effect and affect the emissions source (e.g., California's Renewables Portfolio Standard for electricity, and fuel efficiency standards for on-road vehicles).

Construction-related emissions shall be presented for both horizontal and vertical construction emissions by year for each phase. Net (incremental) emissions shall be derived by subtracting from total Project emissions (construction plus operations) the emissions from the existing A's baseball operations at the Oakland Coliseum and at their offices in Jack London Square using the methodology in EIR. Future emission factors shall be applied both to the Project and to the existing operations so as to reflect vehicle emissions standards and building energy standards in effect at the time, as described in the previous paragraph. The net emissions calculated shall demonstrate compliance with the "no net additional" threshold as set forth in greater detail above.

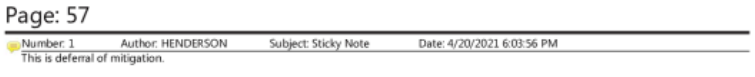
2) ***GHG Emission Reduction Measures*** – The Plan shall identify GHG Emission Reduction Measures that shall be implemented for each Project phase or sub-phase to achieve the "no net additional" CEQA significance threshold. Measures shall be verifiable and feasible to implement. The Plan shall identify the person/entity responsible for each measure, each measure's reduction amount, and the person/entity responsible for monitoring that reduction, all subject to review and approval by the City. If reduction measures associated with any given phase are shown to exceed net (incremental) emissions of that phase, the estimated credit towards future phase(s) shall be identified as set forth in Section B.1 below.

GHG reduction measures to be considered include, but are not be limited to, those listed below, as well as measures in the 2030 ECAP, Pathways to Deep GHG Reductions in Oakland: Final Report (City of Oakland, 2018b), BAAQMD's latest CEQA Air Quality Guidelines (May 2017, as may be revised), the California Air Resources Board Scoping Plan (November 2017, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on LEED published by the U.S. Green Building Council.

I311-4

COMMENT

I311-4-11



RESPONSE

I311-4-11 Mitigation Measure GHG-1 is valid CEQA mitigation and does not defer action. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for a discussion of mitigation measure deferral.

I311-4

COMMENT

RESPONSE

a. **Horizontal Construction Emission Reduction Measures**

The reduction measures for horizontal construction emissions from the Project shall be:

(1) Mitigation Measure AIR-1b Criteria Air Pollutant Controls; and

(2) Purchase of Carbon Offset Credits subject to Section 2c, *Standards for Carbon Offset Credits*, below.

b. **Vertical Construction and Operational Emission Reduction Measures**

(1) Type and Location Requirements.

GHG reduction measures shall be subject to the following requirements with respect to type and location.

The order of priority for the type of reduction measures shall be: (1) physical design features; (2) operational features; and (3) the purchase of carbon offset credits subject to the standards described below under Section 2c, *Standards for Carbon Offset Credits*.

The order of priority for the location of physical design features and operational features shall be: (1) the project site; (2) off-site within the neighborhood surrounding the Project site, including Old Oakland, Jack London Square, Chinatown, and West Oakland; (3) the greater City of Oakland community; and (4) within the San Francisco Bay Area Air Basin.

To the extent that the Plan proposes GHG reduction measures that do not conform to the priorities set forth above, the Plan shall contain substantial evidence to support the exclusion of higher priority measure(s) considered and determined to be infeasible as defined under CEQA.

(2) Required Measures.

The Plan shall incorporate the following measures to reduce Project emissions:

i. Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.

The Plan shall incorporate the following mitigation measures related to operation:

ii. Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.

iii. Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.

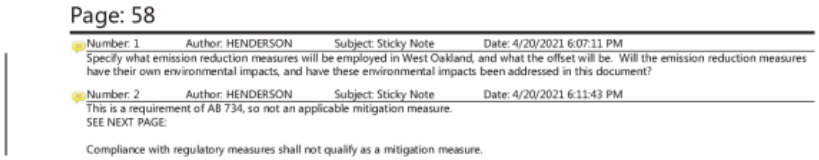
iv. Mitigation Measure AIR-2e: Criteria Pollutant Emission Reduction Plan.

v. The ballpark receives LEED Gold certification or above for new construction within one year after completion of the first baseball season. Each new nonresidential building receives LEED Gold certification or above for new construction within one year after completion of the applicable nonresidential building. Any residential building shall achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to quality tran

I311-4

COMMENT

I311-4-12


Page: 58

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:07:11 PM
Specify what emission reduction measures will be employed in West Oakland, and what the offset will be. Will the emission reduction measures have their own environmental impacts, and have these environmental impacts been addressed in this document?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:11:43 PM
This is a requirement of AB 734, so not an applicable mitigation measure.
SEE NEXT PAGE:

Compliance with regulatory measures shall not qualify as a mitigation measure.

RESPONSE

I311-4-12 Regarding the specific emissions reduction measures and projects, as discussed in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the specific details of the GHG Reduction Plan (required pursuant to Mitigation Measure GHG-1) are not known at this time. This includes emissions reduction projects beyond the Project site and carbon offset credits. The priority for off-site projects is indicated on Draft EIR p. 4.7-58, with a preference for the immediate neighborhood, West Oakland, and the City of Oakland. It is not guaranteed that off-site emissions reduction projects would be required (beyond carbon offset credits). Because any future off-site project used to meet the obligation of Mitigation Measure GHG-1 are currently unknown, it is not possible to conduct an environmental impact assessment of such projects. All future projects subject to CEQA would undergo their own CEQA review in the future, as required by state law.

Regarding Leadership in Energy and Environmental Design (LEED) Gold standards, the Project is required to meet these standards pursuant to AB 734. The Project is also required to achieve "no net additional" GHG emissions pursuant to AB 734. However, to ensure that this requirement is met, the Draft EIR includes Mitigation Measure GHG-1. Mitigation Measure GHG-1 references required actions of other agencies, and therefore, is designed to provide a mechanism for the City to ensure compliance with regulatory requirements that mandate a certain outcome. This is consistent with State CEQA Guidelines Section 15126.4(a)(1)(B), which states that "[c]ompliance with regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standard." See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion.

I311-4

COMMENT

RESPONSE

vi. Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Pl[1]

vii. Mitigation Measure TRANS-[2]ransportation Management Plan.

viii. Install EV chargers at 10% of onsite parking spaces.

ix. Electrify a minimum of 50% of the residential units as required by CARB certificatio[3]

Unless a waiver is granted by the City for a Project use, the Project would also be required to comply with building electrification requirements in the City's building code that reduce or eliminate the use of natural gas in effect at the time of Project development. [4]ompliance with regulatory measures shall not qualify as a mitigation measure[5]

(3) Menu of Additional Emission Reduction Measures: On-Site

The following types of measures shall be included in the Plan as necessary to meet the requirements of this mitigation measure and the "no net additional" GHG emissions requirement for the Project.

i. *On-site measures to reduce operational energy emissions:*

(a) *Minimize the Project's energy demand through physical design features, with the ultimate goal of zero net GHG emissions from energy use:* Minimize electricity and natural gas demand through implementation of design measures. New development, including residential, commercial, and retail buildings, could be designed as zero net GHG emissions buildin[6]

(b) *100 percent zero-carbon electricity for all land uses:* Procure 100 percent zero-carbon electricity through East Bay Community Energy or other renewable energy provider (e.g., green power purchase agreement with electric utility) for all electricity loads, including residential, commercial, and retail buildings.[39]

(c) *On-site rooftop solar PV panels or other on-site renewable energy generation:* Install on-site roof-top solar PV panels or other on-site renewable energy on all buildings at the Project site subject to space availabili[7]

(d) *Electrify residential and nonresidential development:* Go beyond building code requirements for electrification of residential and nonresidential buildings. Any requirement for building electrification then in effect and applicable to the Project under the City's Building Code shall not qualify as a mitigation measure but shall be treated as a project design feature and its efficacy in reducing GHG emissions shall be taken into consideration in calculating the Project's emissions.

(e) *Reduce refrigerant emissions:* Specify low-GWP (global warming potential) refrigerants in heat pumps installed in residential and nonresidential buildings, such as for HVAC systems, water heaters, and refrigeration.

[39] East Bay Community Energy (EBCE). Information available online: https://ebce.org/power-mix/.

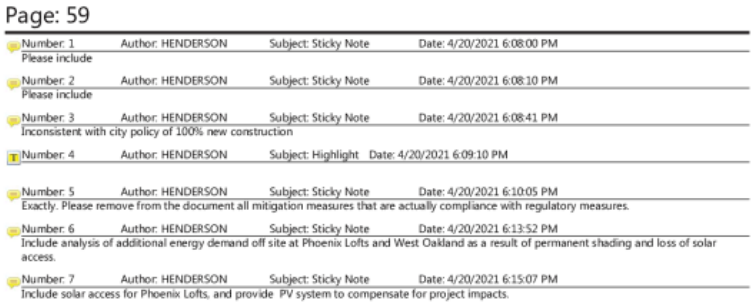
I311-4

COMMENT

I311-4-13

I311-4-14

I311-4-15



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:08:00 PM
Please include

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:08:10 PM
Please include

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:08:41 PM
Inconsistent with city policy of 100% new construction

Number: 4 Author: HENDERSON Subject: Highlight Date: 4/20/2021 6:09:10 PM

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:10:05 PM
Exactly. Please remove from the document all mitigation measures that are actually compliance with regulatory measures.

Number: 6 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:13:52 PM
Include analysis of additional energy demand off site at Phoenix Lofts and West Oakland as a result of permanent shading and loss of solar access.

Number: 7 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:15:07 PM
Include solar access for Phoenix Lofts, and provide PV system to compensate for project impacts.

RESPONSE

I311-4-13 The first two comments request that Mitigation Measures TRANS-1a and TRANS-1b be included in the GHG Reduction Plan; both mitigation measures are required.

Regarding the third comment, see Response to Comment I311-4-2.

Regarding the fourth comment, see Response to Comment I311-4-12 and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4-14 See Response to Comment I-311-2-15.

I311-4-15 Item (3)(i)(c) of Mitigation Measure GHG-1, on-site rooftop solar photovoltaic (PV) panels or other on-site renewable energy generation is one option the Project sponsor can use to achieve the performance standard requirement of the mitigation measure. This measure is specific to *on-site* solar installations, not *off-site* solar installations as requested by the commenter. Item (4)(i)(c) includes community solar projects, which could include solar PV installation at the Phoenix Lofts.

I311-4

COMMENT

RESPONSE

(f) *Convert the Peaker Plant:* Remove the jet-fueled turbines in the Peaker Plant and the associated jet fuel storage tank and replace with a battery energy storage system. The methodology used to calculate emission reductions and the amount of reduction resulting from Peaker Plant conversion attributable to the Project and applied towards the "no net additional" CEQA significance threshold shall be subject to City review and approval based on information provided as part of the Plan and other available information.

ii. *On-site measures to reduce transportation emissions:*

(a) *Additional EV charging stations beyond regulatory requirements:* Install EV charging stations, including but not limited to curbside public EV charging stations, that provide charging opportunities beyond regulatory requirements.

(b) *Preferred parking for alternative-fueled vehicles and car sharing:* Promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking for zero-emission vehicles beyond regulatory requirements. Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.

(c) *Additional TDM and/or TMP measures:* Implement TDM and/or TMP measures that go beyond 20 percent vehicle trip reduction in the TDM and TMP Plans by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and car-sharing, with preference to active transportation and public trans 1

iii. *On-site measures to reduce solid waste emissions:*

(a) *Ballpark solid waste diversion:* Increase waste diversion rate at the new ballpark to 75 percent or greater.

(b) *Organic waste diversion:* Ensure that unused edible food at restaurants and supermarkets is donated to recovery and collection organizations that can distribute it to the neediest populations beyond regulatory requiremen 2

(c) *Increase the use of reusable bags:* Promotions by on-site merchants to support the City's "Bring Your Own Bag" campaign and increase the use by customers of durable reusable bags.

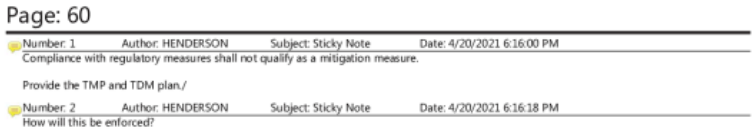
iv. *On-site measures to reduce water and wastewater emissions:*

(a) *Water efficient fixtures:* Install water efficient fixtures in residential and commercial buildings, including water-saving sinks, showers, urinals and toilets beyond regulatory requirements.

I311-4

COMMENT

I311-4-16


Page: 60

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:16:00 PM
Compliance with regulatory measures shall not qualify as a mitigation measure.

Provide the TMP and TDM plan./

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:16:18 PM
How will this be enforced?

RESPONSE

I311-4-16 Regarding compliance with regulatory measures as mitigation measures, see Response to Comment I311-4-12 and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

Details and requirements of the TMP and TDM Plan are provided in Draft EIR Section 4.15, *Transportation and Circulation*. See also Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*, and Chapter 7, *City-Initiated Updates and Errata in the Draft EIR,* for the revised mitigation language.

I311-4

COMMENT

RESPONSE

v. *On-site operational measures to reduce area source (landscaping) emissions:*

(a) *Water-efficient landscaping:* Install water-efficient landscaping and irrigation systems, including the use of native drought-tolerant vegetation beyond regulatory requirements.

(b) *Compost application:* Include a minimum of 0.5-inches of compost applied to any landscapin[1]

(c) *Recycled water:* Install dual plumbing (purple pipe) for the use of recycled water for landscape irrigation, fire protection, toilet and urinal flushing in non-residential facilities, and outdoor landscape features such as fountains and water features beyond regulatory requirement[2]

vi. *Additional on-site measures and technologies.*

(a) The Plan may include additional or substitute measures and technology to reduce GHG emissions from Project construction or operations that are not currently known or available. This may include new energy systems (such as battery storage), new transportation systems (such as autonomous vehicle networks), or other technology (such as carbon capture and storage) that is not currently available at the project-level, provided that the GHG Reduction Plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, including those described above.

(4) Menu of Additional Emission Reduction Measures: Off-Site

i. *Off-site measures to reduce energy emissions:*

(a) *Community energy efficiency retrofits:* Fund, contribute to, or implement community energy efficiency retrofits to reduce offsite building energy use.

(b) *Community energy decarbonization projects:* Fund or implement measures to increase use of non-carbon sources of energy, such as retrofits or other infrastructure projects (e.g., electrification), to reduce offsite building energy use.

(c) *Community solar projects:* Fund or implement community solar PV installations.

(d) *Community energy storage projects:* Fund or implement community energy storage installations, such as batteries or mechanical energy storage.

ii. *Off-site measures to reduce transportation emissions:*

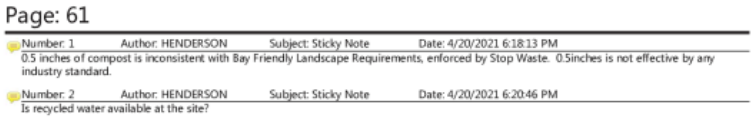
(a) Fund or implement programs to increase use of public transit so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.

(b) Fund or implement programs to increase use of bicycles, including electric bicycles, so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.

I311-4

COMMENT

I311-4-17
I311-4-18


Page: 61

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:18:13 PM
0.5 inches of compost is inconsistent with Bay Friendly Landscape Requirements, enforced by Stop Waste. 0.5inches is not effective by any industry standard.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:20:46 PM
Is recycled water available at the site?

RESPONSE

I311-4-17 Mitigation Measure GHG-1 lists several on-site emission reduction measures that would be included in the GHG Reduction Plan as necessary to meet the "no net additional" GHG emissions requirement. The comment references one such on-site measure for compost application, listed on p. 4.7-61 of the Draft EIR. To address the concern raised by the commenter, the Final EIR includes the following revised text in Mitigation Measure GHG-1, items 3.iii(b) and 3.iii(c), on p. 4.7-61:

> (b) *Compost application:* ~~Include a minimum of 0.5 inches of~~ Apply compost ~~applied~~ to any landscaping consistent with the Bay Friendly Landscaping Guidelines.

See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I311-4-18 See Response to Comment A-5-11.

I311-4

COMMENT

RESPONSE

(c) Fund or implement programs that promote walking in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community, so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.

(d) *Off-site EV chargers:* Fund or implement a program that expands the installation of EV chargers, including but not limited to curbside public EV charging stations.

(e) Fund or implement programs that increase use of electric vehicles.

(f) Contribute to or implement programs that increase electrification of public transit buses in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community.

iii. *Off-site measures to increase carbon sequestration:*

(a) *Tree planting and vegetated buffers:* Fund or implement program that results in significant new tree planting and/or vegetated buffers.[1]

iv. *Purchase of Carbon Offset Credits:* The purchase of Carbon Offset Credits, subject to Section 2c, *Standards for Offset Credits*, below, shall only be used as a reduction measure for construction and operational emissions after all the following conditions are satisfied: (1) AB 734's commitment to reduce 50% of net new emissions associated with the ballpark and other non-residential uses through the implementation of local direct measures has been met; and (2) for non-transportation sector and non-ballpark and non-hotel uses only, physical design features or operational features located on the project site or off-site within the City of Oakland have reduced project emissions levels to at or below 0.6 $MTCO_2e$/service population in keeping with the City's GHG emission reduction target.[40]

c. **Standards for Carbon Offset Credits**

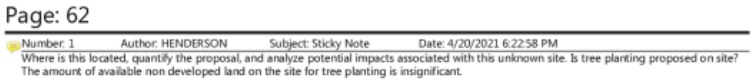
(1) Carbon offset credits can result from activities that reduce, avoid, destroy or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions occurring elsewhere. For the purpose of Project mitigation, carbon offset credits shall consist of direct emission reductions or sequestration that are used to offset the Project's direct emissions. As described in the CARB Determination for AB 734, all carbon offset credits shall be purchased from a carbon offset registry approved by CARB, which at present include the following: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The carbon offset credits shall be verifiable by the City and enforceable in accordance with the registry's applicable standards, practices, or protocols. The carbon offsets must

[40] This performance metric is derived from the 2030 ECAP, which incorporates the City of Oakland's adopted GHG emissions target of 56 percent below 2005 levels by the year 2030. For non-transportation emissions this equates to a Citywide efficiency threshold of 0.61 $MTCO_2e$ per service population. Refer to the Downtown Oakland Specific Plan Draft EIR, Table V.D-3 (p. 277), for its derivation, which divides the citywide 2030 non-transportation emissions target of 491,799 $MTCO_2e$ by a projected service population of 812,535 (City of Oakland, 2019b).

I311-4

COMMENT

I311-4-19



RESPONSE

I311-4-19 Mitigation Measure GHG-1, item (4)(iii)(a), includes "tree planting and vegetated buffers" as an off-site measure to increase carbon sequestration (Draft EIR p. 4.7-62). This is not a required mitigation measure, but it can potentially be counted toward reducing the Project's GHG emissions if a suitable program can be funded or implemented and adequately quantified per the requirements of Mitigation Measure GHG-1. As discussed in Response to Comment I311-4-12, any future off-site projects used to meet the obligation of Mitigation Measure GHG-1 are currently unknown, so it is not possible to conduct an environmental impact assessment of such projects. All future projects subject to CEQA would undergo their own CEQA review in the future, as required by state law. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion.

I311-4

COMMENT

RESPONSE

substantively satisfy all six of the statutory "environmental integrity" requirements applicable to the CARB Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, permanent, quantifiable, verifiable, enforceable, and additional. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., ANAB Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification. Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.

(2) Geographic location: Carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of priority to the extent feasible: (1) off-site within the neighborhood surrounding the Project site, including West Oakland; (2) the greater City of Oakland community; (3) within the San Francisco Bay Area Air Basin; (4) the State of California; and (5) the United States of America. Any offset credits used for mitigation are subject to the approval of the City.

B. **Implementation, Monitoring, and Enforcement**

1) ***Updated GHG Reduction Plan Required for Each Phase***[41]

Prior to issuance of the first grading or construction-related permit for each phase or sub-phase of development (i.e., a Final Development Plan and/or permit for horizontal improvements) the Applicant shall update the GHG Reduction Plan to calculate the actual quantity of emissions from construction and operation of the phase or sub-phase for the life of the Project (defined as 30 years of operation), to calculate the reductions necessary (including local, direct, and offset credits) to achieve the "no net additional" threshold for the proposed phase or sub-phase, and to identify the specific local reduction measures and offset requirements that will be implemented to meet the threshold for the proposed phase or sub-phase. The Applicant shall provide the updated Plan to the Ci[illegible] review and approval, along with a separate "AB 734 Compliance Memorandum" for the phase or sub-phase, prepared in conformance with the methodology set forth in the CARB Determination, a courtesy copy of which shall also be provided to CARB.

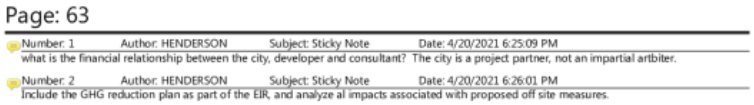
The GHG Reduction Plan, as amended, shall identify any proposed GHG Emissions Reduction Measures to be implemented or offset credits to be purchased as part of each phase that exceed those required to offset the phase's emissions and achieve the "no net additional" threshold, in which case the balance of the reductions and/or credits shall be considered a "credit bank" applicable to subsequent phas[illegible]

41 CARB's AB 734 Determination refers to the GHG Reduction Plan Updates completed at each phase as the "AB 734 Compliance Memorandum."

I311-4

COMMENT

I311-4-20


Page: 63

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:25:09 PM
what is the financial relationship between the city, developer and consultant? The city is a project partner, not an impartial artbiter.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:26:01 PM
Include the GHG reduction plan as part of the EIR, and analyze al impacts associated with proposed off site measures.

RESPONSE

I311-4-20 As discussed in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the City of Oakland is the lead agency and thus is responsible for monitoring and enforcing all mitigation measures through the Mitigation Monitoring and Reporting Program (MMRP) as required by State CEQA Guidelines Section 15097. The assertion that the City is an "impartial arbiter" with an interest in the Project reflects a lack of understanding of the City's role and responsibility as the local agency with land use authority and lead agency responsibilities under CEQA, and such assertions are not relevant to the adequacy and effectiveness of identified mitigation.

Regarding the GHG Reduction Plan and its details, see Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4

COMMENT

RESPONSE

2) ***Implementation***

The Project sponsor shall implement the updated and approved GHG Reduction Plan during construction and operation of each permitted phase as follows:

For physical GHG reduction measures to be incorporated into the design of the Project, the measures shall be included on the drawings submitted for construction-related permits and implemented during construction. The City shall confirm inclusion of these measures in the plans prior to issuance of a building permit for the applicable phase and confirm the measures were built as part of the final inspection for a Temporary Certificate of Occupancy (TCO).

For physical GHG reduction measures to be incorporated into off-site projects, the Project sponsor shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval prior to issuance of the first building permit for the applicable phase. These off-site improvements shall be installed prior to completion of the applicable phase as shown in final development plan or equivalent. The City shall confirm completion of these measures prior to issuance of a TCO for the applicable phase and as part of the final inspection.[1]

For GHG reduction measures involving the purchase of carbon offset credits for horizontal construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the first grading and/or permit for horizontal construction (P-Job permit) for each construction phase or subphase for horizontal construction and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired. The City shall confirm receipt evidence that the contract has been entered into prior to issuance of the permit and evidence of the of the verification reports and serial numbers prior to completion of the phase.

For GHG Reduction measures involving the purchase of carbon offset credits for vertical construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the building permit for each building's construction, and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired prior to issuance of the building permit for each building's construction. The City shall confirm receipt of verification reports and serial numbers prior to permit issuance.

For GHG Reduction measures involving the purchase of carbon offset credits for operational emissions, contracts for purchase of credits shall be entered into prior to issuance of a TCO for each building and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired. The City shall confirm receipt of the verification reports and serial numbers prior to issuance of a TCO.

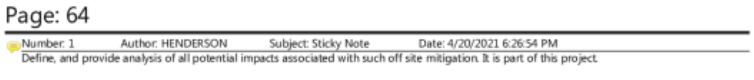
3) ***Annual Report Required***

The Applicant shall submit an annual report to the City's Planning Director on November first of each calendar year starting one year after the City issues the first TCO for the project.

I311-4

COMMENT

I311-4-21



RESPONSE

I311-4-21 The descriptions and details of any off-site mitigation measures to be included in the GHG Reduction Plan are not known at this time. However, any necessary permits/approvals associated with off-site mitigation would have to be obtained prior to issuance of permits for the Project phase being mitigated. Page 4.7-64 of the Draft EIR explains that for "physical GHG reduction measures to be incorporated into off-site projects, the Project sponsor shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval prior to issuance of the first building permit for the applicable phase." See also Response to Comment I311-4-12 and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4

COMMENT

RESPONSE

The Annual Report shall summarize the Project's implementation of GHG reduction measures over the preceding year, provide information on past, current, and anticipated Project phasing, describe compliance with the conditions of the Plan, and include a brief summary of any revisions to the GHG Reduction Plan since the previous Annual Report was submitted, including the start of new phases or sub-phases affected by the Plan. The Annual Report shall keep an ongoing tally of all carbon offset credits that have been purchased and applied to the Project, including the serial numbers of the credits, and the registry into which they have been permanently retired.

The City or its third-party GHG emissions expert shall review the Annual Report to verify that the GHG Reduction Plan is being implemented in full and monitored in accordance with the terms of this mitigation measure. The City retains the right to request a Corrective Action Plan if the Annual Report is not submitted or if the GHG Reduction Measures in the Plan are not being fully implemented and/or maintained as appropriate over the Project's 30-year lifetime, and to enforce provisions of that Corrective Action Plan if specified actions are not taken or are not successful at addressing the violation within the specified period of time.

Notwithstanding the foregoing, the City retains its discretion to enforce all mechanisms under the Municipal Code and other laws to enforce non-compliance with the requirements of this mitigation measure.

The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the Applicant, to coincide with other related monitoring and reporting required for the Project, provided that the Annual Report shall be submitted not less than once per calendar year.

Effectiveness of Mitigation

As described above, Mitigation Measure GHG-1 requires implementation of GHG emission reduction measures to meet the "no net additional" threshold at each phase or sub-phase, and to continually demonstrate Project-wide compliance with the "no net additional" CEQA significance threshold over the 30-year life of the Project. As shown in Table 4.7-7, the Project's total "net additional" emissions without mitigation over its 30-year lifetime, based on currently available information regarding the Project's design and current emission factors, are anticipated to be 1,266,567 MTCO[illegible]1

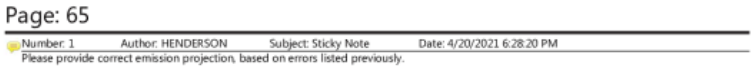
This represents the Project's total mitigation obligation, which would be recalculated and met on a phase-by-phase basis as described in Mitigation Measure GHG-1. This obligation may change over time as the Project is implemented because the applicable emission factors and regulatory requirements will change, and new technologies will become available and effective.

The obligation established by Mitigation Measure GHG-1 is different from the obligation on the Project sponsor required by CARB in their AB 734 determination based on CARB's assumptions regarding future emission factors, additional events at the Coliseum that were credited by CARB,

I311-4

COMMENT

I311-4-22



RESPONSE

I311-4-22 The commenter is referring to the Project's total "net additional" emissions with mitigation over its 30-year lifetime reported on Draft EIR p. 4.7-65 (based on Table 4.7-7) and the "errors" identified in Comments I311-4-6, I311-4-7, and I311-4-8. As discussed in the responses to these comments, no changes to Table 4.7-7 are needed. Thus, the Project's total "net additional" emissions with mitigation over its 30-year lifetime presented on p. 4.7-65 are accurate and require no edits.

I311-4

COMMENT

and potential "backfill" events at the Coliseum. The CARB AB 734 obligations will be subject to a separate condition of approval.[42]

Summary

The Project would incorporate Mitigation Measures AIR-1c and AIR-2c through 2e, and would achieve the 20 percent vehicle trip reduction required by AB 734 and as provided for in Mitigation Measures TRANS-1a and 1b. As shown in Table 4.7-6, the Project's net additional emissions without additional mitigation would result in approximately 17,990 $MTCO_2e$ per year at Phase 1 (as defined in this EIR) and 52,957 $MTCO_2e$ per year at buildout, and may be reduced over time due to lower CO_2e intensity factors expected for electricity and mobile sources. Over its 30-year lifetime, the Project's total net additional emissions are anticipated to be 1,266,567 $MTCO_2e$.

As discussed above, with implementation of **Mitigation Measures GHG-1**, the Project would result in no net additional GHG emissions. Mitigation Measure GHG-1 provides a list of required measures and a menu of options for on-site and off-site GHG reduction measures, as well as a monitoring and reporting program enabling the City to actively manage compliance with the mitigation, and ensuring that the mitigation would effectively reduce project emissions to the "no net additional" threshold of significance.

Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan. (See abov[1]

Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (See Section 4.2, *Air Quality*[2]

Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. (See Section 4.2, *Air Quality*[3]

Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (See Section 4.2, *Air Quality*[4]

Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (See Section 4.2, *Air Quality*[5]

Mitigation Measure AIR-2e: Criteria Pollutant Emission Reduction Plan. (See Section 4.2, *Air Quality*[6]

Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan. (See Section 4.15, *Transportation and Circulation*[7]

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, *Transportation and Circulation*[8]

Significance after Mitigation: Less than Significan[9]

[42] CARB's AB 734 determination requires establishment of an escrow account, setting aside funding to be used to reduce and offset emissions from any event at the Coliseum beyond the historic average of four per year. The City will impose this requirement as a non-CEQA condition of approval.

COMMENT

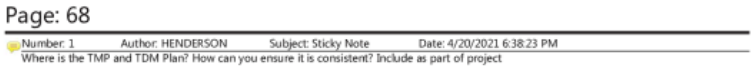
TABLE 4.7-6
SUMMARY OF ECAP ACTIONS THAT ARE RELEVANT TO THE PROJECT

Action	Description	Consistency Analysis
Transportation and Land Use		
TLU-1	**Align all Planning Policies and Regulations with ECAP Goals and Priorities.** Specifically, appropriate planning policies should study the following strategies and should incorporate such policies that are found not to have adverse environmental or equity impacts: • Remove parking minimums and establish parking maximums where feasible, ensuring public safety and accessibility • Require transit passes bundled with all new major developments • Revise zoning such that the majority of residents are within ½-mile of the most essential destinations of everyday life • Provide density bonuses and other incentives for developments near transit that provide less than half of the maximum allowable parking • Update the Transit Oriented Development (TOD) Guidelines to further prioritize development of housing near transit, including housing for low, very low, and extremely low-income levels • Require structured parking be designed for future adaptation to other uses • Institute graduated density zoning • Remove barriers to and incentivize development of affordable housing near transit • Incorporate policies addressing sea level rise, heat mitigation, and other climate risks into zoning standards and all long-range planning documents. Revise these policies every five years based on current science and risk projections • Identify and remove barriers to strategies that support carbon reduction, adaptation, resilience, and equity goals, including community solar and energy storage	**Consistent** – This action calls for future updates to the General Plan, Specific Plans, Zoning Ordinance, Subdivision Regulations, Parks Master Plan, and appropriate planning policies or regulations to be consistent with the GHG-reduction, adaptation, resilience, and equity goals in the ECAP. The Project is consistent with TLU-1 in that it supports its relevant objectives, including: • Support for transit, TOD and VMT reduction: – The Project site plan, TMP and TDM Plan include TDM measures that encourage and support transit and alternative transportation strategies for employees. Information will be provided to residents, employees and workers about various transportation options in the Project area and the TDM strategies provided by the building or employ[1] – The Project is located within the Downtown and Jack London Priority Development Area (PDA) as defined by Plan Bay Area and is consistent with the region's Sustainable Communities Strategy; – The Project would assist in meeting the City's goal of constructing 17,000 new housing units between 2015 and 2023, as identified in the 2014 Housing Element of the General Plan (City of Oakland, 2014) by constructing up to 3,000 new dwelling units and implementing an affordable housing plan. – The Project is located adjacent to the San Francisco Bay Ferry Terminal, and within a one-mile area that includes the Lake Merritt, 12th Street, and West Oakland BART Stations, the Amtrak Rail Station, and within a 10- to 15-minute walk of 13 AC Transit bus routes serving downtown and beyond. – The Project would meet the 20 percent trip reduction requirement of AB 734 via implementation of the TMP and TDM Plan. The Project will meet the VMT reductions under the City CEQA thresholds. • Parking: The zoning for the Project will include parking maximums and unbundled parking. Parking maximums would be the same or more stringent than current maximums downtown. The Project would propose 3,500 (phase one) and 2,000 (built-out) parking spaces for the ballpark as opposed to 9,100 at the Coliseum, and would have a maximum of 6,900 spaces for non-ballpark development. • Parking structure retrofits: As described in the TDM Plan (MM TRANS-1a) the Project's parking garages exceeding 1.25 spaces per unit (residential) or 1/1000 sf. (commercial) parking ratios would be designed with retrofittable garages for the excess spaces.

I311-4

COMMENT

I311-4-23



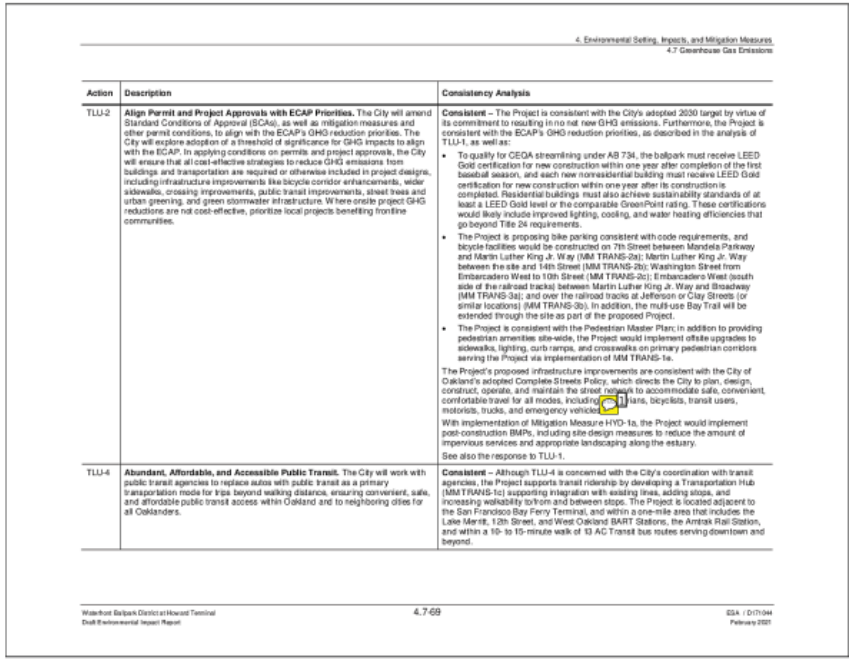
RESPONSE

I311-4-23 See Response to Comment I311-2-24 and Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*.

I311-4

COMMENT

RESPONSE



Action	Description	Consistency Analysis
TLU-2	**Align Permit and Project Approvals with ECAP Priorities.** The City will amend Standard Conditions of Approval (SCAs), as well as mitigation measures and other permit conditions, to align with the ECAP's GHG reduction priorities. The City will explore adoption of a threshold of significance for GHG impacts to align with the ECAP. In applying conditions on permits and project approvals, the City will ensure that all cost-effective strategies to reduce GHG emissions from buildings and transportation are required or otherwise included in project designs, including infrastructure improvements like bicycle corridor enhancements, wider sidewalks, crossing improvements, public transit improvements, street trees and urban greening, and green stormwater infrastructure. Where onsite project GHG reductions are not cost-effective, prioritize local projects benefiting frontline communities.	**Consistent** – The Project is consistent with the City's adopted 2030 target by virtue of its commitment to resulting in no net new GHG emissions. Furthermore, the Project is consistent with the ECAP's GHG reduction priorities, as described in the analysis of TLU-1, as well as: • To qualify for CEQA streamlining under AB 734, the ballpark must receive LEED Gold certification for new construction within one year after completion of the first baseball season, and each new nonresidential building must receive LEED Gold certification for new construction within one year after its construction is completed. Residential buildings must also achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating. These certifications would likely include improved lighting, cooling, and water heating efficiencies that go beyond Title 24 requirements. • The Project is proposing bike parking consistent with code requirements, and bicycle facilities would be constructed on 7th Street between Mandela Parkway and Martin Luther King Jr. Way (MM TRANS-2a); Martin Luther King Jr. Way between the site and 14th Street (MM TRANS-2b); Washington Street from Embarcadero West to 10th Street (MM TRANS-2c); Embarcadero West (south side of the railroad tracks) between Martin Luther King Jr. Way and Broadway (MM TRANS-3a); and over the railroad tracks at Jefferson or Clay Streets (or similar locations) (MM TRANS-3b). In addition, the multi-use Bay Trail will be extended through the site as part of the proposed Project. • The Project is consistent with the Pedestrian Master Plan; in addition to providing pedestrian amenities site-wide, the Project would implement offsite upgrades to sidewalks, lighting, curb ramps, and crosswalks on primary pedestrian corridors serving the Project via implementation of MM TRANS-1e. The Project's proposed infrastructure improvements are consistent with the City of Oakland's adopted Complete Streets Policy, which directs the City to plan, design, construct, operate, and maintain the street network to accommodate safe, convenient, comfortable travel for all modes, including pedestrians, bicyclists, transit users, motorists, trucks, and emergency vehicles. With implementation of Mitigation Measure HYD-1a, the Project would implement post-construction BMPs, including site design measures to reduce the amount of impervious services and appropriate landscaping along the estuary. See also the response to TLU-1.
TLU-4	**Abundant, Affordable, and Accessible Public Transit.** The City will work with public transit agencies to replace autos with public transit as a primary transportation mode for trips beyond walking distance, ensuring convenient, safe, and affordable public transit access within Oakland and to neighboring cities for all Oaklanders.	**Consistent** – Although TLU-4 is concerned with the City's coordination with transit agencies, the Project supports transit ridership by developing a Transportation Hub (MM TRANS-1c) supporting integration with existing lines, adding stops, and increasing walkability to/from and between stops. The Project is located adjacent to the San Francisco Bay Ferry Terminal, and within a one-mile area that includes the Lake Merritt, 12th Street, and West Oakland BART Stations, the Amtrak Rail Station, and within a 10- to 15-minute walk of 13 AC Transit bus routes serving downtown and beyond.

I311-4

COMMENT

I311-4-24

Page: 69

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:40:48 PM
Include bike and ped safety improvements over the tracks, including an overpass. Otherwise, this is not a sfe crossing.

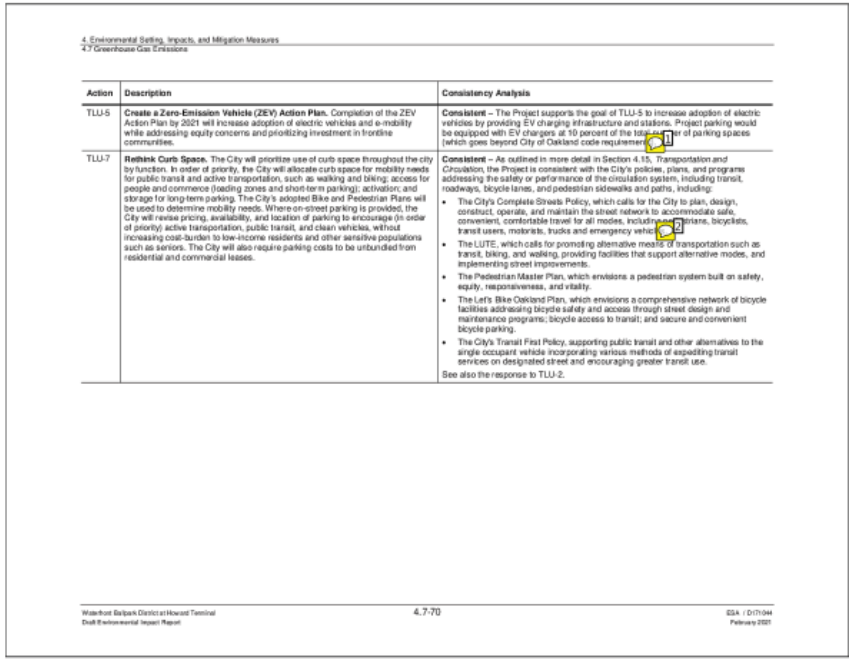
RESPONSE

I311-4-24 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-4

COMMENT

RESPONSE



4. Environmental Setting, Impacts, and Mitigation Measures
4.7 Greenhouse Gas Emissions

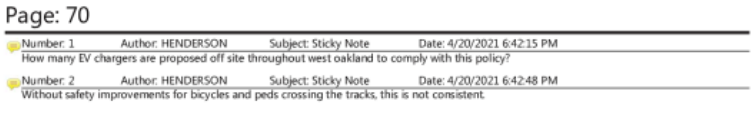
Action	Description	Consistency Analysis
TLU-5	**Create a Zero-Emission Vehicle (ZEV) Action Plan.** Completion of the ZEV Action Plan by 2021 will increase adoption of electric vehicles and e-mobility while addressing equity concerns and prioritizing investment in frontline communities.	**Consistent** – The Project supports the goal of TLU-5 to increase adoption of electric vehicles by providing EV charging infrastructure and stations. Project parking would be equipped with EV chargers at 10 percent of the total number of parking spaces (which goes beyond City of Oakland code requirements).
TLU-7	**Rethink Curb Space.** The City will prioritize use of curb space throughout the city by function. In order of priority, the City will allocate curb space for mobility needs for public transit and active transportation, such as walking and biking; access for people and commerce (loading zones and short-term parking); activation; and storage for long-term parking. The City's adopted Bike and Pedestrian Plans will be used to determine mobility needs. Where on-street parking is provided, the City will revise pricing, availability, and location of parking to encourage (in order of priority) active transportation, public transit, and clean vehicles, without increasing cost-burden to low-income residents and other sensitive populations such as seniors. The City will also require parking costs to be unbundled from residential and commercial leases.	**Consistent** – As outlined in more detail in Section 4.15, *Transportation and Circulation*, the Project is consistent with the City's policies, plans, and programs addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian sidewalks and paths, including: • The City's Complete Streets Policy, which calls for the City to plan, design, construct, operate, and maintain the street network to accommodate safe, convenient, comfortable travel for all modes, including pedestrians, bicyclists, transit users, motorists, trucks and emergency vehicles. • The LUTE, which calls for promoting alternative means of transportation such as transit, biking, and walking, providing facilities that support alternative modes, and implementing street improvements. • The Pedestrian Master Plan, which envisions a pedestrian system built on safety, equity, responsiveness, and vitality. • The Let's Bike Oakland Plan, which envisions a comprehensive network of bicycle facilities addressing bicycle safety and access through street design and maintenance programs; bicycle access to transit; and secure and convenient bicycle parking. • The City's Transit First Policy, supporting public transit and other alternatives to the single occupant vehicle incorporating various methods of expediting transit services on designated street and encouraging greater transit use. See also the response to TLU-2.

Waterfront Ballpark District at Howard Terminal
Draft Environmental Impact Report
4.7-70
ESA / D171044
February 2021

I311-4

COMMENT

I311-4-25
I311-4-26


Page: 70

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:42:15 PM
How many EV chargers are proposed off site throughout west oakland to comply with this policy?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:42:48 PM
Without safety improvements for bicycles and peds crossing the tracks, this is not consistent.

RESPONSE

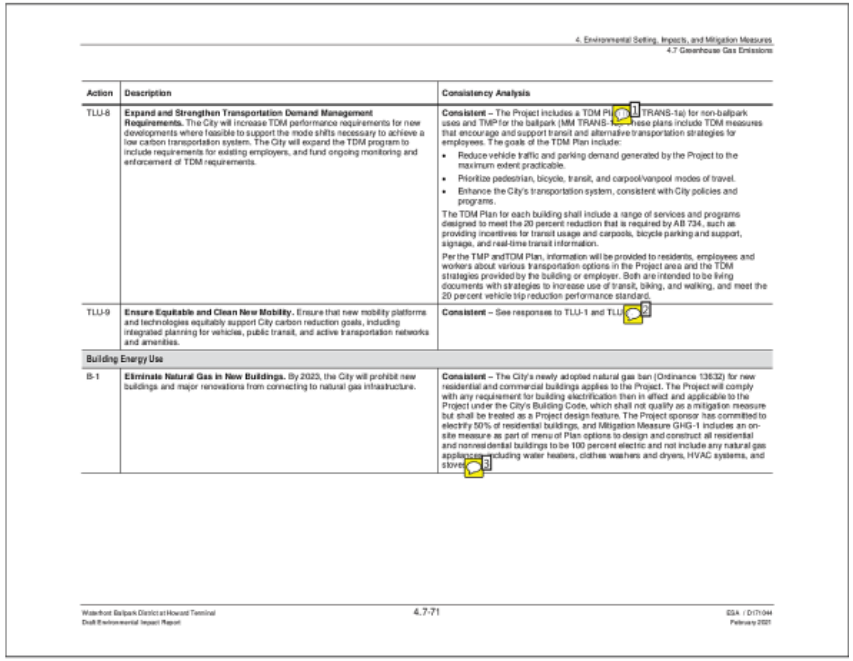
I311-4-25 Mitigation Measure GHG-1 includes a list of required measures and a menu of additional measures for on-site and off-site GHG reduction measures. It also includes a monitoring and reporting program enabling the City to actively manage compliance with the mitigation, and ensuring that the mitigation would effectively reduce Project emissions to the "no net additional" threshold of significance. The off-site measures are not required; instead, they are presented as potential programs to achieve the performance standard of the measure. Therefore, it is not possible at this time to identify the number of off-site EV chargers that would be installed pursuant to this measure. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion.

I311-4-26 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-4

COMMENT

RESPONSE

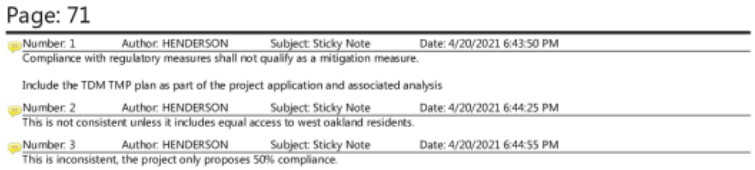


Action	Description	Consistency Analysis
TLU-8	**Expand and Strengthen Transportation Demand Management Requirements.** The City will increase TDM performance requirements for new developments where feasible to support the mode shifts necessary to achieve a low carbon transportation system. The City will expand the TDM program to include requirements for existing employers, and fund ongoing monitoring and enforcement of TDM requirements.	**Consistent** – The Project includes a TDM Plan (MM TRANS-1a) for non-ballpark uses and TMP for the ballpark (MM TRANS-1b). These plans include TDM measures that encourage and support transit and alternative transportation strategies for employees. The goals of the TDM Plan include: • Reduce vehicle traffic and parking demand generated by the Project to the maximum extent practicable. • Prioritize pedestrian, bicycle, transit, and carpool/vanpool modes of travel. • Enhance the City's transportation system, consistent with City policies and programs. The TDM Plan for each building shall include a range of services and programs designed to meet the 20 percent reduction that is required by AB 734, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information. Per the TMP and TDM Plan, information will be provided to residents, employees and workers about various transportation options in the Project area and the TDM strategies provided by the building or employer. Both are intended to be living documents with strategies to increase use of transit, biking, and walking, and meet the 20 percent vehicle trip reduction performance standard.
TLU-9	**Ensure Equitable and Clean New Mobility.** Ensure that new mobility platforms and technologies equitably support City carbon reduction goals, including integrated planning for vehicles, public transit, and active transportation networks and amenities.	**Consistent** – See responses to TLU-1 and TLU-2
Building Energy Use		
B-1	**Eliminate Natural Gas in New Buildings.** By 2023, the City will prohibit new buildings and major renovations from connecting to natural gas infrastructure.	**Consistent** – The City's newly adopted natural gas ban (Ordinance 13632) for new residential and commercial buildings applies to the Project. The Project will comply with any requirement for building electrification then in effect and applicable to the Project under the City's Building Code, which shall not qualify as a mitigation measure but shall be treated as a Project design feature. The Project sponsor has committed to electrify 50% of residential buildings, and Mitigation Measure GHG-1 includes an on-site measure as part of menu of Plan options to design and construct all residential and nonresidential buildings to be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers and dryers, HVAC systems, and stoves. 3

I311-4

COMMENT

I311-4-27


Page: 71

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:43:50 PM
Compliance with regulatory measures shall not qualify as a mitigation measure.

Include the TDM TMP plan as part of the project application and associated analysis

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:44:25 PM
This is not consistent unless it includes equal access to west oakland residents.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:44:55 PM
This is inconsistent, the project only proposes 50% compliance.

RESPONSE

I311-4-27 Regarding compliance with regulatory measures as mitigation measures, see Response to Comment I311-4-12 and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

Details and requirements of the TMP and TDM Plan are provided in Draft EIR Section 4.15, *Transportation and Circulation*.

The commenter also states that the Project is not consistent with 2030 ECAP Action TLU-9 unless the Project includes equal access to West Oakland residents. TLU-9 is defined as follows:[16]

TLU-9: Ensure Equitable and Clean New Mobility

Ensure that new mobility platforms and technologies equitably support City carbon reduction goals, including integrated planning for vehicles, public transit, and active transportation networks and amenities. Specifically:

- Demonstrate that new mobility programs, including ride share programs, align with and support GHG reduction and equity goals in this ECAP.
- Apply Greenlining Institute's Mobility Equity Framework and the Racial Equity Impact tool developed by Oakland's Department of Race and Equity to policies and programs related to new mobility.
- Increase use of Intelligent Transportation Systems to give priority to transit and clean vehicles.
- Provide incentives for walking, biking, carpooling, and ride sharing, and disincentives for fossil fuel-based on demand delivery.
- Require carbon emission reduction plans for charging and rebalancing of micromobility fleets.
- Facilitate the establishment of Transportation Management Associations to enable distribution of public transit passes and invest in increased public transit and other mobility strategies, such as walking, biking and micromobility that can reduce vehicle miles traveled.

[16] City of Oakland, 2020. 2030 Equitable Climate Action Plan. Adopted June 20, 2020.

I311-4

COMMENT

RESPONSE

- Explore potential for a "mobility wallet" to pay residents to take carbon- and space-efficient travel modes.

The Draft EIR refers the reader to the consistency analysis prepared for 2030 ECAP Measure TLU-7, which in turn references the analysis in Draft EIR Section 4.15, *Transportation and Circulation*, which concludes that the Project is consistent with the City's policies, plans, and programs addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian sidewalks and paths. Although CEQA is not generally concerned with equity issues (for more information, see Consolidated Response 4.14, *Environmental Justice*), many of these City plans and policies specifically address equitable mobility throughout the City of Oakland including the West Oakland community. Notably:

- The Oakland General Plan's Land Use and Transportation Element (LUTE) includes Policy T3.7, Resolving Transportation Conflicts, which states that the City "should resolve any conflicts between public transit and single occupant vehicles in favor of the transportation mode that has the potential to provide the greatest mobility and access for people, rather than vehicles, giving due consideration to the environmental, public safety, economic development, health and social equity impacts." (City of Oakland, 1998)
- The Pedestrian Master Plan envisions a pedestrian system built on safety, equity, responsiveness, and vitality, and as described on p. 4.15-64 of the Draft EIR, calls for "Recognizing a historical pattern of disinvestment, focus investment and resources to create equitable, accessible walking conditions to meet the needs of Oakland's diverse communities" and to "ensure that the Plan implementation is efficient, accountable, effective, and equitably distributed" (City of Oakland, 2017e).
- The Let's Bike Oakland Plan envisions a comprehensive network of bicycle facilities addressing bicycle safety and access through street design and maintenance programs; bicycle access to transit; and secure and convenient bicycle parking. The Plan includes an objective to "Build low-stress facilities that provide access to local destinations in every neighborhood in Oakland." (City of Oakland, 2019c)

Regarding electrification, Mitigation Measure GHG-1 has been revised to be consistent with the City's natural gas ban pursuant to Ordinance 13632. See

I311-4

COMMENT

RESPONSE

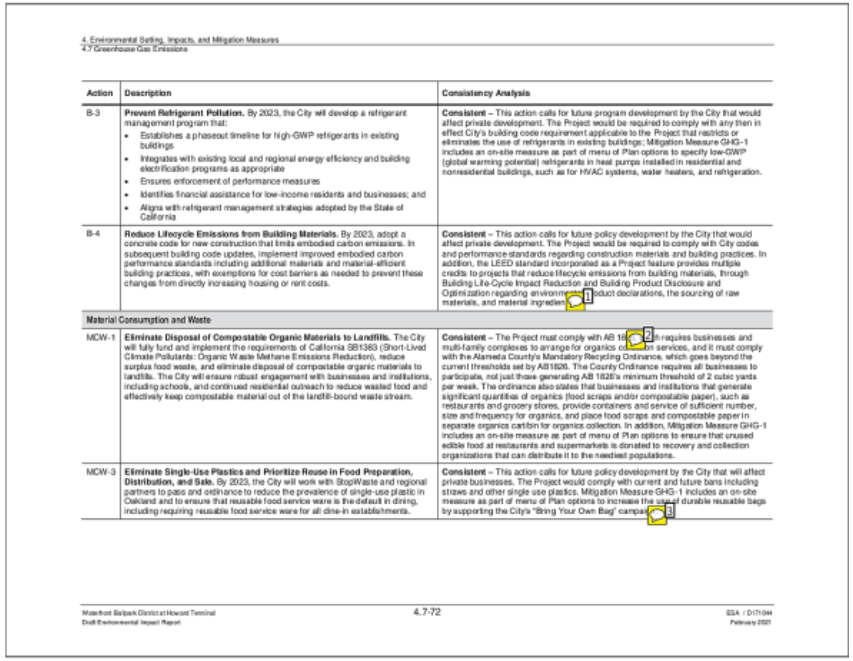
Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language. The Draft EIR on p. 4.7-71 has been revised as follows:

Consistent – The City's newly adopted natural gas ban (Ordinance 13632) for new residential and commercial buildings applies to the Project. The Project will comply with any requirement for building electrification then in effect and applicable to the Project under the City's Building Code, which shall not qualify as a mitigation measure but shall be treated as a Project design feature. Thus, the Project sponsor would be required to electrify ~~50~~ 100% of residential and nonresidential buildings, and both Mitigation Measure AIR-2e and Mitigation Measure GHG-1 acknowledge this requirement noting that all buildings would be fully electric unless a waiver is granted for food service uses in conformance with the City's building code.

I311-4

COMMENT

RESPONSE



4. Environmental Setting, Impacts, and Mitigation Measures
4.7 Greenhouse Gas Emissions

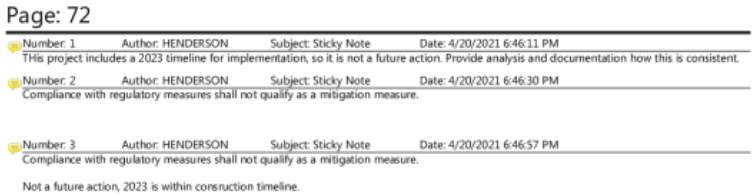
Action	Description	Consistency Analysis
B-3	**Prevent Refrigerant Pollution.** By 2023, the City will develop a refrigerant management program that: • Establishes a phaseout timeline for high-GWP refrigerants in existing buildings • Integrates with existing local and regional energy efficiency and building electrification programs as appropriate • Ensures enforcement of performance measures • Identifies financial assistance for low-income residents and businesses; and • Aligns with refrigerant management strategies adopted by the State of California	**Consistent** – This action calls for future program development by the City that would affect private development. The Project would be required to comply with any then in effect City's building code requirement applicable to the Project that restricts or eliminates the use of refrigerants in existing buildings; Mitigation Measure GHG-1 includes an on-site measure as part of menu of Plan options to specify low-GWP (global warming potential) refrigerants in heat pumps installed in residential and nonresidential buildings, such as for HVAC systems, water heaters, and refrigeration.
B-4	**Reduce Lifecycle Emissions from Building Materials.** By 2023, adopt a concrete code for new construction that limits embodied carbon emissions. In subsequent building code updates, implement improved embodied carbon performance standards including additional materials and material-efficient building practices, with exemptions for cost barriers as needed to prevent these changes from directly increasing housing or rent costs.	**Consistent** – This action calls for future policy development by the City that would affect private development. The Project would be required to comply with City codes and performance standards regarding construction materials and building practices. In addition, the LEED standard incorporated as a Project feature provides multiple credits to projects that reduce lifecycle emissions from building materials, through Building Life-Cycle Impact Reduction and Building Product Disclosure and Optimization regarding environmental product declarations, the sourcing of raw materials, and material ingredients. 1
Material Consumption and Waste		
MCW-1	**Eliminate Disposal of Compostable Organic Materials to Landfills.** The City will fully fund and implement the requirements of California SB1383 (Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reduction), reduce surplus food waste, and eliminate disposal of compostable organic materials to landfills. The City will ensure robust engagement with businesses and institutions, including schools, and continued residential outreach to reduce wasted food and effectively keep compostable material out of the landfill-bound waste stream.	**Consistent** – The Project must comply with AB 1826 2 which requires businesses and multi-family complexes to arrange for organics collection services, and it must comply with the Alameda County's Mandatory Recycling Ordinance, which goes beyond the current thresholds set by AB1826. The County Ordinance requires all businesses to participate, not just those generating AB 1826's minimum threshold of 2 cubic yards per week. The ordinance also states that businesses and institutions that generate significant quantities of organics (food scraps and/or compostable paper), such as restaurants and grocery stores, provide containers and service of sufficient number, size and frequency for organics, and place food scraps and compostable paper in separate organics cartbin for organics collection. In addition, Mitigation Measure GHG-1 includes an on-site measure as part of menu of Plan options to ensure that unused edible food at restaurants and supermarkets is donated to recovery and collection organizations that can distribute it to the neediest populations.
MCW-3	**Eliminate Single-Use Plastics and Prioritize Reuse in Food Preparation, Distribution, and Sale.** By 2023, the City will work with StopWaste and regional partners to pass and ordinance to reduce the prevalence of single-use plastic in Oakland and to ensure that reusable food service ware is the default in dining, including requiring reusable food service ware for all dine-in establishments.	**Consistent** – This action calls for future policy development by the City that will affect private businesses. The Project would comply with current and future bans including straws and other single use plastics. Mitigation Measure GHG-1 includes an on-site measure as part of menu of Plan options to increase the use of durable reusable bags by supporting the City's "Bring Your Own Bag" campaign. 3

Waterfront Ballpark District at Howard Terminal
Draft Environmental Impact Report
4.7-72
ESA / D171044
February 2021

I311-4

COMMENT

I311-4-28


Page: 72

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:46:11 PM
THis project includes a 2023 timeline for implementation, so it is not a future action. Provide analysis and documentation how this is consistent.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:46:30 PM
Compliance with regulatory measures shall not qualify as a mitigation measure.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:46:57 PM
Compliance with regulatory measures shall not qualify as a mitigation measure.

Not a future action, 2023 is within consruction timeline.

RESPONSE

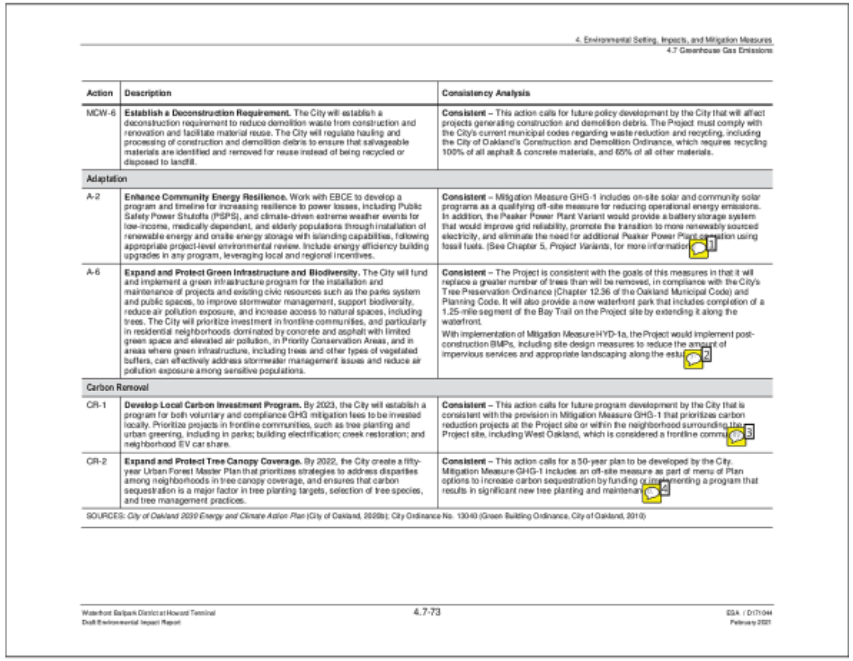
I311-4-28 As stated on Draft EIR p. 4.7-72, 2030 ECAP Action B-4 calls for future policy development by the City that would affect private development—specifically, that the City will adopt a concrete code for new construction that limits embodied carbon emissions by 2023. It is not possible to demonstrate consistency with a code that has not been written or adopted yet. As stated in the Draft EIR, the Project would be required to comply with any future City codes and performance standards regarding construction materials and building practices that are in place by the time construction commences.

Regarding compliance with regulatory measures as mitigation measures, see Response to Comment I311-4-12 and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4

COMMENT

RESPONSE



4. Environmental Setting, Impacts, and Mitigation Measures
4.7 Greenhouse Gas Emissions

Action	Description	Consistency Analysis
MCW-6	**Establish a Deconstruction Requirement.** The City will establish a deconstruction requirement to reduce demolition waste from construction and renovation and facilitate material reuse. The City will regulate hauling and processing of construction and demolition debris to ensure that salvageable materials are identified and removed for reuse instead of being recycled or disposed to landfill.	**Consistent** – This action calls for future policy development by the City that will affect projects generating construction and demolition debris. The Project must comply with the City's current municipal codes regarding waste reduction and recycling, including the City of Oakland's Construction and Demolition Ordinance, which requires recycling 100% of all asphalt & concrete materials, and 65% of all other materials.
Adaptation		
A-2	**Enhance Community Energy Resilience.** Work with EBCE to develop a program and timeline for increasing resilience to power losses, including Public Safety Power Shutoffs (PSPS), and climate-driven extreme weather events for low-income, medically dependent, and elderly populations through installation of renewable energy and onsite energy storage with islanding capabilities, following appropriate project-level environmental review. Include energy efficiency building upgrades in any program, leveraging local and regional incentives.	**Consistent** – Mitigation Measure GHG-1 includes on-site solar and community solar programs as a qualifying off-site measure for reducing operational energy emissions. In addition, the Peaker Power Plant Variant would provide a battery storage system that would improve grid reliability, promote the transition to more renewably sourced electricity, and eliminate the need for additional Peaker Power Plant generation using fossil fuels. (See Chapter 5, *Project Variants*, for more information.)
A-6	**Expand and Protect Green Infrastructure and Biodiversity.** The City will fund and implement a green infrastructure program for the installation and maintenance of projects and existing civic resources such as the parks system and public spaces, to improve stormwater management, support biodiversity, reduce air pollution exposure, and increase access to natural spaces, including trees. The City will prioritize investment in frontline communities, and particularly in residential neighborhoods dominated by concrete and asphalt with limited green space and elevated air pollution, in Priority Conservation Areas, and in areas where green infrastructure, including trees and other types of vegetated buffers, can effectively address stormwater management issues and reduce air pollution exposure among sensitive populations.	**Consistent** – The Project is consistent with the goals of this measures in that it will replace a greater number of trees than will be removed, in compliance with the City's Tree Preservation Ordinance (Chapter 12.36 of the Oakland Municipal Code) and Planning Code. It will also provide a new waterfront park that includes completion of a 1.25-mile segment of the Bay Trail on the Project site by extending it along the waterfront. With implementation of Mitigation Measure HYD-1a, the Project would implement post-construction BMPs, including site design measures to reduce the amount of impervious services and appropriate landscaping along the esta
Carbon Removal		
CR-1	**Develop Local Carbon Investment Program.** By 2023, the City will establish a program for both voluntary and compliance GHG mitigation fees to be invested locally. Prioritize projects in frontline communities, such as tree planting and urban greening, including in parks; building electrification; creek restoration; and neighborhood EV car share.	**Consistent** – This action calls for future program development by the City that is consistent with the provision in Mitigation Measure GHG-1 that prioritizes carbon reduction projects at the Project site or within the neighborhood surrounding the Project site, including West Oakland, which is considered a frontline comm
CR-2	**Expand and Protect Tree Canopy Coverage.** By 2022, the City create a fifty-year Urban Forest Master Plan that prioritizes strategies to address disparities among neighborhoods in tree canopy coverage, and ensures that carbon sequestration is a major factor in tree planting targets, selection of tree species, and tree management practices.	**Consistent** – This action calls for a 50-year plan to be developed by the City. Mitigation Measure GHG-1 includes an off-site measure as part of menu of Plan options to increase carbon sequestration by funding or implementing a program that results in significant new tree planting and maintenan

SOURCES: *City of Oakland 2030 Energy and Climate Action Plan* (City of Oakland, 2020b); City Ordinance No. 13040 (Green Building Ordinance, City of Oakland, 2010)

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4.7-73
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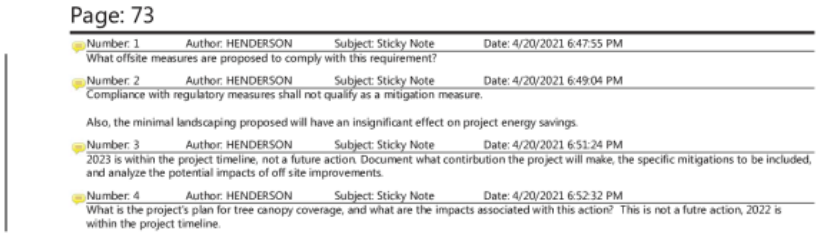
February 2021

I311-4

COMMENT

I311-4-29



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:47:55 PM
What offsite measures are proposed to comply with this requirement?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:49:04 PM
Compliance with regulatory measures shall not qualify as a mitigation measure.

Also, the minimal landscaping proposed will have an insignificant effect on project energy savings.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:51:24 PM
2023 is within the project timeline, not a future action. Document what contirbution the project will make, the specific mitigations to be included, and analyze the potential impacts of off site improvements.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/20/2021 6:52:32 PM
What is the project's plan for tree canopy coverage, and what are the impacts associated with this action? This is not a futre action, 2022 is within the project timeline.

RESPONSE

I311-4-29 There are four separate comments to address here.

First, the commenter asks what off-site measures are proposed to comply with the "requirement" of 2030 ECAP Action A-2: Enhance Community Energy Resilience. First, this is not a requirement of the Project. Action A-2 calls for the City to "[w]ork with EBCE to develop a program and timeline for increasing resilience to power losses, including Public Safety Power Shutoffs (PSPS), and climate-driven extreme weather events for low-income, medically dependent, and elderly populations through installation of renewable energy and on-site energy storage with islanding capabilities, following appropriate project-level environmental review." This program has not yet been developed and there are no associated requirements for land use development projects.

However, as stated on Draft EIR p. 4.7-73, Mitigation Measure GHG-1 includes several on-site and off-site emission reduction measures that are to be included in the GHG Reduction Plan as necessary to meet the "no net additional" GHG emission requirement, including community solar programs as a qualifying off-site measure for reducing operational energy emissions. The Peaker Power Plant Variant would provide a battery storage system that would improve grid reliability, promote the transition to more renewably sourced electricity, and eliminate the need for additional Peaker Power Plant operation using fossil fuels (see Draft EIR Chapter 5, *Project Variants*, for more information).

Second, the commenter seems to be suggesting that implementation of post-construction best management practices required by Mitigation Measure HYD-1a constitute compliance with regulatory measures. This is not accurate; see Draft EIR Section 4.9, *Hydrology and Water Quality*, for a description of Mitigation Measure HYD-1a. For additional discussion regarding compliance with regulatory measures as mitigation measures, see Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. In addition, the analysis on p. 4.7-73 merely concludes that the Project is consistent with the goals of ECAP Action A-2 in that it will replace a greater number of trees than will be removed, in compliance with the City's Tree Preservation Ordinance (Chapter 12.36 of the Oakland Municipal Code) and Planning Code. There is no quantification or value statement needed regarding how the landscaping will affect Project energy savings.

I311-4

COMMENT

RESPONSE

Third, as stated on Draft EIR p. 4.7-73, 2030 ECAP Action CR-1 calls for the City to establish a program for both voluntary and compliance GHG mitigation fees to be invested locally. This program has not yet been developed and there are no associated requirements for land use development projects. Further, it is not possible to demonstrate specific consistency with a program that has not been written or adopted yet. As stated in the Draft EIR, Mitigation Measure GHG-1 is consistent with the intent of this future program to prioritize carbon reduction projects at the Project site or within the neighborhood surrounding the Project site. Regarding specific off-site emission reduction programs implemented via Mitigation Measure GHG-1, future off-site project used to meet the obligation of Mitigation Measure GHG-1 are currently unknown, it is not possible to conduct an environmental impact assessment of such projects. All future projects subject to CEQA would undergo their own CEQA review in the future, as required by state law. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for additional discussion.

Fourth, regarding consistency with 2030 ECAP Action CR-2, which calls for the City to create a 50-year Urban Forest Master Plan, see Response to Comment I311-4-3.

I311-4

COMMENT

RESPONSE

- VMT generated by the Project for the performance venue would be more than 15 percent below existing similar uses with a comprehensive TDM Plan encompassing the entirety of the non-ballpark development including the parking maximums described in Chapter 3, *Project Description*.
- VMT generated by the ballpark component of the Project would be more than 15 percent below existing similar uses with a comprehensive TMP for both Phase 1 of and full buildout of the Project including a 2,000-parking space maximum for buildout and a 3,500-space maximum for Phase 1.

As described in Section 4.15, *Transportation and Circulation*, all Project uses would meet the VMT reduction requirements under the City-adopted significance thresholds, which are consistent with SB 743 and would result in a less-than-significant impact.

Consistency with Plan Bay Area 2040

Pursuant to California Senate Bill 375, ABAG and the MTC adopted *Plan Bay Area 2040* to establish targets and strategies intended to meet the region's needs for housing at all income levels, while reducing GHGs associated with private passenger and light duty truck traffic. *Plan Bay Area 2040*'s core strategy is encouraging growth in existing communities along the existing transportation network, focusing new development in Priority Development Areas (PDAs) and Transit Priority Areas (TPAs) within urbanized centers where there is more public transit and other mobility options available to reduce driving by cars and light trucks. In addition to significant transit and roadway performance investments to encourage focused growth, *Plan Bay Area 2040* directs funding to neighborhood active transportation and complete streets projects, climate initiatives, lifeline transportation and access initiatives, pedestrian and bicycle safety programs, and PDA planning.

The Project is consistent with *Plan Bay Area 2040* by virtue of being located within the Downtown and Jack London PDA and within a TPA. Additionally, as required by the TMP and TDM Plan, the Project would implement programs to directly encourage more employees to shift from driving alone to other modes of travel. These programs would consist of strategies that incentivize travel by non-automobile modes, such as discounted transit tickets and preferential carpool parking, and strategies that disincentive travel by automobile, such as higher parking fees.

The Project's proposed strategy to specifically limit parking supply through both the TMP for the ballpark and the TDM Plan for the non-ballpark development minimizes automobile trips resulting in a greater share using transit. There are many local and regional transit service options available including Lake Merritt, 12th Street, and West Oakland BART Stations, Amtrak Station, Ferry Terminal, and the well-connected AC Transit bus routes within a 10- to 15-minute walk. For more details on the Project's VMT reduction analysis, see the impact analysis in Section 4.15, *Transportation and Circulation*.

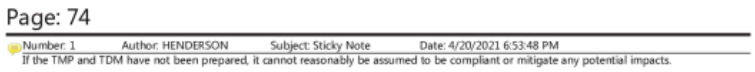
Consistency with Advanced Clean Cars Initiative and the State's Zero-Emission Vehicles Mandate

The Project is consistent with State goals for zero-emission vehicles (ZEVs) as expressed in the Advanced Clean Cars Initiative and the ZEV mandate established by Executive Order B-16-12,

I311-4

COMMENT

I311-4-30



RESPONSE

I311-4-30 The requirements of the Transportation and Parking Demand Management (TDM) Plan for the non-ballpark development are stipulated in Mitigation Measure TRANS-1a; the requirements of the Transportation Management Plan (TMP) for the ballpark are stipulated in Mitigation Measure TRANS-1b. Mitigation Measures TRANS-1a and TRANS-1b require that the Project achieve a 20 percent Project vehicle trip reduction (VTR) for both the non-ballpark development and the ballpark over conditions without a TDM Plan and TMP. This is a requirement of AB 734.

The 20 percent vehicle trip reduction is a performance standard requirement of these mitigation measures. Over the 30-year or more useful life of the proposed Project, the feasibility and effectiveness of various vehicle trip reduction measures is likely to change over time as there are changes in transit services, parking supplies, travel behavior, and advances in technology; therefore, it would be impractical to lock in place a complete list of discrete actions to reduce vehicle trips at the time the Draft EIR is adopted. For this reason, Mitigation Measures TRANS-1a and TRANS-1b appropriately use a 20 percent vehicle trip reduction performance standard derived from AB 734 that represents a reasonable estimate of vehicle trip reductions that will be required and can feasibly be attained and provides a mix of required and suggested actions. The use of performance standards is permitted by State CEQA Guidelines Section 15126.4(a)(1)(B). See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion.

Because the 20 percent trip reduction is an objective, enforceable, and measurable performance standard, the Draft EIR appropriately accounts for reduction in GHG emissions associated with achieving this standard through implementation of Mitigation Measures TRANS-1a and TRANS-1b.

I311-4

COMMENT

RESPONSE

Jr. Way from Embarcadero West to 8th Street), TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), TRANS-3a (Implement At-Grade Railroad Crossing Improvements), and TRANS-3b (Pedestrian and Bicycle Overcrossing). In addition, as described in Section 4.7.3 under *Sustainable Design Features*, the Project's buildings will be designed to achieve at least a LEED Gold rating or the comparable GreenPoint rating, which by nature will be accomplished through on-site measures that reduce GHG emission through more efficient use energy, materials and resources.

For these reasons described above, the Project is consistent with the 2017 Scoping Plan Update.

Consistency with Executive Order S-3-05

Executive Order No. S3-05 established a goal of reducing the State's GHG emissions to 80 percent below the 1990 level by the year 2050. Based on the analysis presented herein, the Project's emissions are expected to decline from its full buildout year starting in 2027 through at least 2050 due to existing plans, policies and regulations. As described above, implementation of the 2017 Scoping Plan Update would decrease emissions through the RPS, more fuel-efficient vehicles, VMT reduction, high speed rail and other alternative transportation options, and more efficient appliances, water heaters, and HVAC systems. With implementation of Mitigation Measure GHG-1, the proposed Project would result in no net additional emissions and would not hinder achievement of the statewide 2050 goal established by Executive Order No. S3-05. The Project emissions show a decrease in trajectory over time towards the year 2050.

The California Supreme Court in *Cleveland National Forest Foundation, et al v. San Diego Association of Governments* ((2017) 3 Cal. 5th 497, Supreme Court Case No. 5223603), upheld SANDAG's EIR in its approach of not determining project impacts for 2050 based on Executive Order No. S3-05 goal for 2050, noting that "the [Executive Order No. S3-05] lacks the force of a legal mandate binding on SANDAG in the preparation of its EIR" and that the EIR was not required to "explicitly engage in an analysis of the consistency of projected 2050 emissions" with Executive Order No. S3-05. Therefore, determining impacts based on the Project's consistency with Executive Order No. S3-05 is not required under CEQA and is presented here to inform decision makers and the public.

Summary

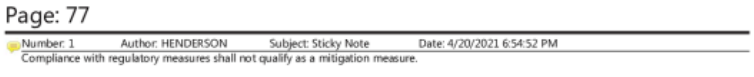
As discussed above, the Project would not conflict with attainment of near-term and long-term plans, policies and regulations created to achieve GHG reductions in Oakland, the Bay Area, and the State of California. With mitigation, there would be a less-than-significant impact involving a conflict with a plan, policy, or regulation adopted to reduce GHGs. Mitigation Measure GHG-1, as well as Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, HYD-1a, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b would directly support the Project's alignment with the goals, policies, and regulations in these plans aimed at reducing GHGs.

Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan. (See Impact GHG-

I311-4

COMMENT

I311-4-31



RESPONSE

I311-4-31 See Response to Comment I311-4-12 and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4

COMMENT

RESPONSE

Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (See Section 4.2, *Air Quality*)

Mitigation Measure AIR-2e: Criteria Pollutant Emission Reduction Plan. (See Section 4.2, *Air Quality*)

Mitigation Measure HYD-1a: Creek Protection Plan (See Section 4.9, *Hydrology and Water Quality*) 1

Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan. (See Section 4.15, *Transportation and Circulation*) 2

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, *Transportation and Circulation*) 3

Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Section 4.15, *Transportation and Circulation*) 4

Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements. (See Section 4.15, *Transportation and Circulation*) 5

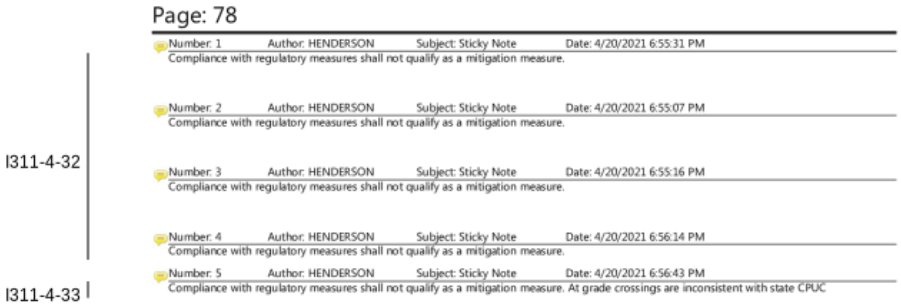
Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure UTIL-3: Recycling Collection and Storage Space. (See Section 4.16, Utilities and Service Systems)

Significance after Mitigation: Less than Significant.

I311-4

COMMENT



RESPONSE

I311-4-32 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-4-33 The Project would be subject to approval by the California Public Utilities Commission (CPUC) and would therefore be consistent with CPUC practices. See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-5 Andrew Peters (Part 6)

COMMENT

RESPONSE

4.10 Land Use, Plans, and Policies

This section describes the applicable regulatory and environmental setting for existing land uses (including maritime uses) within and around the site for the Project, the Project's physical impacts on such uses, and the potential for land use conflicts with Project development that result in environmental impacts.

The section starts with a description of existing land uses on the site, existing land use patterns in the vicinity, adopted General Plan land use classifications, and zoning designations in and around the Project site. The section then goes on to describe the applicable regulatory framework and plans and policies that guide uses and development of the Project site and vicinity before evaluating potential physical impacts on the environment that may result from the proposed Project. Appropriate mitigation measures are identified, as necessary to avoid or lessen the severity of potential impacts. Pursuant to the City of Oakland's General Plan (General Plan), as well as Section 15358(b) of the State CEQA Guidelines, mitigation measures are proposed only to address significant physical impacts that may result from development of the Project.

With respect to land use and planning, CEQA focuses on whether a proposed project will cause an environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoid or mitigating an environmental effect. CEQA does not require an analysis of potential conflicts with plans or policies not adopted for the purpose of mitigating or avoiding an environmental impact; to the extent this Section discusses such plans, policies, or regulations, it is for informational purposes. Policy conflicts do not, in and of themselves, indicate a significant environmental effect within the meaning of CEQA, in that the intent of CEQA is to determine physical effects associated with a project. Inconsistency with a policy, plan, or regulation adopted for the purpose of avoiding or mitigating an environmental effect does not necessarily result in a significant impact pursuant to CEQA. To result in an impact under CEQA, the inconsistency must be related to a direct or indirect physical impact on the environment and result in a significant, adverse impact (as determined by application of the significance criteria in this EIR for the affected resource).

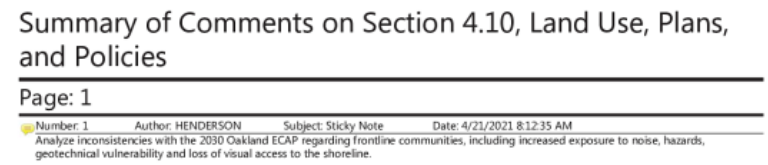
Comments received on the Notice of Preparation (NOP) included concerns with the introduction of non-industrial land uses into an area with existing industrial uses, marine terminal and ancillary operations, and railroads. Comments also contained concerns regarding potential conflicts between Project uses and existing maritime navigation uses, including conflicts between commercial vessels and recreational watercraft. Comments were also received regarding conflicts with plans and policies including the public trust doctrine, the San Francisco Bay Plan, and the San Francisco Bay Area Seaport Plan. Comments also contained concerns regarding the Project's proposed land use compatibility with other plans such as the Downtown Oakland Specific Plan (DOSP). These issues are discussed in this sectio

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts, and mitigation measures that would be different from those identified for the proposed Project.

I311-5

COMMENT

I311-5-1


Summary of Comments on Section 4.10, Land Use, Plans, and Policies

Page: 1

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:12:35 AM

Analyze inconsistencies with the 2030 Oakland ECAP regarding frontline communities, including increased exposure to noise, hazards, geotechnical vulnerability and loss of visual access to the shoreline.

RESPONSE

I311-5-1 As noted in Draft EIR Section 4.10, *Land Use, Plans, and Policies,* to the extent that physical impacts may result from conflicts with plans or policies (including those from the 2030 Equitable Climate Action Plan (ECAP), such physical impacts are typically analyzed elsewhere in the Draft EIR (Draft EIR p. 4.10-29). See Draft EIR Section 4.2, *Air Quality*; Section 4.5, *Energy*; and Section 4.7, *Greenhouse Gas Emissions*, for discussion of the ECAP. The 2030 ECAP is a greenhouse gas reduction plan, and does not include specific goals related to noise, hazards, geotechnical concerns, or loss of visual access to the shoreline. The consistency of the Project with all relevant 2030 ECAP goals is detailed in Table 4.7-8 under Impact GHG-2 (Draft EIR pp. 4.7-68 through 4.7-73).

I311-5

COMMENT

RESPONSE

1923, Chap. 174, as amended by Stats 1981, Chap. 1016). This approximately 10-acre portion of the Project site is public trust land, subject to public trust and legislative grant restrictions. Per the legislative grant, the City is required to establish a harbor on the granted lands, and is permitted to use the granted lands for wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation. The Port may lease this portion for public trust uses for periods not to exceed 66 years.

- **1852 Tidelands.** This approximately 22-acre portion of the Project site consists of filled tidelands that were granted by the State to the City of Oakland by an 1852 legislative trust grant (Stats. 1852, Chap. 107), which was then conveyed by the City to private parties, including Horace Carpentier and his affiliated entities. The City or the Port then re-acquired these lands from the successors-in-interest to Horace Carpentier pursuant to a settlement. This area has a long history of litigation and title claims, most of which transpired during the middle to late 19th century. An 1897 California Supreme Court decision (*City of Oakland v. Oakland Water Front Co.* (1897) 118 Cal. 160) confirmed that a settlement by which Horace Carpentier gained title to the lands, was valid, but whether this decision terminated the trust in the lands remains unclear. Even assuming these lands were not subject to the public trust, to the extent these lands were acquired or improved with trust funds, they would be considered an asset of the trust (see, e.g., Harbors and Navigation Code Sections 1698(a)(3) and 1698(e)).
- **Rancho Uplands.** This approximately 20-acre portion of the Project site consists of upland areas that are generally located landward of the ordinary high-water mark in its last natural location. These lands were never owned by the State, and were within the rancho grant confirmed and patented by the United States to Vincente and Domingo Peralta. As such, they were not subject to the public trust or included in any legislative grants. However, to the extent that these this portions of the Project site were acquired or improved with trust funds, they are considered an asset of the trust and to be used for public trust purposes. If the Port were to determine the property was no longer needed for trust purposes, however, the Port could, among other things, lease the lands for an economically productive non-trust use or sell them for fair market value, to generate revenue for the trust (see, e.g., Harbors and Navigation Code Section 6294).

The proposed placement of non-trust uses on public trust lands within the Project site would be inconsistent with the Public Trust Doctrine. In order to resolve issues regarding the public trust status of portions of the Project site, Assembly Bill (AB) 1191 (Stats. 2019, Chap. 752), also known as the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act, was enacted. AB 1191 authorizes CSLC to take certain actions related to the development of the Howard Terminal property and the Project, including, among other things:

- Authorizes CSLC to approve an exchange (potentially in phases) at the Howard Terminal property and settle any dispute as to the boundary or title status of the 1852 Tidelands, 1923 Tidelands, and Rancho Uplands on the site if certain findings can be made, including that the exchange will not substantially interfere with public trust uses and purposes, and that the final trust lands will provide a significant benefit to the public trust and be useful for public trust purposes;

I311-5

COMMENT

I311-5-2

Page: 11

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:16:22 AM
Provide clarification of how turning this land into a private enterprise, where the public will be charged money to use portions of these lands is a public benefit?

RESPONSE

I311-5-2 See Response to Comment I-334-16.

I311-5

COMMENT

RESPONSE

- Authorizes CSLC to approve a baseball park as an allowed use of trust lands, along with other potentially public trust-consistent uses, such as visitor-serving retail, hotels, public access improvements, visitor-serving or water-oriented recreation, cultural and entertainment uses, and other uses on the final trust lands, provided certain conditions are met, including that the ballpark would maximize public use of trust assets and resources on the waterfront and not interfere with navigation of commercial vesse[illegible]

San Francisco Bay Plan and San Francisco Bay Area Seaport Plan

BCDC's San Francisco Bay Plan (Bay Plan) implements the 1965 McAteer-Petris Act (Government Code Sections 66600–66694), which charges BCDC with planning for the long-term use of the Bay and regulating development in and around the Bay. The Bay Plan provides policy direction for BCDC's permit authority regarding the placement of fill, extraction of materials, determining substantial changes in use of land, water, or structures within its jurisdiction, protection of the Bay habitat and shoreline, and maximizing public access to the Bay.

Under the Bay Plan, BCDC regulates the placement of new "fill" (generally defined as any material placed in or over the water surface, including pilings, structures placed on pilings, and floating structures) in the Bay (Government Code Section 66605). Over the years, BCDC has approved modifications to the Project site, including Bay fill for various port-related purposes (Catellus, 2019). **Figure 4.10-4** presents the approximate shoreline location at time of McAteer-Petris Act enactment in September 1965, the original 100-foot shoreline band jurisdiction, as well as the approximate area of fill authorized by BCDC subsequent to that time. As shown in the figure, the Project site's shoreline in 1965 was likely fixed by a quay wall, or a concrete and steel wall used to dock floating vessels, which was constructed around 1910. As also shown on the figure, after 1965, approximately 17 acres of additional fill was placed at the site to accommodate a container terminal with a marginal wharf.

The McAteer-Petris Act and the Bay Plan[2] provide for the designation of priority land uses for the Bay shoreline. These uses include ports, water-related industry, airports, wildlife refuges, and water-oriented recreation. The Bay Plan includes a series of maps that identify designated shoreline priority use areas, along with policies, notes and suggestions for future development of these areas. The Project site is shown on Bay Plan Map 5, Central Bay. The map identifies the Project site and adjacent properties as a "Port" priority use area. The Bay Plan refers the reader to the San Francisco Bay Area Seaport Plan (the "Seaport Plan"), and provides that lands under this designation should be protected for marine terminals and directly related ancillary services. BCDC uses the Seaport Plan to help guide its regulatory decisions on permit applications, consistency determinations, and related matters. The Seaport Plan identifies the following goals:

- Ensure continuation of the San Francisco Bay port system as a major world port and contributor to the economic vitality of the San Francisco Bay region;
- Maintain or improve the environmental quality of San Francisco Bay and its environs;
- Provide for efficient use of finite physical and fiscal resources consumed in developing and operating marine terminals through 2020;

2 See Bay Plan, Part I – Summary, Developing the Bay and Shoreline to Their Highest Potential, No. 3(a))

I311-5

COMMENT

I311-5-3

Page: 13

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:18:29 AM
Clarify how this project will maximize public use of trust assets when a significant portion of the site will be privatized for private housing and commercial uses.

RESPONSE

I311-5-3 See Response to Comment I-334-16.

I311-5

COMMENT

RESPONSE

- Provide for integrated and improved surface transportation facilities between San Francisco Bay ports and terminals and other regional transportation systems; and
- Reserve sufficient shoreline areas to accommodate future growth in maritime cargo, thereby minimizing the need for new Bay fill for port development.

The Bay Area Plan policies also provide that "Other uses, especially public access and public and commercial recreational development, should also be permissible uses provided they do not significantly impair the efficient utilization of the port area." [3]

BCDC reviews permits for proposed projects in the shoreline band for consistency with the McAteer-Petris Act, the Bay Plan and the Seaport Plan, as amended by AB 1191. AB 1191 authorizes BCDC to take certain actions related to the development of the Howard Terminal property and the Project, including, among other things:

- Establishes a deadline for BCDC to determine whether the Seaport Plan or the Bay Plan should retain or remove Seaport Plan or Bay Plan port priority use designations from the Howard Terminal property and adjacent areas currently designated for port priority use;
- Authorizes BCDC, in considering permits for those aspects of the Project that lie within the BCDC's jurisdiction, to find that the ballpark, public trust, and public open-space uses that lie within the BCDC jurisdictional bay fill lands are water-oriented uses, provided that certain conditions are met; and
- Authorizes BCDC to grant a permit for those aspects of the Project that lie within the BCDC's jurisdiction, notwithstanding certain Bay Plan policies applicable to BCDC's Bay jurisdiction (Government Code Sections 66605(b), 66605(c), 66605(d), and 66605(f)), and Bay Plan policies on "Fills in Accord with Bay Plan," "Fill for Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly on Privately-Owned or Publicly-Owned Property," and "Filling for Public Trust Uses on Publicly-Owned Property Granted in Trust to a Public Agency by the Legislature," if the Project is otherwise consistent with all other applicable BCDC laws and policies and if BCDC finds that (1) the Project will provide a substantial quantity of high-quality open space and public access, and will provide the public with views from and along major thoroughfares that invite the public to the waterfront, and (2) the Project will provide significant pedestrian and bicycle improvements both onsite and offsite in the vicinity of the project site to promote and encourage public access to, and public assembly at, the shoreline of the ba[illegible]

Regional

Plan Bay Area 2040

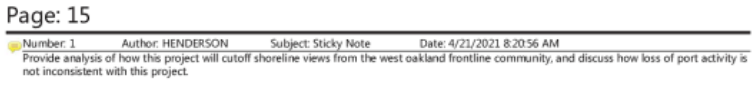
As required by Senate Bill 375, all metropolitan regions in California must complete a Sustainable Communities Strategy (SCS) as part of a Regional Transportation Plan. In the Bay Area, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) are jointly responsible for developing and adopting a SCS that integrates transportation, land use, and housing to meet greenhouse gas reduction targets set by the California Air Resources Board (CARB). The *Plan Bay Area 2040*, adopted in 2017, serves as the SCS for the Bay Area, per Senate Bill 375. As defined by the Plan, Priority Development Areas

[3] See Bay Plan, Part IV - Development of the Bay and Shoreline: Findings and Policies, Ports, Policy Nos. 1 and 3.

I311-5

COMMENT

I311-5-4



RESPONSE

I311-5-4 See Responses to Comments A-12-53 through A-12-55.

Draft EIR Section 4.1, *Aesthetics, Shadow, and Wind*, addresses potential Project effects on scenic vistas and scenic resources. Impact AES-1 (pp. 4.1-23 through 4.1-39) presents a detailed analysis of potential effects on shoreline views from key viewpoints, both in narrative form and with visual simulations to help convey the scale and extent of potential change. With respect to shoreline views from the West Oakland community, the Draft EIR addresses potential effects from Key Viewpoint 1 (view westward across the Project site from the intersection of Water Street and Clay Street; Draft EIR Figures 4.1-11 and 4.1-12) and from Key Viewpoint 2 (view southwest toward Project site from Martin Luther King Jr. Way; Draft EIR Figures 4.1-13 and 4.1-14). The analysis explains (p. 4.1-39) that the Project buildings would become visually prominent features of the site, which would result in loss of open skyline when viewed from nearby areas, and partially affect scenic vistas of San Francisco Bay and other areas. However, the impact discussion goes on to explain that the Project would generally be consistent with the applicable Oakland General Plan policies and provide new waterfront and elevated publicly accessible scenic viewpoints from which scenic resources and scenic vistas can be viewed.

The Draft EIR addresses the Project's consistency with applicable land use plans and policies in Section 4.10, *Land Use, Plans, and Policies*. Potential Project conflicts with applicable land use plans and policies are addressed in Section 4.10.4, *Impacts of the Project*, under Impact LU-3 (public trust restrictions), Impact LU-4 (San Francisco Bay Plan [Bay Plan] and San Francisco Seaport Plan policies), Impact LU-5 (other plans and policies adopted for the purpose of avoiding or mitigating an environmental effect), Impact LU-6 (City of Oakland General Plan), Impact LU-7 (City of Oakland Estuary Policy Plan), and Impact LUP-8 (City of Oakland Planning Code and Zoning Map) (see Draft EIR pp. 4.10-52 through 4.10-63). For each of these impact discussions, the Draft EIR concludes the Project would not substantially conflict with applicable land use plans and policies, and the associated physical effects related to land use would be less than significant.

I311-5

COMMENT

RESPONSE

(PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. The Project is located within the "Oakland Downtown & Jack London Square" PDA—the area bounded generally by I-580 on the north, I-980 on the west, the Oakland Estuary on the south, and Lake Merritt and 5th Avenue on the ea

Local Plans, Ordinances and Policies

City of Oakland Charter

The City is a municipal corporation, enabled by authority vested through the Charter of the City of Oakland, adopted by the people of the City of Oakland on November 5, 1968, and ratified and made effective by the California Secretary of State on January 28, 1969. As a charter city, the City has broad local authority with respect to land use planning and building permitting of lands lying within the City boundaries. Pursuant to the Charter, the City Council of the City adopts the General Plan of the City.

Under Article VII of the Charter, the City also acts through the Board of Port Commissioners, otherwise known as the Port of Oakland. The Port of Oakland is a department of the City with the exclusive authority to control and manage certain lands of the City, referred to as the Port Area, in conformity with the Charter and the General Plan. Approximately 50 acres of the 55-acre Project site lie within the Port Area, with the remainder located within the Estuary Policy Plan area.

In order to avoid administrative duplication, to appropriately allocate regulatory land use authority between the City and Port, and to facilitate the analysis of and, if approved by all applicable government agencies and entities, development of the Project, the Port and City, without waiving any of their respective authorities and jurisdiction over lands within the Port Area and consistent with Article VII of the Charter, are cooperating to establish a shared regulatory framework for the Project. Pursuant to that framework, it is anticipated that the City and the Port will closely consult and confer with one another regarding the content of the proposed General Plan amendment and zoning regulations that will govern future development of the proposed Project, both of which will be presented to the City Council for its discretionary review and approval. Further, it is anticipated that the City will accept applications for, process, and consider approval of all tentative and final subdivision maps and construction building permits as required for build-out of the Project. The Port specifically reserves its power and duty to issue Port building permits pursuant to Section 708 of the Charter, which building permits will be in addition to any other permits required by the City.

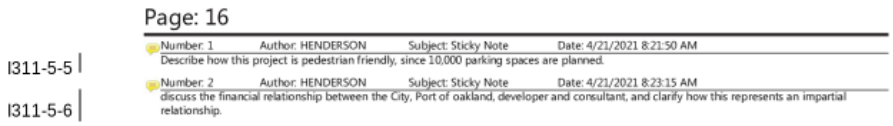
Because development of the Project will require discretionary approvals from both the City and the Port, this Section discusses the application of regulations pursuant to both the City's General Plan and relevant Port land use policies to the Project si The Project's anticipated approvals are described in Chapter 3, *Project Description*.

City of Oakland General Plan

The Oakland General Plan establishes comprehensive, long-term land use policies for the City and provides the primary policy direction for development throughout the City and therefore the Project site. The General Plan consists of a series of "elements," each of which deals with a

I311-5

COMMENT



RESPONSE

I311-5-5 See Consolidated Response 4.7, *Parking*.

I311-5-6 The City of Oakland's practice is to require project applicants to bear the cost for the City's review of development applications. This Project is no different, and the Project sponsor is providing funding for review by City staff and for consultants working at the City's direction. As the CEQA lead agency, the City is responsible for the adequacy of its environmental documents and consults with responsible agencies such as the Port.

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RESPONSE

particular topic, and includes policies, many of which guide development citywide. The Oakland General Plan includes the Land Use and Transportation Element (LUTE) (adopted March 24, 1998), including the 2019 Oakland Bike Plan (July 2019) and the Pedestrian Master Plan (December 2007, updated June 2017), which are adopted as part of the LUTE; the Historic Preservation Element (adopted March 8, 1994 and amended July 21, 1998); the Open Space, Conservation, and Recreation (OSCAR) Element (adopted June 11, 1996); the Safety Element (November 2004, amended 2012); the 2015-2023 Housing Element Update (December 9, 2014); and the Noise Element (June 21, 2005).[1]

The majority of the Project site is located within the "General Industry and Transportation" General Plan land use classification established by the LUTE (City of Oakland, 2015). The General Industry and Transportation classification is intended to recognize, preserve, and enhance areas of the City for a wide variety of businesses and related establishments that may have the potential to create off-site impacts such as noise, light/glare, truck traffic, and odor. General Industry and Transportation areas are characterized by sites with good freeway, rail, seaport, and/or airport access.

Land Use and Transportation Element (LUTE)

Relevant General Plan LUTE Policies

The LUTE of the Oakland General Plan contains the following land use policies that address issues related to land use and planning, and/or are particularly relevant to the Project (City of Oakland, 2007). The Project site is located in the Central/Chinatown planning area.

Industry and Commerce Policies

Policy I/C3.5 Promoting Culture, Recreation, and Entertainment. Cultural, recreational, and entertainment uses should be promoted within the downtown, particularly in the vicinity of the Fox and Paramount Theaters, and within the Jack London Square area.

Policy I/C.4.1: Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.

Policy I/C4.2: Minimizing Nuisances. The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.

Transportation and Transit-Oriented Development Policies

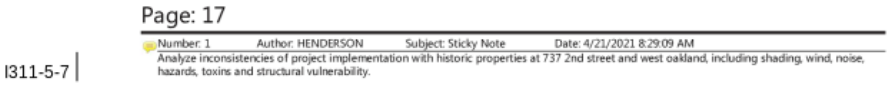
Policy T2.1: Encouraging Transit-Oriented Development. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.

Policy T2.2: Guiding Transit-Oriented Development. Transit-oriented developments should be pedestrian oriented, encourage night and day times use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

I311-5

COMMENT

I311-5-7



RESPONSE

I311-5-7 As discussed in the Draft EIR, consistent with CEQA, not every General Plan policy that could apply to the Project is analyzed. The policies analyzed in the Draft EIR are those that most directly pertain to the Project and that emerged as points of interest or controversy during the environmental review, scoping, and community input processes. To the extent that Section 4.10, *Land Use, Plans, and Policies,* discusses potential conflicts with plans, policies, or regulations not adopted for the purpose of mitigating or avoiding an environmental impact, it is for informational purposes. The lead agency and responsible agencies will ultimately determine the proposed Project's overall consistency on balance with the applicable goals and policies, as part of the decision to approve or reject the proposed Project (Draft EIR p. 4.10-30). The comment requests analysis of "inconsistencies of project implementation," but does not provide specific examples of General Plan policies that may present inconsistencies. As noted in Section 4.10, to the extent that physical impacts may result from conflicts with General Plan policies, such physical impacts are typically analyzed elsewhere in the Draft EIR (Draft EIR p. 4.10-29).

I311-5

COMMENT

RESPONSE

- **Objective SA-1:** Create a clear and continuous system of public access along the Estuary shoreline.
- **Objective SA-2:** Punctuate the shoreline promenade with a series of parks and larger open spaces.

***Retail, Dining, and Entertainment District Policy JL.1*:** Reinforce retail, dining, and entertainment uses along the waterfront, and extend these uses along Broadway to create a regional entertainment destination.

***Shoreline Access and Public Spaces Policy JL-8.2*:** Create new open spaces that expand the opportunities to view, appreciate, and enjoy the water's edge.

The Estuary Policy Plan also contains specific policy guidance, which includes "Redevelopment of the block bounded by the historic boat basin, the Embarcadero, Clay and Jefferson streets for public-oriented commercial-recreational and/or cultural use (e.g., maritime museum)."

Applicable Estuary Policy Plan policies are also discussed in Section 4.3, *Biological Resources*.

Oakland Energy and Climate Action Plan

An Oakland Energy and Climate Action Plan (ECAP) adopted in 2012 identified, evaluated and recommend prioritized actions to reduce energy consumption and GHG emissions in Oakland (City of Oakland, 2018b). The 2012 ECAP identified transportation and land use priority actions to reduce GHG impacts to a quantitative target by 2020, including adopting PDAs per the Plan Bay Area. An update to the ECAP, the Oakland 2030 Equitable Climate Action Plan, was adopted in July 2020, and is a comprehensive plan aimed at achieving the City's 2030 GHG reduction target and increasing Oakland's resilience to the impacts of the climate crisis, both through a deep equity lens (City of Oakland, 2020). The ECAP and the City's 2030 GHG emission reduction target are described further in Sections 4.2, *Air Quality*; 4.5, *Energy*; and 4.7, *Greenhouse Gas Emissions*.

Oakland Tree Preservation and Removal Ordinance

City of Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code, Chapter 12.36) permits removal of protected trees under certain circumstances. To grant a tree removal permit, the City must determine that removal is necessary to accomplish specific objectives related to public health and safety, property rights, views, acceptable professional practices, and vegetation management prescriptions in certain areas. Consistency with the Oakland Tree Preservation and Removal Ordinance is evaluated in Section 4.3, *Biological Resources*.

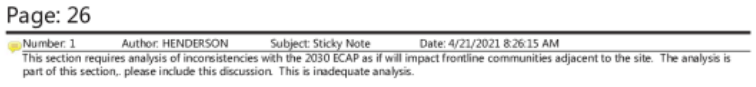
Oakland Transit First Policy

The City's Public Transit and Alternative Modes ("Transit First") Resolution (No. 73036 C.M.S) recognizes the importance of striking a balance between economic development opportunities and the mobility needs of those who travel by means other than the private automobile. The policy favors modes of travel that have the potential to provide the greatest mobility for people rather than vehicles (City of Oakland, 1996a). Discussion of this policy is included in Section 4.15, *Transportation and Circulation*.

I311-5

COMMENT

I311-5-8



RESPONSE

I311-5-8 As noted in Section 4.10, *Land Use, Plans, and Policies,* to the extent that physical impacts may result from conflicts with plans or policies (including those from the 2030 ECAP, such physical impacts are typically analyzed elsewhere in the Draft EIR (Draft EIR p. 4.10-29). See Draft EIR Section 4.2, *Air Quality;* Section 4.5, *Energy*; and Section 4.7, *Greenhouse Gas Emissions,* for discussion of the ECAP.

I311-5

COMMENT

RESPONSE

community, or the placement of a development in such a manner that it physically separates one portion of an established community from the remainder of that community. The construction of a new major highway through an existing residential neighborhood would constitute a typical example of a physical division of an established community.

The Project site is located in the Port Area, in a geographic area with marine terminals and ancillary operations that is a part of an integrated warehouse and transportation industrial logistics network, including rail. There are no typical residential neighborhoods or "communities" on or immediately adjacent to the Project site. Therefore, development of the site would not physically divide an established neighborhood or community.

Howard Terminal is one of the only Port of Oakland seaport facilities that is directly connected to the City's street grid and it serves as the current eastern edge of a commercial and industrial area of Port uses and privately-owned and operated businesses along the waterfront. As such, Howard Terminal represents the border between the maritime industrial uses of the Port and the entertainment-oriented commercial district of Jack London Square. The conversion of Howard Terminal from industrial use to entertainment, residential, and office/commercial uses would move the boundary between the Port's maritime activities and the Jack London Square commercial-entertainment district to the west, rather than creating a new division between the two.

The Project would involve the conversion of Howard Terminal from maritime service use to mixed-use commercial and residential. Existing short-term maritime-related leases would end, and tenants would need to relocate from Howard Terminal. As discussed in Chapter 3, *Project Description*, the existing tenants and users of Howard Terminal are assumed to move to other locations within the Seaport (including the Roundhouse parking adjacent to Howard Terminal), the City, or the region where their uses are permitted under applicable zoning and other regulations. All trucks currently making trips in/out of Howard Terminal will continue to make the same number of trips to and from the Seaport from their new locations, and while not proposed as part of the Project, it is possible that truck parking currently located at Howard Terminal would relocate to the Roundhouse site to the west of Schnitzer Steel.[5] Truck parking is an allowable use at the Roundhouse, that would be consistent with surrounding industrial and maritime land uses, but would be subject to separate action by the Port of Oakland Board of Commissioners, and would be consistent with surrounding industrial and maritime land uses. The resulting transportation-related impacts are assessed in Section 4.15, *Transportation and Circulation*, along with other potential impacts to Port-related truck and rail access. Potential impacts to vessels accessing the Port are analyzed under Impact LUP-2, below.

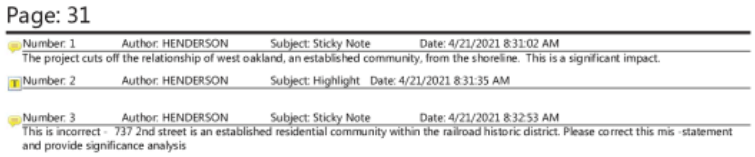
The Project would also reduce barriers and extend public connections to the waterfront. The Project would develop Athletics Way, an extension of Water Street from Jack London Square, that would be a pedestrian promenade leading to and encircling the ballpark and connecting the Project site to Jack London Square. The Project would also develop a Waterfront Park, which

[5] Relocation of truck parking to the Roundhouse site is not proposed as part of the Project, but may be an indirect effect of the Project and would fulfil the Port's commitment, made in conjunction with redevelopment of the Oakland Army Base (OAB), to designate 15 acres for overnight parking.

I311-5

COMMENT

I311-5-9


Page: 31

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:31:02 AM
The project cuts off the relationship of west oakland, an established community, from the shoreline. This is a significant impact.

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/21/2021 8:31:35 AM

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:32:53 AM
This is incorrect - 737 2nd street is an established residential community within the railroad historic district. Please correct this mis -statement and provide significance analysis

RESPONSE

I311-5-9 As discussed in the Draft EIR, for the purpose of the impact analysis in Impact LUP-1*, physically dividing an established community* means creating barriers that prevent or hinder the existing flow of people or goods through an established community, or placing a development in such a manner that it physically separates one portion of an established community from the remainder of that community. The construction of a new major highway through an existing residential neighborhood would constitute a typical example of a physical division of an established community (Draft EIR pp. 4.10-30 and 4.10-31). As described under Impact LUP-1, the Project would not physically divide an established community, although it would move the boundary between Port-related industrial uses and the Jack London Square commercial-entertainment district to the west (Draft EIR p. 4.10-32).

As also described in the Draft EIR, the Project would reduce barriers and extend public connections to the shoreline. The Project would develop Athletics' Way, an extension of Water Street from Jack London Square, that would be a pedestrian promenade leading to and encircling the ballpark and connecting the Project site to Jack London Square. The Project would also develop Waterfront Park, which would provide public access to the shoreline in the Project site, further extending the existing shoreline access located along Jack London Square (Draft EIR pp. 4.10-31 and 4.10-32). Thus, the Project would increase access to the shoreline, including from West Oakland.

Regarding 737 2nd Street, while this property is a contributor to the Southern Pacific Railroad (SPRR) Industrial Landscape Area of Primary Importance (API), access to the shoreline is not one of the character-defining features of the SPRR Industrial Landscape District API (Draft EIR pp. 4.4-13 and 4.4-14). Additionally, the Draft EIR found that the Project would not result in significant impacts to the historical setting of the SPRR Industrial Landscape District API (Draft EIR pp. 4.4-23 and 4.4-24). Furthermore, one building with residential uses would not constitute an established community for the purposes of CEQA.

I311-5

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RESPONSE

would provide public access to the shoreline in the Project site, further extending the existing shoreline access located along Jack London Square. Additionally, the Project also proposes adding approximately 1.25 miles of the Bay Trail along the waterfront as part of the Waterfront Park, and to complete a proposed segment on 2nd Street between Brush and Clay Streets. The Project's proposed onsite circulation system would be designed to provide connectivity to the outside street network along the northern edges of the Project site. The proposed bicycle and pedestrian network would also join the existing City street and pedestrian network on the eastern edge of the Project site.

Therefore, the Project would not physically divide an established community, although it would move the boundary between Port-related industrial uses and the Jack London Square commercial-entertainment district to the west. The impact would be less than significant.

Mitigation 1 ne required.

Land Use Compatibility

Impact LUP-2: The Project could result in a fundamental conflict with adjacent or nearby land or water-based uses. (Criterion 2) (*Less than Significant with Mitigation*)

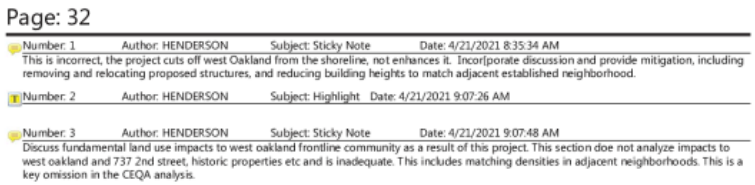
While fundamental land use conflicts are no longer included in the State CEQA Guidelines Appendix G checklist, this topic remains an adopted CEQA significance threshold for the City of Oakland. Thus, this discussion evaluates the potential for fundamental conflicts by assessing potential physical impacts of the proposed development (e.g., the Project's potential to affect trucks or vessels associated with maritime operations, resulting in environmental impacts). This discussion also evaluates potential impacts of the environment on the Project (e.g., exposure of new residents to air pollutants), even though CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents, except to the extent the proposed project will exacerbate those conditions.

For the purpose of this analysis, a 2 ndamental conflict with adjacent or nearby land uses means that the character of activities associated with one land use is in fundamental conflict with the uses of adjacent land, or the characteristics of one land use disrupts or degrades adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is imperile 3

The Seaport represents a unique industrial land use in the Bay Area. It is a major seaport that cannot be relocated, and is integrated with a regional transportation network of roads and rail. The Seaport is a major economic driver for the Bay Area, supporting more than 27,000 jobs in the region and generating over $2.2 billion annually in business revenue and $281 million in State and local taxes; the total economic output associated with the Seaport is estimated to be over $60

I311-5

COMMENT



I311-5-10

I311-5-11

RESPONSE

I311-5-10 See Response to Comment I311-5-9. There is no evidence to suggest that the Project would result in a significant impact related to the physical division of an established community. The remainder of the comment expresses a preference for Alternative 4, The Reduced Project Alternative. These comments will be forwarded to the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed Project.

I311-5-11 As discussed in the Draft EIR, the land use compatibility analysis focuses on whether a fundamental land use conflict would occur such that the character of activities associated with one land use is in fundamental conflict with the uses of adjacent land, or the characteristics of one land use disrupts or degrades adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is imperiled (Draft EIR p. 4.10-32). Because the uses proposed are primarily mixed-use residential and commercial, the analysis focuses on potential conflicts with adjacent Port, industrial, and rail uses.

West Oakland is a neighborhood northwest of the Project site, generally bounded by I-880, I-980, and I-580, and contains a mix of residential, industrial, commercial, and truck-related uses. Residential uses occupy about 59 percent of the land in West Oakland, generally concentrated in the northern, eastern, and southwestern portions of the area. Industrial uses are concentrated around Mandela Parkway and West Grand Avenue, and in the vicinity of 3rd Street, or the Acorn Industrial area (Draft EIR p. 4.10-9). The commercial live/work building at 737 2nd Street is located on the border of the Acorn Industrial area and the Jack London Square neighborhood. Potential land use conflicts for the primarily industrial uses in the Acorn Industrial area are presented throughout Impact LUP-2 in the Draft EIR. A commercial live/work facility with accessory residential use, such as that contained within 737 2nd Street, would be compatible with the mixed-use residential and commercial development proposed for the Project site.

It is noted that potential physical environmental impacts on sensitive land uses, such as the commercial live/work uses at 737 2nd Street, are discussed specifically in Draft EIR Section 4.2, *Air Quality*, and Section 4.11, *Noise and Vibration*. There is no substantial evidence that "matching densities" with "adjacent neighborhoods," as the commenter states, is grounds for a fundamental land use conflict, such that the proposed Project would disrupt or degrade these adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is imperiled.

I311-5

COMMENT

RESPONSE

reduce vehicle traffic generated by the Project by 20 percent. The Project sponsor would also be required to establish a TDM Plan for the performance venue that incorporates traffic management strategies to minimize its traffic impact on neighboring communities, including the Seaport, that may include traffic and/or parking control officers or other personnel acceptable to the City to manage traffic at key intersections and railroad crossings. The TDM Plans for the Project would be required as **Mitigation Measure TRANS-1a**. As also discussed in Section 4.15, measures have been identified in the Transportation Management Plan (TMP) to specifically address ballpark event transportation that could affect Seaport operations, including signage and traffic management at key intersections to protect Seaport access on Adeline Street. This active management of traffic volumes before and after ballgames and large events coinciding with peak periods would be included in the TMP included as **Mitigation Measure TRANS-**

The potential increase in non-Port vehicles cutting through the Seaport was assessed based on existing traffic patterns and the expected trip distribution, and found that Project-related traffic would contribute to a limited increase in cut through traffic in the AM and PM peak periods, as shown in Appendix TRA. Nonetheless, the potential for cut through traffic is a concern for the efficiency of Seaport operations. One of the TMP strategies for the ballpark is to collaborate with the navigational application (App) providers to remove, to the extent feasible, one or more Seaport streets from the Apps so drivers are routed around, rather than through, the Seaport. The TMP would also include a performance standard for cut-through traffic. If the standard is not met, additional measures would be implemented to reduce cut-through traffic. One possible measure would be preventing eastbound and westbound through movements of private vehicles at the intersection of I-880/Frontage Road and 7th Street to reduce cut-through volumes.

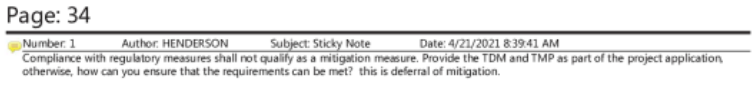
The technical analysis in Appendix TRA shows that Port-related traffic would not be substantially impacted by trips to and from the Project site. Port-related traffic would continue to be able to use Adeline Street to travel between the Port and the I-880 corridor. It is possible, however, that some truck drivers may make the conscious choice to avoid the Adeline Street corridor when there is an event at the ballpark and use either the 7th Street or Maritime Street access to the Seaport. For this reason, a sensitivity test was performed to analyze traffic conditions that would occur under this scenario. As described in Section 4.15, the sensitivity analysis shows that the transportation network would function well with all but one intersection operating at LOS C or better and average queues within available storage lengths. Per the TMP included as Mitigation Measure TRANS-1b, if Port-related performance standards for travel time are not met, for example due to increased ballpark traffic, additional measures would be implemented, such as additional road closures or traffic control personnel.

The Project would also introduce additional pedestrian, bicycle, and vehicle traffic at the existing at-grade railroad crossings and potentially at the uncontrolled areas between the at-grade crossings. This additional multimodal traffic would increase the potential for conflicts with motor vehicles, bicyclists, and pedestrians along the railroad corridor in the Project vicinity and through Jack London District both at at-grade crossings and between crossings, and could delay rail access to the Seaport. As a result, a series of at-grade and grade separated crossing improvements have been identified for the railroad corridor. These railroad crossing improvements are required for the Project under **Mitigation Measure TRANS-3a** (Implement At-Grade Railroad Crossing

I311-5

COMMENT

I311-5-12


Page: 34

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:39:41 AM
Compliance with regulatory measures shall not qualify as a mitigation measure. Provide the TDM and TMP as part of the project application, otherwise, how can you ensure that the requirements can be met? this is deferral of mitigation.

RESPONSE

I311-5-12 See Response to Comment I311-2-24 and Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*.

I311-5

COMMENT

RESPONSE

Improvements), as described in Section 4.15. Additionally, **Mitigation Measure TRANS-3b** (Pedestrian and Bicycle Overcrossing) would require the construction of a grade-separated overcrossing for pedestrians and bicyclists seeking to access the Project site, which would reduce the potential for conflicts with rail traffic and the potential for delay in Seaport access. As discussed in Section 4.15, proposed improvements imposed through Mitigation Measures TRANS-3a and TRANS-3b would substantially improve railroad corridor safety within the limits of the improvements but are subject to review and approval by the California Public Utility Commission (CPUC) and would not eliminate the use of at-grade crossings by pedestrians, bicyclists, and vehicles accessing the proposed Project. For this reason, and because the improvements are subject to the review and approval of another agency, the transportation Impact TRANS-3 related to transportation hazards would be significant and unavoidable (see Section 4.15, *Transportation and Circulation*).

With or without the rail safety improvements, Mitigation Measures TRANS-1a and TRANS-1b incorporate traffic management strategies to minimize Project traffic impacts on neighboring communities, including the Seaport, that may include traffic and/or parking control officers or other personnel acceptable to the City to manage traffic at key intersections. These personnel may also be deployed to railroad crossings if needed to ensure either their safety or operation.

Therefore, with implementation of Mitigation Measures TRANS-1a and TRANS-1b, the Project would not result in a fundamental land use conflict with Seaport road operations and rail access, and impacts would be less than significant with mitigation incorporated.

Recreational Watercraft and Maritime Navigation

While the Project does not propose facilities for recreational watercraft or direct water access, the ballpark and Waterfront Park could indirectly create a new demand for recreational watercraft users adjacent to the Project site. Recreational water users, especially kayakers, are often present in McCovey Cove during baseball games at Oracle Park[8] in San Francisco, to the point that the Port of San Francisco has developed Safe Boating Regulations for McCovey Cove which outline safety guidelines for motorized and non-motorized vessels and specify the amount of time that motorized boats can be anchored. McCovey Cove also has an established "No Motor Zone" for non-motorized vessels such as kayaks, canoes, and rafts (Port of San Francisco, 2019).

Based on the San Francisco experience, it is reasonable to assume that the construction of a waterfront ballpark at the Project site would create similar interest and an increase in recreational water users around the Project site could occur, although the ballpark's orientation as well as the existing setting adjacent to the Inner Harbor differs from Oracle Park and McCovey Cove. As shown in Figure 3-9, the Project ballpark's outfield walls would not be directly adjacent to the Bay, as is the case with Oracle Park, and would not generate the same fan experience as seen with the "splash hits"[9] into McCovey Cove. The proposed ballpark would have an opening oriented to

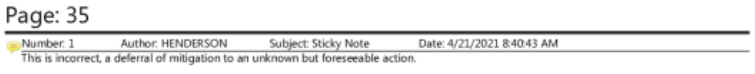
8 The home of the San Francisco Giants, previously AT&T Park.

9 A "splash hit" is a home run that is hit directly into McCovey Cove during a San Francisco Giants baseball game at Oracle Park. It is a practice among the non-motorized boaters using the cove to retrieve the baseball as a souvenir (San Francisco Giants, 2019).

I311-5

COMMENT

I311-5-13



RESPONSE

I311-5-13 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-5

COMMENT

RESPONSE

the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards. After this opening baseball season, the Approving Parties shall continue to meet monthly to review the effectiveness of the protocol unless less frequent meetings are mutually agreed upon. Additionally, the Approving Parties shall review annually the number of OPD warnings and citations, safety incidents, and water-related emergency responses to ensure that the safety measures are effective.

The Approving Parties shall make good faith efforts to regularly revise the initial protocol based on the effectiveness and feasibility of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards. If the Approving Parties cannot mutually agree to revise the protocol to ensure that it effectively prevents non-compliant boating activity, shipping delays, and water safety hazards within 30 days of first making such efforts, then the Port may require additional operational safety measures that are similar to those listed in the initial protocol, including measures such as increased water-based patrols or enhanced signage, which shall be promptly implemented by Project sponsor at Project sponsor's sole cost.

Light and Glare and Maritime Navigatio 1

Light and glare as it broadly pertains to daytime and nighttime views is discussed in Section 4.1, *Aesthetics, Wind, and Shadow*. The following discussion focuses on the proposed Project's operational light and glare impacts on adjacent or nearby water-based uses, specifically maritime navigation. During the EIR scoping process, the City received comments requesting that the EIR analyze the potential effects of light and glare on maritime navigation. For example, the Port of Oakland stated that the EIR should "evaluate the impacts of lighting on navigational safety in the Inner Harbor" and should "identify mitigation measures, including design and operational restrictions relating to light and glare interference, to allow safe vessel navigation in the federal channels in compliance with all applicable standards, such as the Port of Oakland Exterior Lighting Policy." (Port of Oakland Comments on Waterfront Ballpark NOP of DEIR, p. 10 (January 7, 2019).)[12] Due to the sensitivity of surrounding uses, including use of the nearby turning basin by vessels, a quantitative light and glare analysis was prepared by HLB Lighting Design (2020) (**Appendix AES**) 2

As discussed in Section 4.1, the ballpark alone would not create a substantial source of daytime glare because the façade has been designed without reflective materials and field lighting would not be employed during daytime hours. However, adjacent buildings under Phase 1 and Buildout could create new sources of daytime glare. The potential for substantial new daytime glare from the building facades would be minimized through implementation of **Mitigation Measure BIO-1b, Bird Collision Reduction Measures**, as described in Section 4.3, *Biological Resources*, which would reduce the amount of reflective glass and polished surfaces on proposed buildings.

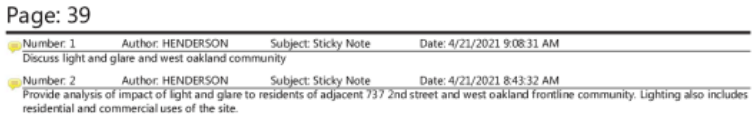
During evening and nighttime hours, Project lighting and signage associated with project operations would result in brightly illuminated surfaces that would be visible from vessels using the Inner Harbor. As shown in Tables 4.1-3 to 4.1-5 in Section 4.1-1, *Aesthetics, Wind, and Shadow*, receptor locations 2 (Inner Harbor Turning Basin at an elevation of 190 feet above water), 2B (Inner Harbor Turning Basin at an elevation of 64 feet above water), and 2C (Inner

[12] The Port also requested that the EIR analyze light and glare impacts associated with flights to or from the Oakland Airport. The Project site is located more than two miles from the airport. For this reason, as noted in Chapter 4.8 (Hazards), the potential for such impacts is not considered significant.

I311-5

COMMENT

I311-5-14



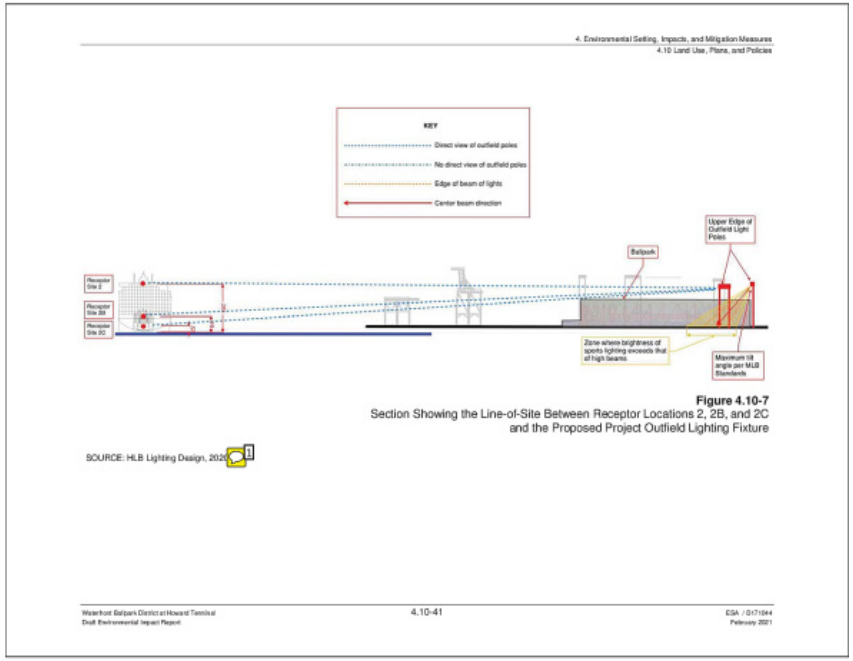
RESPONSE

I311-5-14 This comment is made in reference to the Draft EIR's analysis of light and glare impacts on maritime navigation (Draft EIR Section 4.10, *Land Use, Plans, and Policies*; p. 4.10-39). See Draft EIR Section 4.1, *Aesthetics, Shadow, and Wind* (Impact AES-3, Draft EIR p. 4.1-42) for a discussion of light and glare effects on local, non-maritime land uses. See also Responses to Comments I-307-9, I-307-10, I-307-2-7, I-307-3-29, I-307-4-1, I-307-4-2, I-307-4-3, I-307-4-4, I-307-4-5, and I-307-4-6. See also Consolidated Response 4.18, *Effects of Light and Glare on Maritime Operations and Safety*.

I311-5

COMMENT

RESPONSE



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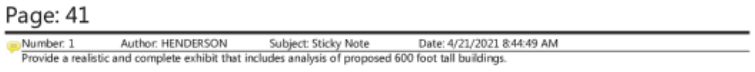
COMMENT

I311-5-15



RESPONSE

I311-5-15 This comment is made in reference to the Draft EIR's analysis of Light and Glare impacts on Maritime Navigation (Draft EIR Section 4.10, *Land Use, Plans, and Policies*, p. 4.10-39). See Consolidated Response 4.18, *Effects of Light and Glare on Maritime Operations and Safety*. See Draft EIR Section 4.1, *Aesthetics, Shadow, and Wind* (Impact AES-3, Draft EIR p. 4.1-42) for a discussion of light and glare effects on local, non-maritime land uses. See also Response to Comment I-307-2-7.

I311-5

COMMENT

RESPONSE

perspective 25 to 190 feet above water. Because of this downward angle, fireworks are not likely to be in the direct line of site of maritime pilots, and therefore, would not substantially interfere with their ability to navigate the Estuary.

Additionally, the U.S. Coast Guard regulates firework displays that are set off from barges in the San Francisco Bay (33 CFR § 165.1191). Currently, pyrotechnic events using barges are held near Oracle Park during home baseball games, near Pier 39 during the Fourth of July, near Pier 3 during Fleet Week, and near the San Francisco Ferry Building on New Year's Eve, among others. Prior to these events, the U.S. Coast Guard establishes a temporary safety zone during the loading and transit of the fireworks barge, until after completion of the fireworks display to restrict navigation in the vicinity of the fireworks loading, transit, and firing site (typically a 100-foot radius during loading and set-up, and increases to a 560-1,000-foot radius upon commencement of the fireworks display). These regulations are needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing sites to ensure the safety of participants, spectators, and transiting vessels. The Project sponsor would be required to obtain clearance for the pyrotechnic events involving barges from the U.S. Coast Guard, which would include notification of the event in the U.S. Coast Guard's Local Notice to Mariners prior to the event. The U.S. Coast Guard would also determine the radius required for the safety zone.

Given that fireworks displays would be typically above the line of sight of maritime pilots, safety zones would be enforced the U.S. Coast Guard, and notification would be given prior to fireworks displays, pyrotechnic displays are not expected to adversely affect the ability of maritime pilots to navigate the Inner Harbor and the Project would not result in a fundamental conflict in this regard.

Based on the foregoing, and with implementation of Mitigation Measures LUP-1b and BIO-1b, impacts to maritime pilots would not be expected to be substantial or adverse, and the proposed Project would not result in a fundamental conflict with regard to water-based uses, such as maritime navigation, due to light and glare conflic

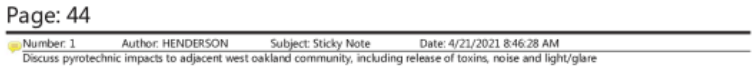
Compatibility with the Existing Noise Environment

Potential land use conflicts could arise due to the introduction of residential and open space (park) uses on the Project site adjacent to Port, industrial, and railroad uses. Residents living close to industrial uses may experience higher levels of noise than those found in non-industrial areas. To the extent that noise exposures exceed what would be expected by persons choosing to live in a mixed-use industrial area or near a railroad corridor, they could indicate a fundamental conflict with adjacent or nearby land uses and the need for mitigation. As discussed in Section 4.11, *Noise and Vibration*, the City of Oakland uses Land Use Compatibility Guidelines to determine noise-affected uses (see Table 4.11-7). Noise levels of 65 Day/Night Average Sound Level (DNL) measured near the site of the proposed Waterfront Park are within the normally acceptable range established by the City's land use noise environment guidelines. Noise levels of 75 DNL were measured near Schnitzer Steel and noise levels of 72 DNL were measured adjacent to the UPRR tracks where potential residences could be located, which would be at the top end of the "normally unacceptable" noise exposure category for residential uses. The General Plan indicates that residential development should only proceed in such an area provided that a detailed analysis of the noise reduction requirements be made and needed noise insulation features included in the design.

I311-5

COMMENT

I311-5-16



RESPONSE

I311-5-16 As discussed in the Draft EIR, there would be approximately seven fireworks shows per year, each lasting approximately 15 minutes (Draft EIR p. 4.10-43). While smoke from exploding fireworks results in elevated levels of particulate matter, these events would be temporary and intermittent, and thus would have no substantial impact, as explained in Response to Comment O-36-7. Noise impacts from fireworks displays are discussed in Section 4.11, *Noise and Vibration* (Draft EIR pp. 4.11-51 and 4.11-52). Impacts related to light and glare from pyrotechnics displays are discussed in Section 4.1, *Aesthetics, Shadow, and Wind* (Draft EIR p. 4.1-50). See also Consolidated Response 4.17, *Bird Impacts from Fireworks Displays*, and Consolidated Response 4.18, *Effects of Light and Glare on Maritime Operations and Safety*, Section 4.18.5, *Pyrotechnic Displays (Fireworks Shows)*.

I311-5

COMMENT

RESPONSE

With regard to residential uses, **Mitigation Measure NOI-3**, **Noise Reduction Plan for Exposure to Community Noise**, requires the Project sponsor to submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that identifies specific noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level of 45 DNL within the interior space of residential buildings. With incorporation of Mitigation Measure NOI-3, the noise exposure of proposed residential uses would be compatible with the City's land use noise environment guidelines, and would not indicate a fundamental conflict with adjacent land uses.[1]

With the inclusion of Mitigation Measure NOI-3, the Project would not expose Project residents to existing noise levels in excess of the City's Land Use Compatibility Guidelines such that a fundamental land use conflict would occur.[2]

Compatibility with the Existing Air Quality

Residential and office/commercial uses proposed by the Project near the Port uses (which includes many pollutant sources including heavy-duty trucks, diesel locomotives, off-road equipment, stationary sources, and water borne vessels), industrial uses (Schnitzer Steel and other stationary pollutant sources), and railroads would be exposed to sources of diesel exhaust emissions and other toxic air contaminants (TACs). To the extent that air pollutant emissions would expose new residents to substantial health risks, this could indicate a fundamental conflict with nearby or adjacent land uses and the need for mitigation. As discussed in Section 4.2, *Air Quality*, construction and operation of the Project would expose proposed on-site sensitive receptors to substantial levels of TACs. Incorporation of **Mitigation Measures AIR-1c, Diesel Particulate Matter Controls**; **AIR-2c, Diesel Backup Generator Specifications**; **AIR-2d, Diesel Truck Emission Reduction**; **AIR-2e**, **Criteria Pollutant Mitigation Plan; AIR-3, Truck-Related Risk Reduction Measures – Toxic Air Contaminants**; **AIR-4a, Install MERV16 Filtration Systems**; and **AIR-4b, Exposure to Air Pollution – Toxic Air Contaminants,** would reduce Project-related impacts to less than significant levels.

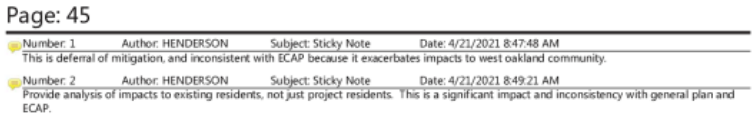
However, high background (existing) levels of pollutants and TACs at the Project site pose health risks to proposed on-site sensitive receptors, and while Project-related impacts related to the exposure of proposed on-site sensitive receptors to substantial levels of TACs can be mitigated to less than significant levels**,** under cumulative conditions, impacts to on-site sensitive receptors would be significant and unavoidable. Mitigation Measures **AIR-1b, Criteria Air Pollutant Controls**, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and **AIR-2.CU, Implement Applicable Strategies from the West Oakland Community Action Plan**, are identified to reduce air quality impacts under cumulative conditions to the extent feasible.

It should also be noted that the analysis of cumulative health risks to on-site receptors is based on an analysis of a MEIR located in Block 6, close to the ballpark (nearer to the northern boundary of the Project site), since this receptor would experience maximum exposure from onsite construction. However, there is evidence that TAC and $PM_{2.5}$ emissions are worst closest to the southwestern boundary of the site. This is illustrated in **Figure 4.10-8a** and **Figure 4.10-8b**. Additionally, as described in Section 4.2, the cumulative HRA overestimates the health risk impacts associated with Schnitzer Steel on new on-site sensitive receptors, because Schnitzer

I311-5

COMMENT

I311-5-17


Page: 45

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:47:48 AM
This is deferral of mitigation, and inconsistent with ECAP because it exacerbates impacts to west oakland community.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:49:21 AM
Provide analysis of impacts to existing residents, not just project residents. This is a significant impact and inconsistency with general plan and ECAP.

RESPONSE

I311-5-17 See Response to Comment I332-1-38 regarding Mitigation Measure NOI-3 and noise impact considerations for existing residents. See Response to Comment I311-5-11, which describes the scope of analysis for land use conflicts. As discussed in the Draft EIR, with the inclusion of Mitigation Measure NOI-3, the Project would not expose Project residents to existing noise levels in excess of the City's Land Use Compatibility Guidelines such that a fundamental land use conflict would occur (Draft EIR p. 4.10-45). Thus, there would be no General Plan inconsistency in this regard. See also Response to Comment I311-5-8 regarding the ECAP.

I311-5

COMMENT

RESPONSE

Steel is currently in the process of designing and installing emissions controls to reduce its stationary source TAC emissions in order to comply with the air district regulations. Also, as discussed in Sections 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, there are existing plans and regulations to improve air quality in the Project vicinity.

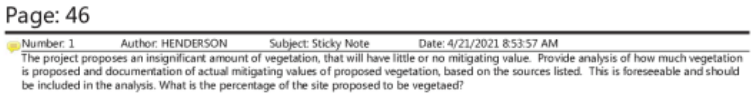
The California Air Resources Board's (CARB's) *Air Quality and Land Use Handbook* recommends to avoid siting new sensitive land uses within 1,000 feet of a railyard, consider siting limitations and mitigation approaches to development within one miles of railyards, and consider limitations on the siting of new sensitive land uses in areas immediately downwind of ports due to exposure to diesel and other emissions. However, CARB acknowledges that recommendations in its handbook need to be balanced with other State and local policies, including those related to addressing housing and transportation needs, the benefits of urban infill, and community economic development priorities (CARB, 2005).

CARB also recently published a Technical Advisory containing strategies to reduce air pollution exposure near high-volume roadways that contains strategies to help decrease pollution exposure near their sources. Scientific evidence indicates that implementing the strategies contained in the Technical Advisory can decrease exposure to air pollution in a variety of locations and contexts, so these strategies are applicable in a broad range of developments, not just those located near high-volume roadways. Indoor high efficiency filtration included in Mitigation Measure AIR-5a (Install MERV16 Filtration Systems) is identified as a strategy that removes pollution from the air. Another strategy is implementing building and streetscape design that promotes air flow and pollutant dispersion. Research studies show that street corridors characterized by buildings with varying shapes and heights, building articulations (street frontage design elements like edges and corners that help break up building mass), and spaces that encourage air flow (e.g., parks) benefit from better pollutant dispersion and air quality. Solid barriers, such as sound walls can also increase vertical dispersion of pollutants. Vegetation also has the potential to alter pollutant transport and dispersion. Maximum benefits have been shown to occur when vegetation is combined with solid barriers (CARB, 2017). Additionally, the U.S. Environmental Protection Agency (U.S. EPA) has published *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality* that contains characteristics of effective vegetation barriers, including height, thickness, porosity, seasonality, and pollution/stress resistance (U.S. EPA, 2016).

I311-5

COMMENT

I311-5-18


Page: 46

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:53:57 AM

The project proposes an insignificant amount of vegetation, that will have little or no mitigating value. Provide analysis of how much vegetation is proposed and documentation of actual mitigating values of proposed vegetation, based on the sources listed. This is foreseeable and should be included in the analysis. What is the percentage of the site proposed to be vegetaed?

RESPONSE

I311-5-18 The comment expresses an opinion about the amount of proposed landscaping. See Response to Comment O-45-6 regarding proposed buffer landscaping and the requirements of Mitigation Measure LUP-1c. The final amount of landscaping on the Project site is yet to be determined; however, it is noted that the Project would provide approximately 18.3 acres of publicly accessible open space, or approximately one-third (0.33 percent) of the Project site's acreage (Draft EIR p. 4.14-13), much of which would provide varying types of landscaping.

I311-5

COMMENT

RESPONSE

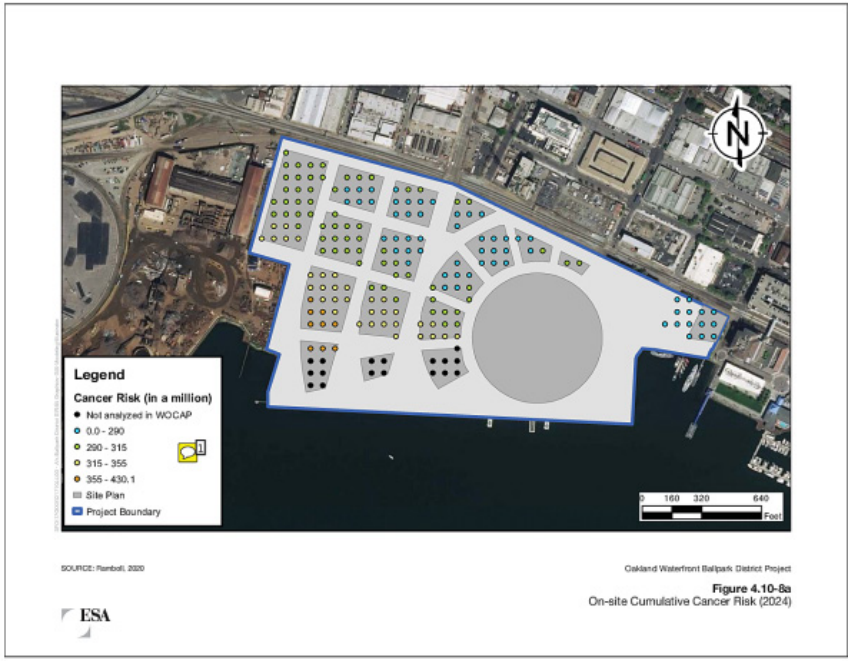
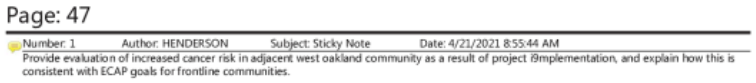


Figure 4.10-8a
On-site Cumulative Cancer Risk (2024)

I311-5

COMMENT

I311-5-19



RESPONSE

I311-5-19 Draft EIR Section 4.2, *Air Quality,* evaluates the increased cancer risk in the adjacent West Oakland community, as requested by the commenter. See Impact AIR-4 and AIR-2.CU. See also Draft EIR Appendix AIR.1 for a detailed discussion of analysis methods and results.

The 2030 ECAP does not include specific goals to reduce health risks caused by exposure to TAC emissions for frontline communities, although that would likely be one of many co-benefits of several ECAP measures and actions. The 2030 ECAP is a GHG reduction plan, not a TAC emission or health risk reduction plan. The consistency of the Project with all relevant 2030 ECAP goals is detailed in Table 4.7-8 under Impact GHG-2 (Draft EIR pp. 4.7-68 through 4.7-73). Additional analysis is not required.

I311-5

COMMENT

RESPONSE

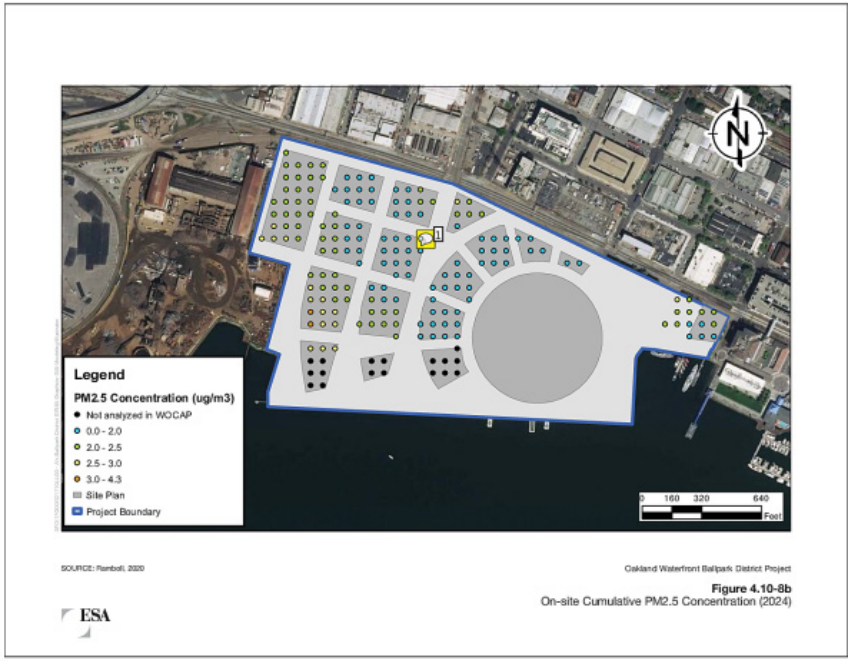


Figure 4.10-8b
On-site Cumulative PM2.5 Concentration (2024)

I311-5

COMMENT

I311-5-20

Page: 48

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 8:56:04 AM
Provide evaluation of increased cancer risk in adjacent west oakland community as a result of project implementation, and explain how this is consistent with ECAP goals for frontline communities.

RESPONSE

I311-5-20 See Response to Comment I311-5-19.

I311-5

COMMENT

RESPONSE

Mitigation Measure LUP-1c, Land Use Siting and Buffers, would incorporate these strategies by imposing siting limitations to physically separate sensitive land uses and strategies to buffer sensitive Project uses from nearby Port, rail, and industrial operations. Prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from the UPRR railyard to the northwest of the Project site, which is consistent with the guidance contained in CARB's land use handbook. Buffering strategies included in Mitigation Measure LUP-1c that would promote air flow and pollutant dispersion, combined with Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU would reduce air quality impacts to sensitive receptors on-site. Therefore, with the implementation these mitigation measures, the Project would not result in a fundamental conflict with nearby or adjacent land uses due to air quality

Mitigation Measure LUP-1c: Land Use Siting and Buffers.

All proposed sensitive uses (including residences and childcare facilities) on the Project site shall be prohibited west of Myrtle Street. Prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from the UPRR railyard to the northwest of the Project site, per guidance from the California Air Resources Board's (CARB's) *Air Quality and Land Use Handbook* (2005). Prior to the issuance of a construction-related permit, the Project sponsor shall develop detailed plans and specifications for buffering strategies to be used during Project development, including timing and phasing of implementation to precede on-site sensitive receptors. Buffering strategies to be used on the Project site shall incorporate guidance contained in CARB's *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (2017) and the U.S. Environmental Protection Agency's (U.S. EPA's) *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality* (2016) and include (but not be limited to):

1. The creation of building and streetscape design principles that shall incorporate buildings with varying shapes and heights, building articulations, and spaces that encourage air flow.

2. Solid barriers (e.g., sound walls or building walls) along the western perimeter of the Project site that shall be used in combination with vegetation barriers (i.e., dense trees/vegetation planted next to the solid barrier). If implemented Solid building exterior walls built on the western property line of Block 17 shall be used in combination with upper level setbacks and landscaping elemen

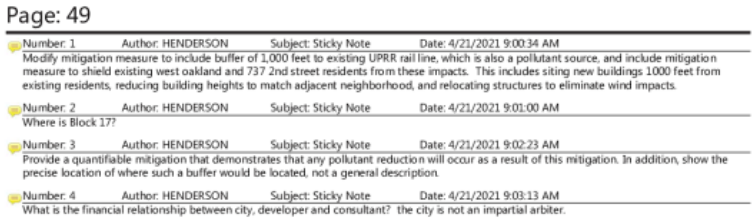
3. Vegetated buffers along the western perimeter of the site and portions of the northern perimeter west of Market Street that shall be planted densely, contain plants tolerant of air pollution, use trees, shrubs, and grasses for multi-level pollutant trapping, and use multiple species to minimize risks with low diversit

City planning staff shall review and accept the Project sponsor's plans and specification, together with their proposed timing and phasing strategies prior to issuance of any construction-related permi cepted plans, specifications, and phasing shall be referenced on all subsequent construction-related plans submitted to

I311-5

COMMENT

I311-5-21



Page: 49

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:00:34 AM
Modify mitigation measure to include buffer of 1,000 feet to existing UPRR rail line, which is also a pollutant source, and include mitigation measure to shield existing west oakland and 737 2nd street residents from these impacts. This includes siting new buildings 1000 feet from existing residents, reducing building heights to match adjacent neighborhood, and relocating structures to eliminate wind impacts.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:01:00 AM
Where is Block 17?

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:02:23 AM
Provide a quantifiable mitigation that demonstrates that any pollutant reduction will occur as a result of this mitigation. In addition, show the precise location of where such a buffer would be located, not a general description.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:03:13 AM
What is the financial relationship between city, developer and consultant? the city is not an impartial arbiter.

RESPONSE

I311-5-21 As discussed in the Draft EIR, prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses more than 1,000 feet from the Union Pacific railyard northwest of the Project site, per guidance from the California Air Resources Board's *Air Quality and Land Use Handbook*.[17] While the request to expand the buffer distance in Mitigation Measure LUP-1c to railroad tracks adjacent to the site is noted, railyards have concentrated rail activity, necessitating the need for planning and citing strategies such as buffer distances, whereas railroad tracks do not have the same concentration of activity. See Response to Comment I311-5-11, which describes the scope of analysis for land use conflicts. Block 17 is the western most block on the Project site illustrated, for example, in Figure 3-8. See Response to Comment A-12-26 regarding the effectiveness of Mitigation Measure LUP-1c. The location of required buffers are described in Mitigation Measure LUP-1c and exact locations and other attributes would be reviewed and approved by the City prior to issuance of any construction-related permit. The remainder of the comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA.

[17] CARB, 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005.

I311-5

COMMENT

RESPONSE

the City's building official, who shall determine compliance prior to permit issuance and upon final inspection.

The project Sponsor shall be responsible for maintaining all solid barriers and vegetated buffers for the life of the Proje[1]

Mitigation Measure Effectiveness

Implementation of Mitigation Measure LUP-1c would impose siting limitations to physically separate sensitive land uses and strategies to buffer sensitive Project uses from nearby Port, rail, and industrial operations. Prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from the UPRR railyard to the northwest of the Project site, per guidance from CARB's *Air Quality and Land Use Handbook*. With regard to buffering strategies, scientific evidence indicates that implementing the strategies contained in CARB's Technical Advisory, including building and streetscape design principles, solid barriers, and vegetated buffers, can decrease exposure to air pollution in a variety of locations and contexts (CARB, 2017).

While high background (existing) levels of pollutants and TACs at the Project site pose health risks to proposed on-site sensitive receptors, and under cumulative conditions, impacts to on-site sensitive receptors would be significant and unavoidable, Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU, are identified to reduce air quality impacts under cumulative conditions to the extent feasible (see Impact AIR-2.CU in Section 4.2, *Air Quality*). As noted above, a fundamental land use conflict would occur if the characteristics of one land use disrupts or degrades adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is imperiled. Thus, with implementation of these air quality measures and the siting and buffering measures outlined in Mitigation Measure LUP-1c, the Project would not interfere with adjacent Port, rail, or industrial operations, and would not result in a fundamental land use conflict in this regard.

Other Impacts of the Project on Existing Land and Water-based Uses

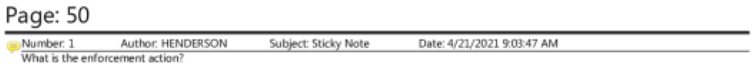
Concerns are often raised about compatibility when there is a potential for new uses (e.g., residents) to raise complaints about existing land and water-based uses. As discussed previously, the Port represents a unique industrial land use in the Bay Area. The Port is a major seaport and cannot be relocated; is integrated with a regional transportation network of roads and rail; and is a major economic driver for the Bay Area. The Project, with its proposed ballpark and residential and office/commercial uses, could result in a fundamental conflict with adjacent or nearby land and water-based uses if it substantially affects the functioning or viability of these Port uses. Similarly, the City's General Plan provides that existing industrial activities should be protected from potentially incompatible land uses (Policy I/C4.2) and that buffering, truck traffic management efforts, and other mitigations should be used to minimize the impact of other uses on the Port and neighboring activities (Policy W1.3).

Based on the Port's experience with nearby users and residents, complaints from new uses regarding Port operations and, operations at the adjacent Schnitzer Steel facility are likely. To address this issue, the Exclusive Negotiation Term Sheet with the Project sponsor, approved by the Board of Port Commissioners, states that the future users, owners, lessees, and residents of and in the Project

I311-5

COMMENT

I311-5-22



RESPONSE

I311-5-22 If the solid barriers and vegetated buffers were not maintained, the City would institute enforcement procedures consistent with the Project's Conditions of Approval and Oakland Planning Code Chapter 17.152.

I311-5

COMMENT

RESPONSE

shall be notified of potential impacts of Port maritime and marine operations on their use and waive rights to claims arising therefrom. While not required to address an impact under CEQA, **Improvement Measure LUP-1, Statement of Disclosure** is included below and would be included as a condition of approval for the Project. Any other actions to address these complaints and any physical impacts of the complaints are not reasonably foreseeable but rather speculative, and so any environmental impacts of any resulting actions are outside the scope of this Draft EI

Improvement Measure LUP-1: Statement of Disclosure.

The Project sponsor and any future owners of the Project or portions of the Project shall provide a Statement of Disclosure on the lease or title to all new tenants or owners of the Project, or any portion thereof, acknowledging the commercial and industrial character of the Project's environs, and providing express acceptance of the potential for the Port's maritime and marine operations in the area to result in certain off-site impacts at higher levels than would be expected in other mixed-use or residential areas of the City. This requirement shall run with the land.

Conclusion

As discussed above, while potential land and water-based use conflicts could arise due to the introduction of new residential and office/commercial uses on the Project site adjacent to Port, industrial, and railroad uses, with the inclusion of Mitigation Measures LUP-1a, LUP-1b, LUP-1c, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2.CU, BIO-1b, NOI-3, TRANS-1a, and TRANS-1b, the Project would not result in a fundamental conflict with nearby uses and impacts would be less than significant. This impact would be less than significant with mitigatio

Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan and Requirements. (see above)

Mitigation Measure LUP-1b: Implement **Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution.** (see Section 4.1, Aesthetics, Shadow and Wind)

Mitigation Measure LUP-1c: Land Use Siting and Buffers. (see above)

Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (see Section 4.2, Air Quality)

Mitigation Measures AIR-1c: Diesel Particulate Matter Controls. (see Section 4.2, Air Quality)

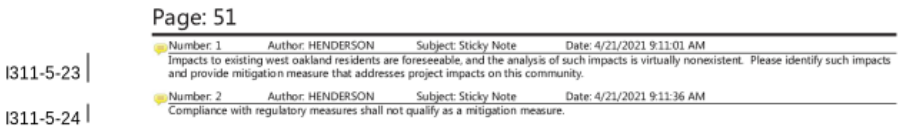
Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (see Section 4.2, Air Quality)

Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (see Section 4.2, Air Quality)

Mitigation Measure AIR-2e: Criteria Pollutant Mitigation Plan. (see Section 4.2, Air Quality)

I311-5

COMMENT



I311-5-23

I311-5-24

RESPONSE

I311-5-23 See Responses to Comments I311-5-11 and I311-5-17.

I311-5-24 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-5

COMMENT

RESPONSE

recreation, cultural and entertainment uses. A portion of the proposed ballpark would also be located within the 1923 Tidelands. A private ballpark is not identified among uses explicitly authorized under the legislative grant (see Section 4.10.2, under the subheading *The Public Trust Doctrine)*. As also discussed in Section 3.5.1, and shown in Figure 4.10-5, proposed uses within the 1852 Tidelands and Rancho Uplands areas include portions of the ballpark, as well as all or a portion of Blocks 2-6, 9-15, and 17-18 proposed for mixed-use development, including residential, office/commercial, and retail uses west of the ballpark. These blocks could also include one or more hotels and a performance venue. Residential and general commercial and office uses are not among those commonly understood to be trust-consistent; hotels serving waterfront visitors, however, are generally understood to be trust-consistent uses.

AB 1191 specifically authorizes a trust exchange to resolve trust and boundary uncertainties, and authorizes the proposed ballpark and associated uses as a trust use if the CSLC makes certain findings. Under AB 1191, the trust exchange may include a boundary line agreement, title settlement, trust exchange, or quitclaim. If approved, the trust exchange proposed by the Project sponsor would result in a trust land configuration similar to that shown in **Figure 4.10-9**.

With approval of a trust exchange agreement pursuant to AB 1191, and a trust consistency finding by the CSLC of those aspects of the Project located on public trust lands (as provided by AB 1191), the Project would be consistent with the public trust, and the impact would be less than significant. In the absence of such approvals, the Project could not proceed.

Mitigation: None required.

Impact LUP-4: The Project would not conflict with the San Francisco Bay Plan and Seaport Plan land use policies adopted for the purpose of avoiding or mitigating an environmental effect. (Criterion 3) ***(Less than Significant)***

The Project is proposed for lands subject to BCDC's permit jurisdiction. Accordingly, in order for BCDC to authorize a permit for the Project, it must find the project consistent with the applicable requirements of the McAteer-Petris Act, the San Francisco Bay Plan, and the San Francisco Bay Area Seaport Plan. BCDC regulations relevant to the Project concern priority shoreline uses and bay fill, each of which is addressed further below.

I311-5

COMMENT

I311-5-25

I311-5-26

RESPONSE

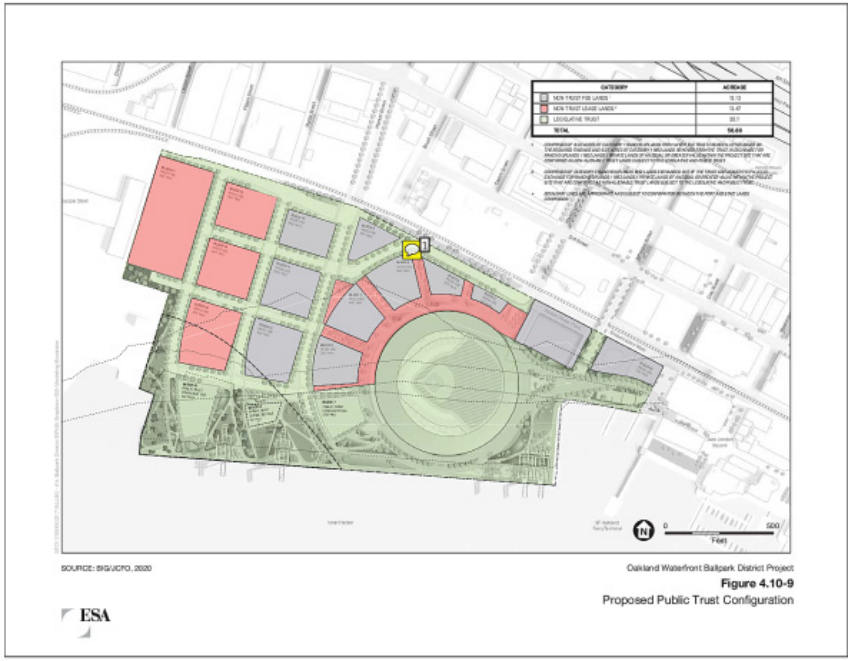
I311-5-25 See Response to Comment I-243-45.

I311-5-26 See Responses to Comments I-311-5-4 and A-12-53 through A-12-55.

I311-5

COMMENT

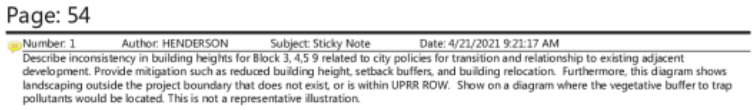
RESPONSE



I311-5

COMMENT

I311-5-27


Page: 54

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:21:17 AM

Describe inconsistency in building heights for Block 3, 4,5 9 related to city policies for transition and relationship to existing adjacent development. Provide mitigation such as reduced building height, setback buffers, and building relocation. Furthermore, this diagram shows landscaping outside the project boundary that does not exist, or is within UPRR ROW. Show on a diagram where the vegetative buffer to trap pollutants would be located. This is not a representative illustration.

RESPONSE

I311-5-27 The comment is placed on Figure 4.10-9, which illustrates the proposed public trust configuration for the Project site. The comment is unrelated to this topic, and the figure serves its illustrative purpose as is. The commenter alleges that the Project heights are inconsistent with City policies "for transition and relationship to existing adjacent development," but does not provide specific examples of these policies. See also Response to Comment I311-5-21 regarding concerns about buffers.

I311-5

COMMENT

RESPONSE

will need between 98 and 753 acres more active terminal space, depending upon growth rate. The study notes the Bay Area's potential seaport expansion area presently totals roughly approximately 356 acres. Among the available terminal sites discussed, the Howard Terminal is identified as a potentially suitable site for additional container, roll-on/roll-off vehicle, and dry bulk cargo handling. The study notes that the Port of Oakland could probably handle container cargo under a moderate growth scenario without Howard Terminal, but that it would have little room for future growth. Regarding growth in roll-on/roll-off and dry bulk cargo, the study finds that, depending upon growth among cargo types, there could be conflicting demand for use of Howard Terminal's acreage (The Tioga Group and Hackett Associates, 2020).

AB 1191 establishes a deadline for BCDC to determine whether to remove the Project site from the Seaport Plan's port priority use designation and make conforming changes to the Bay Plan. With such removal from the Seaport's Plan port priority use designation and changes to the Bay Plan, the Project's potential conflicts with the Seaport Plan and corresponding Bay Plan policies could be resolved. With respect to the portion of the Project subject to BCDC jurisdiction, the Port and City would require as conditions of their approvals that the Project sponsor obtain the necessary Seaport Plan and Bay Plan amendments. With those amendments, the Project would not conflict with BCDC regulations governing shoreline use and the impact would be less than significant. In the absence of such amendments, the Project could not proceed.[1]

Bay Fill and Shoreline Band Jurisdiction

As explained in Section 4.10.2, the McAteer-Petris Act and the Bay Plan[14] restrict the types of projects for which fill may be authorized. BCDC interprets these regulations as applying both to projects proposing new fill, as well as projects which would utilize or rely upon previously-authorized Bay fill (BCDC, 2019). Pursuant to the McAteer-Petris Act, for new Bay fill to be approvable, it must be demonstrated that the fill is the minimum necessary to accomplish the purpose, there is no alternative, and the fill will not conflict with public access or enjoyment of the Bay or waterfront. Similarly, the Bay Plan directs that a project proposing fill should be approved if the fill is the minimum necessary to achieve its purpose and it meets one of the following conditions: (1) is in accord with Bay Plan policies as to the Bay-related purposes for which fill may be needed (i.e., ports) and is shown on the Bay Plan maps as likely to be needed; (2) is in accord with Bay Plan policies as to purposes for which some fill may be needed if there is no other alternative (i.e., airports, roads, and utility routes); or (3) is in accord with the Bay Plan policies as to minor fills for improving shoreline appearance or public access.[15] In addition, as with developments proposed within the 100-foot shoreline band, BCDC requires projects involving Bay fill to provide maximum feasible shoreline access and to be designed in a manner that visually complements the surrounding Bay setting, while also preserving and enhancing Bay viewing opportunities.[2]

[14] See Bay Plan, Part IV - Development of the Bay and Shoreline: Findings and Policies, Fills In Accord with the Bay Plan, Policy No. 1.

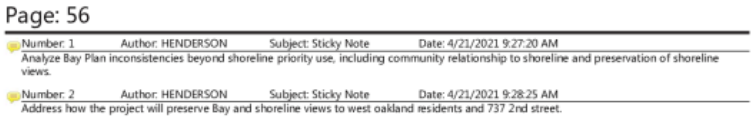
[15] See Bay Plan, Part IV - Development of the Bay and Shoreline: Findings and Policies, Fills In Accord with the Bay Plan, Policy No. 1.

[16] See Bay Plan, Part IV - Development of the Bay and Shoreline: Findings and Policies, Public Access, Policy No. 1; and Appearance Design and Scenic Views, Policies 1 and 2.

I311-5

COMMENT

I311-5-28


Page: 56

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:27:20 AM
Analyze Bay Plan inconsistencies beyond shoreline priority use, including community relationship to shoreline and preservation of shoreline views.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:28:25 AM
Address how the project will preserve Bay and shoreline views to west oakland residents and 737 2nd street.

RESPONSE

I311-5-28 The Draft EIR's analysis of potential physical environmental effects of the Project relevant to applicable Bay Plan policies, including policies emphasizing the preservation of scenic views from public vantage points, is found in the document's corresponding topical sections. See also Responses to Comments I-311-5-4, I-311-5-29, and A-12-53 through A-12-59.

I311-5

COMMENT

RESPONSE

As described in Section 3.10.2 of the *Project Description*, the Project could require a small amount of permanent Bay fill from the relocation and construction of stormwater and drainage, as needed, and the limited addition of in-water piles for the reinforcement of waterfront areas, within an area of no more than 0.01 acre (500 square feet), to support the cranes. The environmental effects of potential pile installation to support cranes is addressed in Section 4.3, *Biological Resources*. Given the small amount of potential new permanent fill proposed and that the potential piles would not obstruct Bay or waterfront access or use, potential permanent fill for the crane support piles would not be expected to conflict with applicable BCDC Bay fill regulations. At the time of McAteer-Petris Act's passage in September 1965, the Project site's shoreline was landward of its current location. In the years subsequent to that date, BCDC authorized fill placement for port-related purposes, resulting in an approximately 17-acre bayward expansion of the site (Catellus, 2019). The approximate locations of the current and 1965 shorelines are presented in Figure 4.10-6.

AB 1191 requires all BCDC jurisdictional bay fill lands to remain subject to the public trust and authorizes BCDC, in considering permits for the Project, to find that the ballpark, public trust, and public open space uses that lie within the BCDC jurisdictional bay fill lands are water-oriented uses, if BCDC finds that certain conditions are met. Thus, project components proposed for such filled areas must be evaluated consistent with the conditions in AB 1191, which address ballpark and open space design, public access, views, and activation of public open spaces. Determinations of Project consistency with these conditions will ultimately be made by BCDC through the permit process, which will include review of the Project's proposed appearance and design by the agency's Design Review Board. 1 hrough issuance of a permit, consistent with the conditions in AB 1191, the Project's potential conflicts with BCDC's Bay fill policies would be resolved, and the Port would require that the Project sponsor consult with and obtain the required permits from BCDC for the Project as a condition to commencing construction of any portion of the Project within BCDC's jurisdiction. With BCDC approval, the Project would not conflict with the agency's regulations governing use of Bay fill, and the impact would be less than significant. In the absence of such approval, the Project could not proceed.

2 **itigation:** 3 one required.

Impact LUP-5: Development of the Project would not conflict with other regional land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. (Criterion 3) (*Less than Significant*)

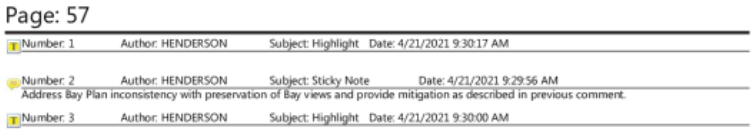
Plan Bay Area 2040

Plan Bay Area 2040 integrates transportation, land use, and housing to meet greenhouse gas reduction targets for the San Francisco Bay Area region. With regard to land use, *Plan Bay Area 2040* focuses growth and development in PDAs, which are served by public transit and have been identified as appropriate for additional, compact development (ABAG, 2017a). The Project is located within the Oakland Downtown & Jack London Square PDA (MTC, 2018). The Oakland Downtown & Jack London Square PDA is characterized as a center of culture, night life, business, innovation, shipping, and civic life in Oakland (ABAG, 2017b). The Project would

I311-5

COMMENT

I311-5-29



RESPONSE

I311-5-29 As discussed in Draft EIR Chapter 3, *Project Description* (p. 3-14 and shown in Figure 3-8 [p. 3-19]), a portion of the Project site is proposed for lands within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The agency's Bay Plan states that designs for new Bayfront development should include maximum efforts to provide, enhance, or preserve Bay views, especially from public areas (Bay Plan Appearance Design and Scenic Views Policy No. 2).

As described in Draft EIR Chapter 3, *Project Description*, a key Project objective is to maximize water views (p. 3-15; Objective 3). As shown in Draft EIR Figure 3-8, a substantial portion of the Project area within BCDC jurisdiction, including all of the waterfront, would be developed as public open space. Accordingly, the Project would provide a several new Bay viewing opportunities from public vantage points (Draft EIR pp. 3-26 through 3-31). For example, the extension of Market Street, creation of Athletics' Way, and expanded Bay Trail connections would each provide new formal public access into and through the property, thereby expanding Bay viewing opportunities for the public. In addition, the proposed Waterfront Park and Ballpark Rooftop Park would provide additional areas from which the public would have new Bay viewing opportunities.

The Project also proposes up to five vertical structures within BCDC's jurisdiction that could impede Bay views from inland locations, including the ballpark. As further illustrated in Draft EIR Figures 3-13, 3-15, and 3-16 (pp. 3-26, 3-30, and 3-32, respectively), these vertical structures would be subordinate in height to other structures proposed on portions of the site inland of (i.e., outside of) BCDC's jurisdiction.

While Project elements proposed within BCDC jurisdiction might obstruct certain Bay views, the Project overall would provide substantial new Bay viewing opportunities. While final determinations regarding Bay Plan consistency ultimately lie with BCDC, because the Project would increase Bay viewing opportunities and the Bay Plan does not necessarily prohibit developments that obstruct Bay views, the Project does not appear to be in conflict with Bay Plan policies governing Bay views. See also Responses to Comments I-311-5-4 and A-12-53 through A-12-55.

I311-5

COMMENT

RESPONSE

develop a MLB ballpark, a performance venue, hotel(s), and a mix of residential, office/commercial, retail, and entertainment uses that would directly support additional compact development that aligns with the character of the Oakland Downtown & Jack London Square PDA. Additionally, as discussed in Section 4.15, *Transportation*, *Plan Bay Area 2040* recommends increasing non-auto travel mode share and reducing VMT per capita and per employee by promoting transit-oriented development, transit improvements, and active transportation modes such as walking and bicycling. The Project would generate per-capita VMT more than 15 percent below regional averages for residential and commercial uses, and would generate VMT more than 15 percent below existing similar uses for the ballpark and performance venue. The Project is consistent with land uses envisioned for the Oakland Downtown & Jack London Square PDA and the *Plan Bay Area 2040*. Therefore, Project impacts related to conflicts with other regional land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Mitigation: None required.

Impact LUP-6: Development of the Project would not result in a fundamental conflict with City of Oakland General Plan land use policies (Criterion 3). (*Less than Significant*)

The Project site is currently located within the "General Industry and Transportation" General Plan land use classification established by the LUTE. Proposed Project uses would conflict with the existing General Plan land use designation for the Project site. To resolve the conflict, the Project proposes a General Plan Amendment to a "Regional Commercial" land use designation. The Regional Commercial classification is intended to maintain, support, and create areas of the City that serve as region-drawing centers of activity. The desired uses for this classification include a mix of commercial, office/commercial, entertainment, arts, recreation, sports and visitor serving activities, residential, mixed-use development, and other uses of similar character or supportive of regional drawing power. The Project would develop a MLB ballpark and mixed-use district intended to be a region-serving entertainment use, and therefore would be consistent with the intent and desired uses of the Regional Commercial designation.

Consistency between the Project and the applicable General Plan policies identified in Section 4.10.2, *Regulatory Setting*, above are discussed below.

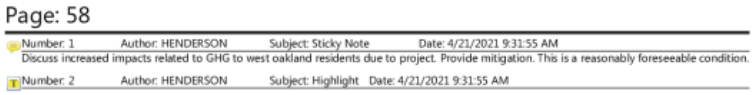
Project Consistency with General Plan Policies

The Project would develop a MLB ballpark, a performance venue, hotel(s), and a mix of residential, office/commercial, retail, and entertainment uses located in downtown Oakland, and specifically within the Jack London waterfront area. The MLB ballpark would provide a large-scale commercial entertainment use near the Jack London waterfront area and would be a region-serving entertainment destination centered around the ballpark, consistent with LUTE policies designed to locate entertainment uses and destination commercial uses near Jack London Square area (Policies D9.1, D12.3, and I/C3.5). Additionally, the proposed performance venue would provide a smaller scale entertainment use in the Jack London waterfront area, consistent with LUTE downtown policies (Policy D12.4).

I311-5

COMMENT

I311-5-30



RESPONSE

I311-5-30 Draft EIR Section 4.7, *Greenhouse Gas Emissions*, assesses the potential for the Project to result in significant adverse environmental impacts from greenhouse gas (GHG) emissions. Section 4.7 includes mitigation measures to reduce these impacts, including Mitigation Measure GHG-1. A number of additional mitigation measures would also reduce the Project's GHG impacts: Mitigation Measures AIR-1b, AIR-2c, AIR-2d, AIR-2e, TRANS-1a, and TRANS-1b, among others.

Additionally, as discussed on Draft EIR p. 4.7-37, GHG emissions and global climate change represent cumulative impacts of human activities and development projects locally, regionally, statewide, nationally, and worldwide. The Project's GHG emissions will become well-mixed in the atmosphere and will not contribute to direct impacts on West Oakland residents. Reducing GHG emissions locally has the same effect on global climate change as reducing GHG emissions on another continent (AEP, 2020). Therefore, there are no impacts of the Project's GHG emissions on West Oakland residents specifically. However, Mitigation Measure GHG-1 establishes priority for off-site measures or offsets located in West Oakland and the surrounding community. See Responses to Comments A-11-8 and O-63-56 for additional discussion of this topic.

I311-5

COMMENT

RESPONSE

sponsor and the City of Oakland to develop and implement a boating and recreation water safety protocol, which would reduce the risk of conflicts with maritime navigation. With incorporation of Mitigation Measure NOI-3, the noise exposure of proposed residential uses would be compatible with the City's land use noise environment guidelines. Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU, are identified to reduce air quality impacts to the extent feasible. Additionally, Mitigation Measure LUP-1b would physically separate sensitive land uses and buffer Project uses from nearby Seaport and industrial operations.

LUTE Policy CO-12.1 (Land Use Patterns Which Promote Air Quality) and OSCAR/Safety Policy CO-12.4 (Design of Development to Minimize Air Quality Impacts) relate to separating land uses which are sensitive to pollution from the sources of air pollution and designing development projects in a manner which reduces potential adverse air quality impacts. As discussed in Section 4.2, *Air Quality*, the Project site is located in an area with numerous existing sources of air pollutants. Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU have been identified to reduce air quality impacts to the extent feasible, and Mitigation Measure would physically separate sensitive land uses and buffer Project uses from nearby sources of air pollutants.

The LUTE also contains policies relating to locating mixed-use development and minimizing nuisances between commercial activities and residential uses (Policies I/C4.2 and D11.2) The Project would also introduce new residential uses immediately adjacent to a MLB ballpark, which could generate large amounts of light, noise, and traffic. Performance measures that help buffer new residential uses from noise associated with potentially conflicting uses (notably existing industrial and maritime uses adjacent to the Project site, as well as the ballpark on the Project site) are included in the City's Noise Ordinance. The Project also includes TDM elements to achieve a 20 percent vehicle trip reduction goal and promotes transit and alternative modes of travel to reduce vehicle trips associated with the Project that could impact future residents. Furthermore, future residents within the Project site will undoubtedly be aware of the presence of the adjacent ballpark and the associated retail uses, and many will presumably choose to live on the Project site due in part to the proximity of these venues and attractions. Thus, the Project would not fundamentally conflict with these polici

Conclusion

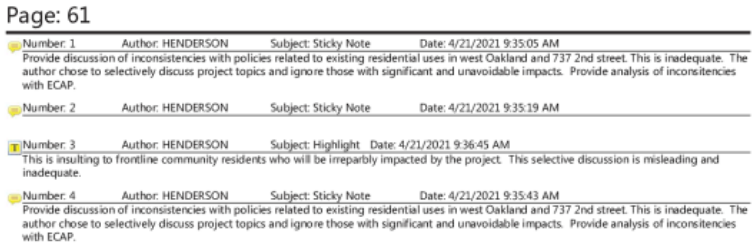
As noted above, per the City's General Plan, the fact that a specific project does not meet all General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment within the context of CEQA. While the Project could conflict with individual policies of the General Plan, it would be generally consistent with the Plan as a whole and would include amendments to the General Plan and Planning Code as discussed above to further ensure the Project is consistent with the General Plan's land use designations. In order to approve the proposed Project, the City Council would be required to find and determine that the Project, with these amendments, is consistent with the General Plan. Therefore, the development of the Project would not fundamentally conflict with the City's General Plan and impacts would be less than significant.

litigation: None required.

I311-5

COMMENT

I311-5-31



Page: 61

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:35:05 AM
Provide discussion of inconsistencies with policies related to existing residential uses in west Oakland and 737 2nd street. This is inadequate. The author chose to selectively discuss project topics and ignore those with significant and unavoidable impacts. Provide analysis of inconsitencies with ECAP.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:35:19 AM

Number: 3 Author: HENDERSON Subject: Highlight Date: 4/21/2021 9:36:45 AM
This is insulting to frontline community residents who will be irreparbly impacted by the project. This selective discussion is misleading and inadequate.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:35:43 AM
Provide discussion of inconsistencies with policies related to existing residential uses in west Oakland and 737 2nd street. This is inadequate. The author chose to selectively discuss project topics and ignore those with significant and unavoidable impacts. Provide analysis of inconsitencies with ECAP.

RESPONSE

I311-5-31 As discussed in the Draft EIR, consistent with CEQA, not every policy that could apply to the Project is analyzed. The policies analyzed below are those that most directly pertain to the Project and that emerged as points of interest or controversy during the environmental review, scoping, and community input processes. To the extent that Draft EIR Section 4.10 discusses potential conflicts with plans, policies, or regulations not adopted for the purpose of mitigating or avoiding an environmental impact, it is for informational purposes. The lead agency and responsible agencies will ultimately determine the proposed Project's overall consistency on balance with the applicable goals and policies, as part of the decision to approve or reject the proposed Project (Draft EIR p. 4.10-30).

The comment claims that the "discussion of inconsistencies with policies related to existing residential uses in West Oakland and 737 2nd street" (the latter is actually occupied by commercial live/work uses) is "inadequate," but does not provide specific examples of policies that may present inconsistencies. See Response to Comment I311-5-8 regarding the ECAP.

I311-5

COMMENT

RESPONSE

Mitigation: None required.

Impact LUP-8: Development of the Project would not conflict with City of Oakland Planning Code and Zoning Map. (Criterion 3) *(Less than Significant)*

The Project site is located within the (IG), General Industrial Zone, and the portion of the site east of Jefferson Street is located within the M-40, Heavy Industrial Zone. The proposed Project uses would conflict with the existing zoning designations on the Project site. To resolve the current conflicts between existing zoning, the Project proposes to rezone the Project site and establish a new Waterfront Planned Development Zoning District as authorized by the proposed General Plan Amendment, described specifically in Chapter 3, *Project Description*. As noted above, the City and the Port are cooperating to establish a shared regulatory framework under which the City will apply all relevant provisions of the Oakland Planning Code. Consistent with this shared regulatory framework, it is anticipated that the City would adopt the new zoning district into the Oakland Planning Code, and amend the General Plan and Zoning Map to apply the District to the geographic area of the Project site. The new zoning regulations for the District would establish permitted and conditionally permitted land uses, high-level development standards and a process for administrative review of project phases and design review.

The Project site, except for the portion subject to the Estuary Policy Plan, is in the Port Area, which is under the jurisdiction of the Port Board of Port Commissioners. Under the City Charter, the Port has the power and duty to carry out the general powers of the City (Section 706 (6) and (30)), including the powers to enforce general rules and regulations in the Port Area (Section 706(4)); to require the application of a Port Building Permit (sometimes referred to as a Port Development Permit) for any construction or improvement (Section 708); to approve street, sewer, and other public improvements (Section 712); and to provide for commercial development and for residential housing development (Section 706(23)). All land-use regulations, zoning, development permits, and other approvals must conform to the City's amended General Plan, and, under Section 727 of the Charter of the City of Oakland, the City has exclusive authority over the approval of any change to the General Plan designation. In addition, pursuant to the Section 706 of the Charter, residential development within the Port Area also requires City Council consent. As discussed in connection with Impact LUP-6, the Project will be generally consistent with the City's General Plan as amended in connection with Project. Therefore, the Port Board of Port Commissioners may approve Port Building Permits for the Project as consistent with applicable zoning regulations if it determines that the Project is consistent with applicable zoning regulations.

Therefore, with the Project's proposed amendments to the Planning Code and Zoning Map, the Project would not fundamentally conflict with the City of Oakland Planning Code and Zoning Map, and impacts would be less than significant.

Mitigation: None required. 1

I311-5

COMMENT

I311-5-32

Page: 63

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:37:35 AM

Provide discussion of inconsistencies with policies related to existing residential uses in west Oakland and 737 2nd street. This is inadequate. The author chose to selectively discuss project topics and ignore those with significant and unavoidable impacts. Provide analysis of inconsitencies with ECAP.

RESPONSE

I311-5-32 See Response to Comment I311-5-31.

I311-5

COMMENT

RESPONSE

Maritime Reservation Scenario

Under the Maritime Reservation Scenario, the proposed Project would establish a "Maritime Reservation Area" at the southwest corner of the Howard Terminal for up to 10 years (from May 2019) and would not develop permanent uses in this area. At any point within the 10 years (and within 5 years for some portions of the Maritime Reservation Area), the Port of Oakland may elect to take back a portion of the site from the Project sponsor to accommodate possible expansion of the existing Inner Harbor Turning Basin. If so elected, up to approximately 10 acres at the southwest corner of the Project site would be returned to the Port to accommodate expansion of the Inner Harbor Turning Basin.

Physical Division of an Established Community

Under the Maritime Reservation Scenario, up to approximately 10 acres of the proposed Project site would not be developed, the Project site boundary would change, and the Project site area would become smaller. Similar to the Project, there is no neighborhood or "community" on either side of the Project site that would be physically divided by development under the Maritime Reservation Scenario. However, development on the Project site would move the current boundary between Seaport-related industrial uses and commercial/entertainment uses farther to the west.

Land Use Compatibility

The Maritime Reservation Scenario would involve the same land uses as proposed under the Project somewhat reorganized on the site, and some of the land uses would be adjacent to the reserve area set aside for possible expansion of the turning basin. Under the Maritime Reservation Scenario, some Project land uses would be located farther away from Schnitzer Steel than they would with the proposed Project; however, the potential for conflicts with adjacent or nearby land or water-based uses would remain similar to those described for the Project. Specifically, Project-related traffic could impact road and rail access, there could be light and glare impacts on maritime navigation using the existing turning basin, and new residents would be exposed to the existing noise environment, and existing air quality. These potential impacts would be addressed by the mitigation measures identified for the Project. Any impacts of expanding the turning basin or on vessels using an expanded turning basin would be subject to a separate analysis if and when the Port elects to exercise its option and proceed with design, permitting, and construction.

During the 10-year period, the Port of Oakland could berth tugboats and similar watercraft (but not cargo vessels) along the wharf adjacent to the Maritime Reservation Area. Under this scenario, the potential for conflicts between recreational watercraft and water-based uses, specifically small commercial vessels and maritime navigation, would be similar as described above, and **Mitigation Measure LUP-1a** would require installation and maintenance of signs along the wharf informing non-Port vessels that they would be prohibited from docking in any part of the wharf adjacent to the Project site.

Consistency with Land Use Plans and Policies

Public Trust Doctrine

Under the Maritime Reservation Scenario, any portion of the Project site devoted to accommodate a possible expansion of the Inner Harbor Turning Basin would be consistent with

I311-5

COMMENT

I311-5-33

Page: 64

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:38:06 AM
see previous comments, the land use inconsistencies are the same.

RESPONSE

I311-5-33 See Responses to Comments I311-5-9 and I311-5-10.

I311-6 Andrew Peters (Part 7)

COMMENT

4.12 Population and Housing

This section analyzes how the Project may directly, or indirectly, affect population, housing and employment. Specifically, this section starts by describing existing conditions in the City and the region, focusing on the changes in population, households, and employment over time. It then describes changes in population, housing, and employment directly attributed to the Project and identifies the Project's contributions to anticipated citywide and regional growth, which are important contexts for considering potential physical environmental impacts analyzed in this and other sections of the EIR. The impact assessment also discusses potential indirect effects of the Project by assessing the possibility of displacement due to development on the Project site.

Pursuant to State CEQA Guidelines Section 15064(e), the analysis here focuses on the potential for physical environmental impacts, and not on socioeconomic issues that may also be of interest or concern to the public and City decision-makers.[1] The issues of growth inducement and urban decay are discussed in Section 7.3, *Growth-Inducing Impacts and Urban Decay*.

This section relies in part on Project-specific construction and operational data provided by the Oakland A's, data provided in the City of Oakland General Plan, and data available from the California Department of Finance, the U.S. Census Bureau, the Association of Bay Area Governments (ABAG) and Metropolitan Transit Authority (MTA) *Plan Bay Area 2040*.

4.12.1 Environmental Setting

The environmental setting for this analysis consists of the City of Oakland and the nine Bay Area counties, the Project site and its immediate surroundings, along with the site of the Oakland Coliseum and its immediate surroundings.

City of Oakland and Region

The Project site is located in the City of Oakland, which is one of 100 communities within nine counties that form the greater Bay Area region. The city is located within the planning area of ABAG, the Bay Area region's federally designated metropolitan planning organization. Oakland is the third largest city in this region and the largest city in the East Bay (Department of Finance, 2018).[2] As outlined in ABAG and the Metropolitan Transportation Commission's (MTC) *Plan Bay Area 2040*, and described below, the City's employment, housing, and population are projected to continue to grow in the future, bolstering Oakland's role as a centrally-located place of employment and place of residence within the larger Bay Area region. While the COVID-19

[1] The direction for treatment of economic and social effects is stated in Section 15064(e) of the State CEQA Guidelines: "Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect."

[2] The City of San Jose and the City of San Francisco are each larger than Oakland.

COMMENT

TABLE 4.12-8
PHASE I AND FULL BUILDOUT PROJECT EMPLOYMENT

Project Component	Current Ballpark	Phase 1		Buildout	
	Existing FTE[a]	New FTE	Phase 1 Total	New FTE	Buildout Total
A's Staff[b]	285	—	285	—	285
Event Non-A's, and Game Day-of Staff[c]	1,227	93	1,320	93	1,320
Performance Venue[d]	—	—	—	200	200
Office[e]	—	1,111	1,111	6,667	6,667
Retail[f]	—	69	60	540	540
Hotel[g]	—	360	360	360	360
Residential[h]	—	17	17	94	94
Parking and Other[i]	—	18	18	33	33
Total Employees[j]	**1,511**	**1,671**	**3,171**	**7,987**	**9,499**

NOTES:
a FTE = full-time equivalent / Existing Ballpark Employees are presented to compare existing A's related employees to that anticipated under the Proposed Project.
b A's Staff: this includes all sports operations, business operations, business operations support, and ballpark operations and management as identified in the Table 3-3. These would work at games, however, they are accounted for in the estimate of A's Staff.
c Event Non-A's, Day-of Staff: Per Table 3-2 in the Project Description, there are numerous Non-A's, Day of Staff dependent on the nature of the event. This table considers the typical employees-generated during a baseball game event, as it would generate the highest number of event-day employees.
d Performance Venue: 200 is the assumed rate provided by the Project sponsor.
e Office Rate: 225 square feet per employee
f Retail Rate: 500 square feet per employee
g The Hotel Rate: 0.9 employees per room
h Residential Rate: 1 employee per 32 housing units
i Parking and Other: 270 spaces per employee
j Total Employees refers to all employees generated by the Proposed Project and conservatively represent new employees at the Project site. (This is conservative because existing employees at the Project site have not been accounted for.) *Net New Employees* is presented to account for the existing 640 employees associated with the existing Ballpark that would be relocated to the Project site.

SOURCE: Rates from City of Oakland, 2014b; Athletics Investment Group, LLC; A's, Strategic Economics, 2018.

Between 2018 and 2040, the number of total jobs in the city are anticipated to increase from 220,792 to 272,760, or a total growth of 51,968 new jobs. The projected total employment increase at the Project site at buildout would represent approximately 18 percent of this increase (9,499 Project jobs/51,968 projected new jobs citywide) or a total of approximately 3.5 percent of jobs projected in the City in 2040 under the City's General Plan.[10] Thus, while the scale of employment growth associated with the Project was not previously planned to occur at this specific site, the Project's increase in employment is within the General Plan and ABAG projections for the City of Oakland as a whole.

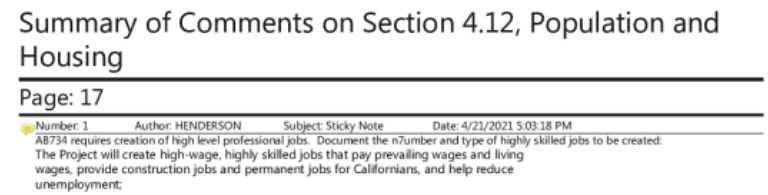
Consistent with the impacts associated with residential growth under Impact POP-2, above, the proposed Project would include the extension of existing City streets into the Project site and

[10] While the Coliseum currently employs approximately 1,512 jobs (285 associated with A's staff and 1,227 associated with events), this analysis conservatively considers all Project related employment as new growth. While this growth represents projected employment from the project, it is conservative because it accounts for the number of jobs currently held at the existing ballpark at the Coliseum Stadium, and which would be relocated (thus not "new" jobs within the city).

I311-6

COMMENT

I311-6-1


Summary of Comments on Section 4.12, Population and Housing

Page: 17

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:03:18 PM

AB734 requires creation of high level professional jobs. Document the n7umber and type of highly skilled jobs to be created:
The Project will create high-wage, highly skilled jobs that pay prevailing wages and living wages, provide construction jobs and permanent jobs for Californians, and help reduce unemployment;

RESPONSE

I311-6-1 The conditions required by Assembly Bill (AB) 734 include that the Project would create high-wage, highly skilled jobs that pay prevailing wages and living wages, provide construction jobs and permanent jobs for Californians, and help reduce unemployment (Draft EIR p. 1-5). However, CEQA requires analysis of whether the Project would induce substantial population growth in a manner not contemplated in the General Plan, either directly or indirectly, such that additional infrastructure is required but the impacts of such were not previously considered or analyzed (Draft EIR p. 4.12-12). This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I311-6

COMMENT

RESPONSE

replacement or installation of infrastructure to serve the Project site (impacts are discussed further in Section 4.15, *Transportation and Circulation*, and Section 4.16, *Utilities and Service Systems*).

Overall, operation of Phase 1 and Buildout of the proposed Project would result in increased employment. However, this growth would be consistent with the City's and regional plans for growth and thus would not constitute substantial unplanned growth. Employment growth in this area would be served by planned streets and infrastructure, the impacts of which are analyzed in this EIR.

Mitigation: None required.

Displacement

Impact POP-4: Implementation of the proposed Project would not directly or indirectly displace substantial numbers of existing people or housing units necessitating the construction of replacement housing elsewhere. (Criteria 2 and 3) (*Less than Significant*)

The Project site is currently used for maritime support uses and the Project would not directly displace[11] any residents or housing units, since no residents or housing units are currently located on the Project site. The Project could therefore not directly displace substantial numbers of existing people or housing units necessitating the construction of replacement housing elsewhere, and the impact would be less than significant. The Project would also add up to 3,000 housing units, which would help to address the regional need for housing.

Potential indirect displacement could occur if development at the Project site results in physical or socioeconomic changes (e.g., gentrification[12]) in the site vicinity that results in displacement of existing residents. However, because displacement is such a widespread phenomenon, it would be speculative to identify a singular causal relationship or contribution of increased land or housing costs attributable to the Project to indirect displacement. Moreover, to the extent concerns about gentrification have arisen in other contexts, these concerns typically focus on existing residential or commercial neighborhoods, and the potential effect of rising property values to change the character of those neighborhoods in ways that may affect existing residents or businesses. In this case, the site is not an existing residential or commercial neighborhood. Furthermore, the nature of indirect displacement has roots in economic and social evaluations, which not within the purview of CEQA.[13] Evidence of social or economic impacts (e.g., rising property values, increasing rents, changing neighborhood demographics) that do not contribute to, or are not caused by, physical impacts on the environment are not substantial evidence of a significant effect on the environment. In short, social and economic effects are only relevant under CEQA if

[11] Most researchers have narrowly defined displacement as evictions or unaffordable price increases (Zuk et al., 2015).

[12] Gentrification is a particular kind of neighborhood revitalization, distinct because of its possible displacement effects. Most studies agree that gentrification at a minimum leads to exclusionary displacement and may push out some renters as well (Zuk et al., 2015). Gentrification scholarship often is focused on interracial or— ethnic dynamics of neighborhood change, particularly where white in-movers arrive in neighborhoods with predominantly residents of color (Zuk et al. 2017). The scholarship focuses on the effects of rising rents or property values on established residential or commercial neighborhoods.

[13] Per CEQA Section 15131, part a) Economic or social effects of a project shall not be treated as significant effects on the environment.

I311-6

COMMENT

I311-6-2

Page: 18

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:02:22 PM

Address the requirements of AB 734 regarding creation of professional jobs, and provide mitigation. Parking lot attendants do not meet AB 734.

"The Project will create high-wage, highly skilled jobs that pay prevailing wages and living wages, provide construction jobs and permanent jobs for Californians, and help reduce unemployment;"

RESPONSE

I311-6-2 See Response to Comment I311-6-1.

I311-6

COMMENT

4.13 Public Services

This section identifies the existing setting and evaluates potential impacts related to public services, including police protection services, fire protection and emergency services, public schools, and other public facilities that could result from development of the Project. The section contains a description of the existing local conditions, a summary of the pertinent regulations, and an analysis of the potential impacts related to public services associated with construction and operation of the proposed Project, and provides, where appropriate, mitigation measures to address potential impacts. This section relies in part on information provided by the Oakland Fire Department, Oakland Police Department, Oakland Unified School District, Oakland Public Library, and the United States (U.S.) Coast Guard. Impacts related to public parks and recreation are discussed in Section 4.14, *Recreation*.

In general, the baseline level of public services described in this section reflects the services occurring prior to the COVID-19 pandemic. As noted in Section 4.0, the pandemic has resulted in changes in human behavior and the economy. Some of these changes are expected to be short-term. While there will likely be some that persist in the post-pandemic world, it would be speculative to identify long-term consequences of the pandemic at this time.

Comments on the Notice of Preparation (NOP) included concerns with crime in the Project vicinity and concerns over response to potential conflicts between commercial vessels and recreational watercraft in the Oakland-Alameda Estuary (Estuary).

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the proposed Project.

4.13.1 Environmental Setting

Fire Protection and Emergency Medical Response

The Oakland Fire Department (OFD) provides fire protection and local emergency medical response services to the City of Oakland (City) and the Port of Oakland (Port), including emergency medical response, firefighting, special operations, and all-risk mitigation.

OFD Operations

Besides fighting accidental fires and intentionally set fires, OFD conducts fire-safety inspections and plan checks of buildings and businesses; provides fire-danger patrols and issues public warnings during times of high fire danger; conducts vegetation-management inspections; responds to hazardous materials spills; oversees the Oakland Office of Emergency Services; issues permits for fairs, carnivals, pyrotechnic displays, and other special events; offers classes to the public on first aid and cardio-pulmonary resuscitation; provides on-site training to local businesses on basic emergency response; and teaches basic personal fire-safety and fire prevention practices to school children.

COMMENT

OPD Strategic Planning and Crime Prevention

The *Oakland Police Department Strategic Plan 2016* contains goals to reduce crime, strengthen community trust and relationships, and achieve organizational excellence. The Strategic Plan focuses on OPD's limited staffing resources and sets goals for increased staffing and other actions to improve its response times for 911 calls and other police services. The Strategic Plan also specifies goals and actions for which additional resources would be required – primarily additional sworn and civilian staff to address response times. The Strategic Plan also identifies the need for an expanded crime lab to achieve the strategy of expanding biological evidence collection and processing to property crimes; however, plans for such an expansion have not been identified (OPD, 2015).

In November 2014, the residents of Oakland passed Measure Z, the 2014 Oakland Public Safety and Services Violence Prevention Act. Measure Z funds are used to cover officer/ supervisor positions in the Special Victims Section, Ceasefire Division, and Special Resource Section (Community Resource Officers/Supervisors and Crime Reduction Team members). These positions play a critical role in disrupting the cycle of violence and crime. With a focused and strategic approach to crime, the funded teams provide a better service to the community and can reduce the number of calls for service connected to violence and recurring activity. With a reduction of these calls, patrol officers have greater opportunity and capacity to respond to other calls for service in a timelier manner (OPD, 2019a).

OakDOT Parking Enforcement

The City issues approximately 330,000 parking citations annually. Parking enforcement moved from OPD to OakDOT in July 2017. At full staffing levels, OakDOT's Parking Enforcement unit includes four supervisors and 71 Parking Control Technicians (PCTs). In 2016 and 2017, PCT staff turnover was high, and included 58 PCTs or fewer. However, in April 2018, OakDOT hired 14 additional part-time PCTs, totaling approximately 60 full-time equivalent PCTs (City of Oakland, 2018).

Public Schools

Oakland Unified School District

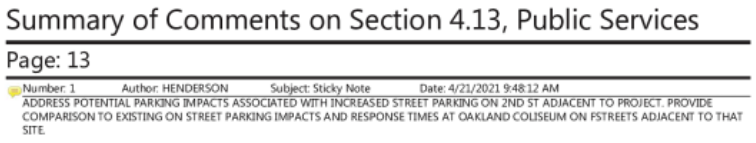
The Project site is located within the boundaries served by the Oakland Unified School District (OUSD), which administers the public school system in the City of Oakland. OUSD operates 87 District-run schools and 34 OUSD-authorized charter schools in the City. There are also 12 non-OUSD charter schools located in the City that are operated under the Alameda County Office of Education, Alameda Unified School District, and the California State Board of Education (OUSD, 2018a).

OUSD enrollment reached a peak of approximately 55,100 enrolled students during the 1999–2000 school year and declined to a low of 46,400 enrolled students during the 2007–2008 school year; enrollment stagnated from 2008 through 2013. Since 2013, enrollment has steadily increased but has not yet reached peak 1999–2000 levels (CDE, 2019). The overall trend of declining enrollment is due in part to demographic shifts that include a reduced proportion of African American students since 2000 (OUSD, 2015). OUSD currently enrolls approximately

I311-6

COMMENT

I311-6-3



RESPONSE

I311-6-3 See Consolidated Response 4.7, *Parking*, and Response to Comment I311-2-25.

I311-6

COMMENT

RESPONSE

hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. These include **Mitigation Measures AIR-1a** (Dust Controls); **AIR-1b** (Criteria Air Pollutant Controls); **AIR-1c** (Diesel Particulate Matter Controls); **AIR-1d** (Super-Compliant VOC Architectural Coatings during Construction); **BIO-1a** (Disturbance of Birds during Nesting Season); **BIO-2** (Pre-Construction Assessments and Protection Measures for Bats); **BIO-3** (Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals); **BIO-4** (Compensation for Fill of Jurisdictional Waters); **CUL-1** (Maritime Resources Treatment Plan); **CUL-2** (Vibration Analysis for Historic Structures); **CUL-4a** (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction); **CUL-4b** (Archaeologically Sensitive Areas – Pre-Construction Measures); **CUL-5** (Human Remains – Discovery During Construction); **GEO-1** (Site-Specific Final Geotechnical Report); **GEO-2** (Inadvertent Discovery of Paleontological Resources During Construction); **HAZ-1a** (Preparation and Approval of Consolidated RAW, LUCs and Associated Plans); **HAZ-1b** (Compliance with Approved RAW, LUCs and Associated Plans); **HAZ-1c** (Health and Safety Plan); **HAZ-1d** (Hazardous Building Materials); **HYD-1** (Creek Protection Plan); **NOI-1a** (Construction Days/Hours); **NOI-1b** (Construction Noise Reduction); **NOI-1c** (Extreme Construction Noise Measures); **NOI-1d** (Project-Specific Construction Noise Reduction Measures); **NOI-1e** (Construction Noise Complaints); **NOI-1f** (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors); **and TRANS-4** (Construction Management Plan). The aforementioned mitigation measures are applied collectively to this impact as **Mitigation Measure PUB-1**, below.[1]

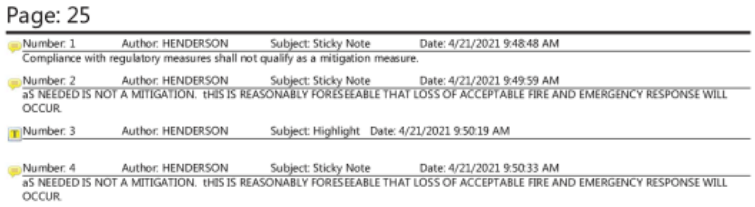
In the unlikely event that the replacement fire station is located off-site, it would be subject to additional review under CEQA. As the replacement station would likely be developed on an infill parcel, any potentially adverse effects from the replacement fire station likely would be similar to those anticipated by development of the Project, as discussed above. A temporary fire station, if needed due to the retrofit or demolition of Fire Station 2, could be located on- or off-site in proximity to the Project site, using temporary structures or a combination of existing structures and temporary structures. Since the impacts associated with a temporary fire station would be temporary and no permanent structures would be constructed, potential impacts would be no more severe than those associated with the Project. Overall, potential impacts associated with the construction of the replacement fire station and temporary fire station, would be similar to, and no more severe than those associated with the Project if located within the Project's development envelope. As noted above, in the unlikely event that the replacement fire station is located off-site, it would be subject to additional review under CEQA.

In summary, while the Project could result in the temporary loss of acceptable fire protection and emergency medical response services due to the retrofit or potential demolition of Fire Station 2, the Project would construct a replacement fire station and temporary fire facilities, as needed.[2] If the replacement station is located within the Project's development envelope, the physical impacts are addressed through other mitigation measures in this Draft EIR. These facilities would be provided in coordination with OFD. Accordingly,[3] impacts related to fire protection and emergency services during construction[4] would be less than significant.

I311-6

COMMENT

I311-6-4
I311-6-5



Page: 25

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:48:48 AM
Compliance with regulatory measures shall not qualify as a mitigation measure.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:49:59 AM
aS NEEDED IS NOT A MITIGATION. tHIS IS REASONABLY FORESEEABLE THAT LOSS OF ACCEPTABLE FIRE AND EMERGENCY RESPONSE WILL OCCUR.

Number: 3 Author: HENDERSON Subject: Highlight Date: 4/21/2021 9:50:19 AM

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:50:33 AM
aS NEEDED IS NOT A MITIGATION. tHIS IS REASONABLY FORESEEABLE THAT LOSS OF ACCEPTABLE FIRE AND EMERGENCY RESPONSE WILL OCCUR.

RESPONSE

I311-6-4 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-6-5 As described in the Draft EIR, Necessary Improvement Measure PUB-1 would require the Project sponsor to retrofit and make improvements to Fire Station 2 and/or construct a replacement fire station if the current station is demolished in coordination with the Oakland Fire Department (OFD) to maintain or improve existing service levels during Project construction. This improvement measure would be required and implemented as a condition of approval for the Project. Necessary Improvement Measure PUB-1 specifies that the Project sponsor shall coordinate with OFD on the timing of retrofit or demolition of Fire Station 2 to ensure that adequate fire protection and emergency medical response services are available to maintain existing service levels and serve the Project site during the retrofit or construction of the replacement fire station, which may include development of a temporary station, while the Fire Station 2 retrofit or the replacement fire station is under construction. If a temporary station is required, Fire Station 2 shall not be closed or demolished until the temporary station has been established. In that event, the temporary station shall remain in operation until it is no longer needed by OFD because the fire station remodels and construction projects have been completed, or the permanent replacement fire station has been completed (Draft EIR p. 4.13-24).

The commenter asserts that "as needed" with regard to temporary fire facilities is "not mitigation." However, OFD would ultimately decide whether a temporary station is needed to ensure that adequate service levels are maintained. Additionally, there would only be a CEQA impact requiring mitigation if the construction of the replacement, retrofitted, or temporary fire facilities would have an adverse physical environmental impact. As described in the Draft EIR, the replacement fire station, if Fire Station 2 is demolished, would likely be located within the Project's development envelope. The physical impacts related to demolition and construction of this facility are addressed as part of the Project and are included in the analyses in the appropriate environmental resource topic sections of the Draft EIR. (If retrofit of the existing fire station, impacts related to this construction would be less than those associated with demolition and replacement.) The physical impacts of constructing this facility are therefore subsumed in the analysis of impacts of constructing the Project. Mitigation measures are identified to reduce construction-related impacts (including those caused by construction

I311-6

COMMENT

RESPONSE

of fire facilities) on air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible and are applied collectively to this impact as Mitigation Measure PUB-1 (Draft EIR pp. 4.13-24 and 4.13-25).

I311-6

COMMENT

RESPONSE

Operation

An increase in population at the Project site would result in periodic and permanent increases in demand for fire protection and emergency medical services compared to existing conditions. The increased population includes employees and patrons of games and events at the proposed ballpark, as well as daily employment and visitors of the proposed office, retail, and entertainment uses. In addition, new permanent residential population associated with the proposed onsite residential uses would result in a permanent population increase on the Project site.

The Project's increase in population would result in an increased demand for fire protection and emergency medical response services, which could impact OFD response times. As discussed in Section 4.13.1, *Environmental Setting*, without an active Fire Station 2 the OFD was meeting its response time goal of 7 minutes 90 percent of the time in the Downtown/Lake Merritt area, but experienced delayed response times to the Jack London Square waterfront area south of I-880 and the UPRR tracks, with a 7-minute response time 67 percent of the time, and an average 9 minute and 2 seconds response time 90 percent of the time (Deccan International, 2019). OFD has also indicated that they experience delays responding to waterfront incidents due to freight trains (OFD, 2019b). The increase in population at the Project site could result in more delays south of the UPRR tracks due to an increase in service call volumes.

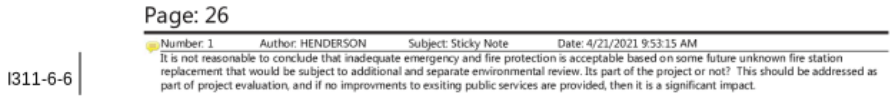
OFD has indicated that a retrofit of Fire Station 2 and physical improvements associated with game/event day pedestrian management at the proposed ballpark would be necessary to incorporate Fire Station 2 in to the Project's design, given its location within the main pedestrian approach to the ballpark along Water Street. With the retrofit and improvements to the existing Fire Station 2, as required by Necessary Improvement Measure PUB-1, the proposed Project would not result in an increase in demand for fire protection and emergency medical response services such that additional fire protection facilities are necessary.

As discussed above, if demolition of Fire Station 2 is pursued in the future, necessary Improvement Measure PUB-1, would require the Project sponsor to construct a replacement fire station and potentially a temporary fire station in coordination with OFD. The construction of this replacement fire station would enable OFD to maintain acceptable levels of fire protection and emergency medical response services to the waterfront area shown in Figure 4.13-3, including the Project site during Project operations (OFD, 2019b). Overall, potential impacts associated with the construction of the replacement fire station and potential temporary fire station, would be similar to, and no more severe than those associated with the Project if located within the Project's development envelope. As noted above, in the unlikely event that the replacement fire station is located off-site, it would be subject to additional review under CEQA. Operational impacts related to the replacement fire station, such as noise impacts from sirens, would be similar to existing conditions at the reopened Fire Station 1.

Additionally, as part of Project operations for games and large events at the ballpark, the Oakland Athletics or other event sponsors would provide on-site medical services, as they currently do for baseball games and other events at the Coliseum, including a first-aid station and on-site medical personnel, to provide first aid to game/event patrons or employees that may require medical assistance. This would reduce potential effects on general emergency medical response providers.

I311-6

COMMENT



RESPONSE

I311-6-6 See Response to Comment I311-6-5. As the commenter notes, in the unlikely event that the replacement fire station is located off-site, it would be subject to additional review under CEQA. Because the replacement station would likely be developed on an infill parcel, any potentially adverse effects from the replacement fire station likely would be similar to those anticipated by development of the Project, as discussed above. Overall, potential impacts of construction of the replacement fire station and temporary fire station would be similar to, and no more severe than, those associated with the Project, if located within the Project's development envelope (Draft EIR p. 4.13-25). There is no substantial evidence that potential impacts associated with the construction of the replacement fire station would be more severe than those associated with the Project, if located within the Project's development envelope.

I311-6

COMMENT

RESPONSE

The following Mitigation Measure PUB-1 will address the potential construction-period impacts of the necessary public facilities:

> **Mitigation Measure PUB-1:** For construction of the new and/or retrofitted public services facilities, implement **Mitigation Measures AIR-1a, *Dust Controls*; AIR-1b, *Criteria Air Pollutant Controls*; AIR-1c, *Diesel Particulate Matter Controls*; AIR-1d, *Super-Compliant VOC Architectural Coatings during Construction*; BIO-1a, *Disturbance of Birds during Nesting Season*; BIO-2, Pre-Construction Assessments and Protection Measures for Bats; BIO-3, *Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals*; BIO-4, *Compensation for Fill of Jurisdictional Waters*; CUL-1, *Maritime Resources Treatment Plan*; CUL-2, *Vibration Analysis for Historic Structures*; CUL-4a, *Archaeological Resources and Tribal Cultural Resources – Discovery During Construction*; CUL-4b, *Archaeologically Sensitive Areas – Pre-Construction Measures*; CUL-5, *Human Remains – Discovery During Construction*; GEO-1, *Site-Specific Final Geotechnical Report*; GEO-2, *Inadvertent Discovery of Paleontological Resources During Construction*; HAZ-1a, *Preparation and Approval of Consolidated RAW, LUCs and Associated Plans*; HAZ-1b, *Compliance with Approved RAW, LUCs and Associated Plans*; HAZ-1c, *Health and Safety Plan*; HAZ-1d, *Hazardous Building Materials*; HYD-1, *Creek Protection Plan*; NOI-1a, *Construction Days/Hours*; NOI-1b, *Construction Noise Reduction*; NOI-1c, *Extreme Construction Noise Measures*; NOI-1d, *Project-Specific Construction Noise Reduction Measures*; NOI-1e, *Construction Noise Complaints*; NOI-1f, *Physical Improvements or Off-site Accommodations for Substantially Affected Receptors*; and TRANS-4, *Construction Management Plan*.**
>
> **Significance after Mitigation:** Less than Significant.

Police Protection

Impact PUB-2: The Project could result in an increase in demand for police services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (Criterion 1) (*Less than Significant with Mitigation Incorporated*)

Construction

As described in Chapter 3, *Project Description*, construction of Phase 1 of the Project would take a minimum of 2 years to construct, and then development of the remainder of the site would occur over time. Peak construction of Phase 1 and buildout of the remainder of the site would require a maximum of 1,300 and 1,000 construction workers, respectively. The presence of construction workers on-site could result in an incremental, temporary increase in demand for police protection. As discussed in Section 4.12, *Population and Housing*, construction-related jobs generated by the Project would likely be filled by employees within the construction industry within the City of Oakland and the greater Bay Area region, many of whom are currently being served by OPD police protection services, and therefore would not represent an increase in demand for services. Further, this incremental, temporary increase in demand for services during construction could be accommodated by existing OPD police protection services and would not

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COMMENT

I311-6-7

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:53:42 AM
Compliance with regulatory measures shall not qualify as a mitigation measure.

RESPONSE

I311-6-7 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-6

COMMENT

RESPONSE

operational issues for OPD serving A's baseball games include insufficient camera coverage for certain Coliseum site areas, including stadium concourses, seating areas, and parking lots; and OPD radios not working in certain areas of the Coliseum stadium, especially the clubhouse areas (OPD, 2019a). As discussed above, these issues would be resolved at the proposed ballpark through implementation of OPD recommendations.

As discussed in Section 4.15, *Transportation and Circulation*, during games and events at the proposed ballpark, the A's and/or event sponsor would also provide increased private security to assist in on-site crowd management and public safety during the events, and would use traffic control personnel to assist in implementing the Transportation Management Plan (TMP) (**Appendix TRA**) to facilitate safe movement of, and minimize potential conflicts among, pedestrians, bicyclists, and vehicles, similar to current event operations at the Coliseum. The Project also includes a Parking Management Plan (Appendix TRA) that would provide additional OakDOT PCTs specific to the Project vicinity to provide parking enforcement. Additionally, as discussed in Section 4.8, *Hazards and Hazardous Materials*, as required by Major League Baseball Best Operating Practices, an Emergency Procedures document will be developed for the new ballpark. This document will include evacuation and other plans for a range of emergencies that could occur at the new facility.

In order to adequately serve the proposed ballpark, OPD would require police office space and a command post within the ballpark (OPD, 2019a). **Necessary Improvement Measure PUB-2, Ballpark Law Enforcement Facilities**, would require the Project sponsor to provide police office space including an area within the development to be utilized for event day briefings, report writing space, and holding cells to accommodate arrests, as well as a command post within the ballpark that would be utilized by all agencies involved in event and security operations, as discussed further under Impact PUB-5, *Maritime Emergency Services and Law Enforcement*. This improvement measure would be required and implemented as a condition of approval for the Project. With implementation of Necessary Improvement Measure PUB-2, the Project would provide the facilities to adequately provide police services to the ballpark. As these new facilities would be located within an otherwise-planned structure, they would generate no further impacts beyond those identified in this EIR for the Project. Mitigation measures are identified to reduce construction-related impacts (including to police facilities) to air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. As discussed under Impact PUB-1 above, these mitigation measures are applied collectively as Mitigation Measure PUB-1. Therefore, the Project's impact related to police protection for the ballpark would be less than significant.[1]

Necessary Improvement Measure PUB-2: Ballpark Law Enforcement Facilities.

Prior to the issuance of the building permit for the ballpark, the Project sponsor shall provide building plans to the Bureau of Planning & Building showing the locations of police and other law enforcement office space and a command post within the ballpark. The office space shall include an area within the development to be utilized for event day briefings, report writing space, and holding cells to accommodate arrests. The command post is to be utilized by all agencies involved in event and security operations at the

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I311-6-8

Page: 29

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:54:24 AM
Compliance with regulatory measures shall not qualify as a mitigation measure.

RESPONSE

I311-6-8 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-6

COMMENT

RESPONSE

charter schools or private schools. As depicted in **Table 4.13-5**, OUSD projected a surplus in capacity at schools near the Project site in 2023. When the Project's student generation for Phase 1 and full buildout is added to these projections, there would be surplus capacity collectively at the elementary schools in the Project vicinity (Martin Luther King Jr./Lafayette, Prescott, Hoover, and Lincoln Elementary Schools), and individually for West Oakland Middle School and McClymonds High School.

TABLE 4.13-5
ESTIMATED STUDENT CAPACITY AT OUSD SCHOOLS IN PROJECT VICINITY

School	Number of Seats	Projected Surplus Capacity in 2023[a]	Projected Surplus Capacity including estimated Project Students – Phase 1[b]	Projected Surplus Capacity including estimated Project Students – Full Buildout[c]
Elementary Schools				
Elementary Schools near the Project site[d]	2,321	658	581	235
Middle School				
West Oakland Middle	760	584	551	404
High School				
McClymonds	780	381	341	162

NOTES:
a As projected in OUSD's Community of Schools Citywide Plan: Toward a Citywide Map (OUSD, 2018b).
b Per Table 4.13-5, Phase 1 of the Project would generate approximately 77 elementary school students, 33 middle school students, and 40 high school students.
c Per Table 4.13-5, at Full Buildout, the Project would generate approximately 423 elementary school students, 180 middle school students, and 219 high school students.
d Elementary schools near the Project site include Martin Luther King Jr./Lafayette, Prescott, Hoover, and Lincoln.

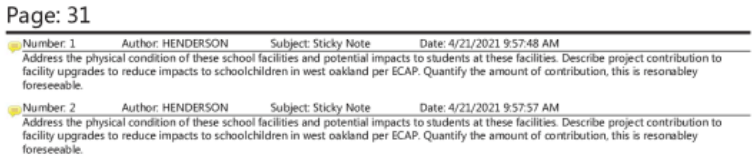
SOURCE: OUSD, 2018b.

It should be noted that in a worst-case scenario, if all Phase 1 generated elementary school-age students were assigned to one of the elementary schools in the Project vicinity, there would be surplus capacity at all but one elementary school (Lincoln Elementary School). Under full buildout, if all Project elementary school-age students were assigned to one of the elementary schools in the Project vicinity, there would be a shortage at each individual elementary school. However, due to OUSD's options enrollment program, this scenario would be very unlikely, as students would be distributed to other elementary schools with surplus capacity.

While not under the control of the Project sponsor, the City's adherence to General Plan Policy N.12.2, described above would reduce the potential for effects to school facilities associated with increased enrollment. Further, pursuant to Senate Bill 50 (SB 50), the Project would be required to pay school impact fees established to offset potential impacts from new development on school facilities. Therefore, although the Project would increase resident populations and potential student enrollment in the City, payment of fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of such fees is deemed full and complete mitigation of Project impacts on school facilities.

I311-6

COMMENT



RESPONSE

I311-6-9 Under CEQA, the Project could have a significant impact on public schools if: (1) it would require the construction of new or physically altered school facilities in order to maintain acceptable levels of public services; and (2) the construction or alteration of such facilities would result in a substantial adverse physical impact on the environment (Draft EIR p. 4.13-22).

As described in the Draft EIR, although the Project would increase resident populations and potential student enrollment in the city of Oakland, payment of fees mandated under Senate Bill 50 is the mitigation measure prescribed by the statute, and payment of such fees is deemed full and complete mitigation of Project impacts on school facilities. Considering the excess capacity at schools in the Project vicinity and the Project's required contribution to school impact fees per Senate Bill 50, the Project would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities. Therefore, Project impacts on public schools would be less than significant and no mitigation would be required (Draft EIR p. 4.13-32).

The Oakland Unified School District (OUSD) school impact fees at the time of preparation of the Draft EIR were $3.48 per square foot of new residential space and $0.56 per square foot of new commercial/industrial space (Draft EIR p. 4.13-14). Please note that the calculation of these fees would depend on the timing of construction of the development because OUSD periodically adjusts its fees.[18] Thus, any quantification of these fees at this time would be inaccurate.

[18] Oakland Unified School District, 2021. Board of Education Memo RE: Adoption of the School Facility Fee Justification Report and Approval of an Increase in Statutory School Facility Fees (Level I) Imposed on New Residential, Commercial, and Industrial Development Projects Pursuant to Education Code Section 17620 and Government Code Section 65995. Board Meeting Date August 11, 2021.

I311-6

COMMENT

RESPONSE

The Project would also increase the population in the area, which could lead to increased demand for PCCD school facilities, including Laney College and College of Alameda. Despite the expanded reach recently achieved through online education, the majority of PCCD students still reside locally. However, PCCD enrollment has decreased by approximately 10,000 students from 2009 to 2017 (The RP Group, 2017). Thus, it is reasonable to assume that existing PCCD facilities would be adequate to serve the expected increase in population from the Project.

Considering the excess capacity at schools in the Project vicinity and the Project's required contribution to school impact fees, the Project would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities. Therefore, Project impacts to public schools would be less than significant and no mitigation would be required.

Mitigation: None required.

Libraries

Impact PUB-4: The Project would not result in an increase in demand for libraries at a level that would require new or physically altered library facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which would have significant physical environmental impacts. (Criterion 1) (*Less than Significant*)

The additional population introduced by the Project would result in an increased demand for library services. The Main Library, and West Branch and Asian Branch libraries would likely serve the Project site. Both of the branch libraries are diminishing in physical condition and near capacity for programming and collections. However, some library services such as e-books could serve the Project remotely online, which could reduce the burden on physical facilities. OPL does not have any performance standards that are tied to levels of demand (OPL, 2019a).

Since there are multiple library facilities within one mile of the Project site, and remote online library services are available, OPL does not expect that the increase in population resulting from the Project would result in the need for new or expanded library facilities (OPL, 2019a).

For all these reasons, Project impacts to libraries would be less than significant and no mitigation would be required.

Mitigation: None required.

I311-6

COMMENT

I311-6-10

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 9:58:09 AM

Address the physical condition of these school facilities and potential impacts to students at these facilities. Describe project contribution to facility upgrades to reduce impacts to schoolchildren in west oakland per ECAP. Quantify the amount of contribution, this is resonabley foreseeable.

RESPONSE

I311-6-10 See Response to Comment I311-6-9.

I311-6

COMMENT

4.14 Recreation

This section identifies the existing setting and evaluates potential impacts related to recreation that could result directly or indirectly from development of the Project. Appropriate mitigation measures are identified, as necessary to avoid or lessen the severity of potential impacts. This section relies in part on information provided by the Oakland Parks, Recreation & Youth Development Department.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the proposed Project.

4.14.1 Environmental Setting

Local Setting

Oakland Parks, Recreation & Youth Development Department

The Oakland Parks, Recreation & Youth Development Department (OPRYD) administers over 129 parks, playgrounds, and open spaces throughout the city, as well as recreational facilities including recreation centers, swimming pools, golf courses, athletic fields, tennis courts, and stables totaling approximately 1,940 acres of parkland (OPRYD, 2019a; Trust for Public Land, 2018).

The *Open Space, Conservation and Recreation (OSCAR) Element* of the General Plan contains an overall parkland goal of 10 total acres per 1,000 residents and a parkland goal of 4 acres per 1,000 residents for local-serving parks that meet the active recreational needs of the community as opposed to passive recreational open space (City of Oakland, 1996). The City of Oakland did not achieve its overall parkland per capita goals as of 2018. The City did not meet the total parkland goal, with approximately 9.01 acres of parkland per 1,000 residents.[1] The greater Downtown area has approximately 3.6 acres of open space per 1,000 residents; this is close to the Oakland General Plan's desired goal of 4 acres per 1,000 residents (City of Oakland, 2019a). The City's desired eventual ratio of overall and local-serving parks acreage to resident is not intended to be a project-specific performance measure, and is the City's goal, not a regulatory requirement.

The OSCAR Element classifies parks in the City using different categories that define general characteristics, size ranges, and service areas. Region-serving parks are defined as large recreation areas (25 acres or larger) with diverse natural and built features that have a citywide service area. Community parks are large natural and/or landscaped areas (5–20 acres) with active recreation which usually serve a cluster of neighborhoods within a 0.5-mile radius (1-mile radius in the Oakland Hills). Neighborhood parks are a scaled-down version of community parks (2–10 acres) that are typically located within residential areas within walking distance of their primary users. Active mini-parks are small areas (<1 acre) typically located in high density neighborhoods and serve a specific group of people, usually play structures for small children,

[1] Based on a population of 428,827 within the City of Oakland in 2018 (California Department of Finance, 2018) and a total parkland acreage of 3,865 acres, which includes OPRYD, East Bay Regional Park District, and Port of Oakland parks and open space acreage within the City of Oakland (Trust for Public Land, 2018).

COMMENT

residents, employees, and visitors from the Project would not be expected to substantially increase or accelerate the physical deterioration or degradation of existing recreational resources, as the Project would provide approximately 18.3 acres of publicly accessible open space on the Project site and the expansion of Bay Trail facilities. Additionally, the Project would not substantially increase or accelerate the substantial physical deterioration or degradation of existing athletic fields due to the limited Project use and the planned renovation and expansion of existing facilities, and the general higher standard of maintenance at these facilities. Therefore, Project impacts related to the accelerated substantial physical deterioration related to parks and recreation resources would be less than significant.

Finally, the Project would contribute its fair share to the City of Oakland Landscaping and Lighting Assessment District, which funds operation and maintenance for park and recreation facilities, through payment of parcel taxes that will be assessed based on changes in land use.

Indirect Impacts

While the Project does not propose facilities for recreational watercraft, the proposed ballpark and waterfront park could indirectly create a new demand for recreational watercraft users using existing facilities in the Project vicinity. Recreational water users, especially kayakers, are often present in McCovey Cove during baseball games at Oracle Park[7] in San Francisco; therefore, it is reasonable to assume that the construction of a waterfront ballpark at the Project site would draw similar interest in the Estuary. As discussed in Section 4.10, *Land Use, Plans, and Policies*, while the conditions between McCovey Cove and the waters adjacent to the Project site differ, that does not necessarily preclude an increase in recreational water users adjacent to the Project site. A public boat launch is located at the Jack London Aquatic Center in Estuary Park and public docks are located in Jack London Square, which could experience increased demand due to the potential increase in recreational watercraft users.

The Jack London Aquatic Center has indoor and outdoor boat storage for clubs and City programs that is exceeding capacity (Water Trail, 2018). However, Estuary Park, including the Jack London Aquatic Center, is planned to be renovated and expanded beginning in 2022, including a kayak drop-off in the parking lot, a relocated dock, a pebble beach to launch small watercraft, and increased boat storage (OPRYD, 2019b). Additionally, since the Jack London Aquatic Center does not offer boat rentals outside of OPRYD's existing youth and adult sailing and kayaking courses (SCC, 2018), recreational watercraft users would likely be existing recreational watercraft users within the City of Oakland and the greater Bay Area region, many of whom are currently being served by OPRYD services, and therefore would not represent a significant increase in demand for services. Thus, the potential increase in recreational water users would not substantially increase or accelerate the physical deterioration or degradation of boating facilities at Estuary Park and the Jack London Aquatic Center.

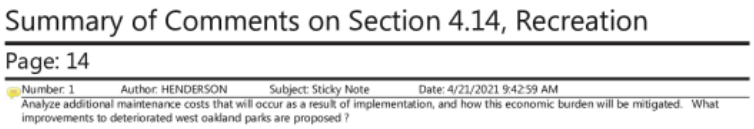
Private kayak, canoe, and paddleboard rentals are also available from a local business in Jack London Square, which often launch from the public boat docks into the Estuary. While the Project may indirectly increase the demand for rentals, the public docks are already being used

[7] Previously, AT&T Park.

I311-6

COMMENT

I311-6-11



RESPONSE

I311-6-11 The Project sponsor does not propose any off-site improvements to parks. As described in Section 4.14, *Recreation*, of the Draft EIR, the Project would contribute its fair share to the City of Oakland Landscaping and Lighting Assessment District, which funds operation and maintenance for park and recreation facilities (including West Oakland parks), through payment of parcel taxes that would be assessed based on changes in land use (EIR p. 4.14-14). Under CEQA (State CEQA Guidelines Section 15131), there is no obligation to mitigate economic impacts except to the extent they result in physical effects on the environment. Therefore, no further response is required.

I311-6

COMMENT

RESPONSE

HAZ-1b (Compliance with Approved RAW, LUCs and Associated Plans); **HAZ-1c** (Health and Safety Plan); **HAZ-1d** (Hazardous Building Materials); **HYD-1** (Creek Protection Plan); **NOI-1a** (Construction Days/Hours); **NOI-1b** (Construction Noise Reduction); **NOI-1c** (Extreme Construction Noise Measures); **NOI-1d** (Project-Specific Construction Noise Reduction Measures); **NOI-1e** (Construction Noise Complaints); **NOI-1f** (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors); and **TRANS-4** (Construction Management Plan). **Mitigation Measure REC-1** would require implementation of these measures to reduce construction-related impacts involving recreational facilities on-site to the extent feasible.[1]

As discussed under Impact REC-1 above, the Project's proposed open spaces and Bay Trail improvements would absorb a substantial part of demand for general recreational facilities of new residents, employees, and visitors, as well as that of nearby residents and users. Therefore, the new population generated by the Project would not result in the need for additional new or expanded park facilities. Additionally, as discussed under Impact REC-1, the Project could indirectly create a new demand for recreational watercraft users using existing facilities in the Project vicinity, but would not substantially increase or accelerate the substantial physical deterioration or degradation of these facilities. Therefore, the Project would not require the construction or expansion of additional recreational facilities which might have a substantial adverse physical effect on the environment, beyond those proposed as part of the Project and analyzed in this EIR.

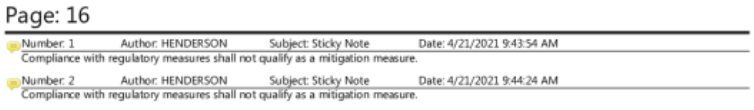
Therefore, the impacts regarding the effects of constructing the parks, open space, and recreational facilities would be less than significant with mitigation incorporated.

> **Mitigation Measure REC-1:** Implement **Mitigation Measures AIR-1a, *Dust Controls*; AIR-1b, *Criteria Air Pollutant Controls*; AIR-1c, *Diesel Particulate Matter Controls*; AIR-1d, *Super-Compliant VOC Architectural Coatings during Construction*; BIO-1a, *Disturbance of Birds during Nesting Season*; BIO-2, *Pre-Construction Assessments and Protection Measures for Bats*; BIO-3, *Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals*; BIO-4, *Compensation for Fill of Jurisdictional Waters*; CUL-1, *Maritime Resources Treatment Plan*; CUL-2, *Vibration Analysis for Historic Structures*; CUL-4a, *Archaeological Resources and Tribal Cultural Resources – Discovery During Construction*; CUL-4b, *Archaeologically Sensitive Areas – Pre-Construction Measures*; CUL-5, *Human Remains – Discovery During Construction*; GEO-1, *Site-Specific Final Geotechnical Report*; GEO-2, *Inadvertent Discovery of Paleontological Resources During Construction*; HAZ-1a, *Preparation and Approval of Consolidated RAW, LUCs and Associated Plans*; HAZ-1b, *Compliance with Approved RAW, LUCs and Associated Plans*; HAZ-1c, *Health and Safety Plan*; HAZ-1d, *Hazardous Building Materials*; HYD-1, *Creek Protection Plan*; NOI-1a, *Construction Days/Hours*; NOI-1b, *Construction Noise Reduction*; NOI-1c, *Extreme Construction Noise Measures*; NOI-1d, *Project-Specific Construction Noise Reduction Measures*; NOI-1e, *Construction Noise Complaints*; NOI-1f, *Physical Improvements or Off-site Accommodations for Substantially Affected Receptors*; and TRANS-4, *Construction Management Plan*.[2]
>
> **Significance after Mitigation:** Less than Significant.

I311-6

COMMENT

I311-6-12



RESPONSE

I311-6-12 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-6

COMMENT

CHAPTER 8
Report Preparers

8.1 Lead Agency

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Planning & Building Department
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Andrea Gardner, AICP

8.3 EIR Consultants

Environmental Consultant

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Principal-in-Charge: Brian Boxer, AICP
Project Director: Hillary Gitelman
Project Manager: Crescentia Brown
Deputy Project Managers: Jill Feyk-Miney and Paul Mitchell

COMMENT

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Biological Resources: Brian Pittman, Rachel Haines
Cultural and Tribal Cultural Resources: Amber Grady, Becky Urbano, Johanna Kahn (Historic), Matthew Russell, Heidi Koenig (Archaeology)
Geology and Soils: Michael Burns, Brandon Carroll
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Greenhouse Gas Emissions: Jeff Caton, Brian Schuster
Hazards and Hazardous Materials: Michael Burns
Hydrology and Water Quality: Cathy McEfee, Erick Cooke, Matt Brennan (Sea Level Rise)
Land Use, Plans, and Policies: Hillary Gitelman, Jill Feyk-Miney, Eli Davidian (Public Trust and BCDC)
Noise and Vibration: Chris Sanchez, Susumu Shiriyama
Population and Housing: Susan Yogi, Jennifer Ostner, Hillary Gitelman
Public Services: Jill Feyk-Miney
Recreation: Jill Feyk-Miney
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Lighting Design Alliance
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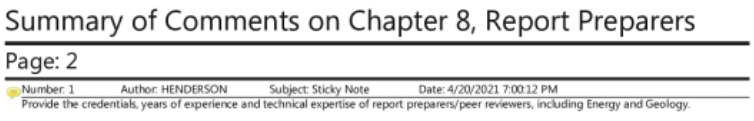
Long Beach, California 90806

I311-6

COMMENT

I311-6-13



RESPONSE

I311-6-13 Environmental Science Associates (ESA), the EIR consultant, is a multi-disciplinary, completely employee-owned environmental consulting firm with 50 years of experience serving clients nationwide. ESA's 500 staff members comprise scientists, planners, historians, archaeologists, engineers, designers, and technical specialists. The depth and breadth of ESA's team allows focused, regional, and issue-specific attention to the issues that pertain to each of ESA's projects, including the proposed Waterfront Ballpark District at Howard Terminal. The CEQA technical analysis in the Geology section was prepared by a state-certified engineering geologist at ESA and the CEQA technical analysis in the Energy section was prepared by a LEED-accredited professional and civil engineer at ESA.

I311-7 Andrew Peters (Part 8)

COMMENT

RESPONSE

4.15 Transportation and Circulation

This section describes the transportation and circulation conditions in the vicinity of the Project area including transit services, pedestrian and bicycle facilities, and motor vehicle traffic; discusses the State and local regulations and policies pertinent to transportation and circulation; assesses the potentially significant transportation and circulation impacts of developing the Project; and provides, where appropriate, mitigation measures to address those impacts.

The analysis was conducted in compliance with the City of Oakland *Transportation Impact Review Guidelines* (City of Oakland, 2017a) in effect at the time of the Notice of Preparation (NOP).

See Section 4.10, *Land Use, Plans, and Policies*, for discussion regarding maritime land use and navigation.

4.15.1 Environmental Setting

The existing transportation-related context in which the Project would be implemented is described below, beginning with a description of the study area and street network serving the area. Existing transit, bicycle, and pedestrian facilities are also described. Current conditions for roadways in downtown Oakland are summarized. This subsection also discusses planned changes to transportation facilities/operating conditions in Oakland near the Project site as well as applicable planning policies.

Transportation Impact Area

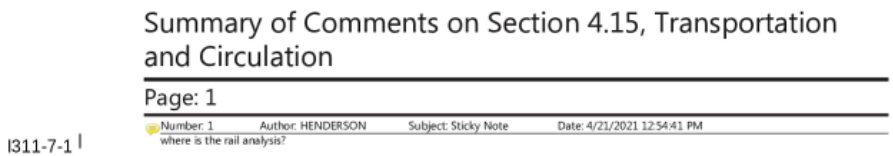
The City's guidelines indicate that transportation analyses should generally include a study area 500 feet to one-half mile or more surrounding the project site, depending on the size and nature of the project, the travel mode, and the topic. For this Project, the study area varies by mode, and each is described below, along with a brief description of the basis for the study area selected. As explained below, in this instance the City determined that it was appropriate to establish a study area based on the unique nature of the proposed Project, its potential to generate traffic before and after events at the ballpark, and the location and extent to which public transit is expected to be relied upon to serve the ballpark.

Motor Vehicles

Figure 4.15-1 illustrates the local street and freeway access study area for motor vehicles. The study area was established using the City's guidelines. First, the Project's motor vehicle trip generation was established and then the trips were distributed and assigned to the local streets and freeway interchanges. Consistent with the City's guidelines, the motor vehicle study intersections shown in Figure 4.15-1 included all intersections immediately adjacent to the Project site; all signalized (and all-way stop-controlled) intersections where the Project would add 100 or more weekday a.m. or p.m. commute peak-hour motor vehicle trips; all signalized intersections operating at Level of Service (LOS) D, E, or F with 50 or more peak-hour trips; and side-street stop-controlled intersections where the Project would add 50 or more peak-hour trips to any

I311-7

COMMENT



RESPONSE

I311-7-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-7

COMMENT

RESPONSE

TABLE 4.15-4
BART PEAK-HOUR LOADS BY LINE

Line	Peak Hour	Trains per Peak Hour	Average Cars per Train	Average Maximum Load (Passengers/Car)	Load Factor
a.m. Peak Hour					
Antioch–SFO/Millbrae	7:45 a.m.–8:45 a.m.	10	9	110	1.03
SFO/Millbrae–Antioch	8:30 a.m.–9:30 a.m.	4	10	81	0.76
Richmond–Daly City/Millbrae	8:00 a.m.–9:00 a.m.	4	10	124	1.16
Daly City/Millbrae–Richmond	8:15 a.m.–9:15 a.m.	4	9	40	0.37
Richmond–Warm Springs	7:45 a.m.-8:45 a.m.	4	6	53	0.50
Warm Springs–Richmond	7:45 a.m.–8:45 a.m.	4	7	82	0.76
Warm Springs–Daly City	8:15 a.m.–9:15 a.m.	4	10	142	1.32
Daly City–Warm Springs	7:45 a.m.–8:45 a.m.	4	10	9	0.09
Dublin/Pleasanton–Daly City	8:00 a.m.–9:00 a.m.	4	9	134	1.25
Daly City–Dublin/Pleasanton	7:30 a.m.–8:30 a.m.	4	9	15	0.14
p.m. Peak Hour					
Antioch–SFO/Millbrae	5:15 p.m.–6:15 p.m.	7	10	34	0.31
SFO/Millbrae–Antioch	5:15 p.m.–6:15 p.m.	10	9	123	1.15
Richmond–Daly City/Millbrae	5:00 p.m.–6:00 p.m.	4	9	43	0.41
Daly City/Millbrae –Richmond	5:30 p.m.–6:30 p.m.	4	10	109	1.02
Richmond–Warm Springs	4:45 p.m.–5:45 p.m.	4	7	82	0.76
Warm Springs–Richmond	5:00 p.m.–6:00 p.m.	4	6	90	0.85
Warm Springs–Daly City	5:00 p.m.–6:00 p.m.	4	10	17	0.16
Daly City–Warm Springs	5:00 p.m.–6:00 p.m.	4	10	132	1.24
Dublin/Pleasanton–Daly City	5:15 p.m.–6:15 p.m.	4	9	20	0.19
Daly City–Dublin/Pleasanton	5:00 p.m.–6:00 p.m.	4	9	145	1.35

SOURCE: October 2018 Tuesday–Thursday ridership data provided by BART; Fehr & Peers, 2020. (Appendix TRA)

Regional Rail Servic

Amtrak operates intraregional and interregional rail service through the Oakland Jack London Square station on 2nd Street between Harrison and Jackson Streets, about 0.6 miles east of the Project site's eastern edge. Regional rail service includes Capitol Corridor, an intercity passenger rail service operated between the Sierra Nevada foothills, Sacramento, the East Bay, and San Jose. Amtrak operates two additional routes that stop at the Jack London Square station: the San Joaquin, which operates between the Bay Area, Sacramento, and Bakersfield; and the Coast Starlight, which operates between Los Angeles, the Bay Area, Portland, and Seattle. Average weekday ridership at Jack London Square station was about 510 boardings per day in 2017, while annual boardings plus alightings was 371,000, based on Amtrak State Fact Sheets. The station operates from 5:15 a.m. to 11:00 p.m. seven days per week.

I311-7

COMMENT

I311-7-2

Page: 17

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:57:19 PM
describe rail transport of goods on this rail line, not just passenger service. What is the rail traffic count?

RESPONSE

I311-7-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-7

COMMENT

RESPONSE

Traffic Volumes

New multimodal (i.e., vehicles, pedestrians, and bicyclists) intersection turning movement counts were collected at over 70 intersections in 2018 and 2019. The count data were collected on clear days, while area schools were in normal session. The traffic data collection was conducted during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and evening peak period (4:00 p.m. to 6:00 p.m.). These time periods were selected because trips generated by the Project, in combination with existing traffic, are expected to result in the typical day-to-day worst traffic conditions at these times. Within the peak periods, the peak hours (i.e., the hour with the highest traffic volumes observed in the study area) are from 8:00 a.m. to 9:00 a.m. (a.m. peak hour) and from 4:45 p.m. to 5:45 p.m. (p.m. peak hour). These peak hours define the global peak hours used to define the traffic conditions against which the Project will be evaluated.

In addition, multimodal intersection turning movement counts were collected at 32 intersections during the weekday afternoon and evening period (3:00 p.m. to 8:00 p.m.).[5] This time period was selected to evaluate the Project's ballpark traffic from a weekday afternoon game ending at 3:30 p.m. and a weekday evening game starting at 7:00 p.m. Trips generated by the ballpark traffic in combination with the existing traffic and traffic from the other Project land uses are expected to represent worst traffic conditions between 3:00 p.m. and 8:00 p.m. Multiple hours are evaluated with the ballpark traffic to account for the time-spread of fan arrivals and departures.

Field reconnaissance was performed to identify the number of lanes, intersection spacing, and other features that influence vehicle traffic flow.

Appendix TRA presents the existing a.m. and p.m. peak-hour intersection turning movements at the 70 study intersections. The same appendix also presents the hour-by-hour intersection turning movements for the 32 study intersections between 3:00 p.m. and 8:00 p.m. In all cases, a peak-hour factor of 1.0 is used per the City's *Transportation Impact Review Guidelines*. Peak-hour factor is a measure of volume fluctuation during the peak hour; a peak-hour factor of 1.0 reflects the average operations over the peak one hour.

Congestion Management Program and Metropolitan Transportation System Roadway Segments

Alameda CTC conducts monitoring of major roadways on the CMP roadway network and the Metropolitan Transportation System (MTS) in Alameda County. The monitoring program uses Level of Service grades to define road segment operations. For the road segment analysis, the LOS grade system includes LOS (A, B, C, D, E, and F) ranges from LOS A, representing free-flow conditions with little to no motor vehicle delay, to LOS F, representing at-capacity

[5] Intersections were selected based on guidance provided in the City of Oakland Transportation Impact Review Guidelines (City of Oakland, 2017a), including intersections of streets adjacent to the Project; intersections where the Project would add 100 or more peak-hour trips; signalized intersections with 50 or more Project-related peak-hour trips and existing LOS D, E, or F; and side-street stop-controlled intersections where the Project would add 50 or more peak-hour trips to any individual movement other than the major-street through movement. Study intersections are shown in Figure 4.15-1.

I311-7

COMMENT

I311-7-3 | Page: 27
Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:02:05 PM
what are the rail traffic volumes, including rail transport of goods?

RESPONSE

I311-7-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-7

COMMENT

RESPONSE

Existing Railroad Characteristics

The Union Pacific Railroad (UPRR) is a freight-hauling railroad company that owns and operates the rail lines adjacent to the site. These rail lines are used both for passenger transportation by Amtrak and the Capitol Corridor Joint Powers Authority (Capitol Corridor), and freight transport by UPR

Figure 4.15-12 shows the results from a recent week-long observation of railroad gate activities at the Market Street and Martin Luther King Jr. Way crossings to the Project site. The figure illustrates the median gate downtime event each hour and the variability in gate downtime events within each hour. The data was collected between July 22 and July 28, 2019, between 11:00 a.m. and 11:00 p.m., when ballpark activities would likely occur. During this time on each day, an average of 6 freight trains and 36 passenger trains passed through the area.

Table 4.15-9 summarizes the same information about "gate-down" time to highlight the average, minimum, and maximum gate-down times for the data collection period. The freight data for the Market Street crossing in the table include one extraordinary freight train event that caused the gate to be down for 87 minutes, from about 9:13 p.m. to 10:40 p.m. on Sunday evening. The event is considered extraordinary because the next longest freight gate-down time observation was 29 minutes. The Martin Luther King Jr. Way crossing gate was down for 29 minutes across eight down times during the 87-minute period, with the longest being 16 minutes. There were 13 observed instances during the seven-day study period in which gate-down times at the Market Street crossing exceeded 7 minutes, and 7 such instances at the Martin Luther King Jr. Way crossing. All these observations were associated with freight trains. There were six instances during the week when the gates were down at both crossings for freight trains, with the longest being about 19 minutes and the shortest being about 7 minutes.

TABLE 4.15-9
GATE DOWN TIMES AT HOWARD TERMINAL

Parking Type	Median Gate-Down Time (Minutes)	Minimum Gate-Down Time (Minutes)	Maximum Gate-Down Time (Minutes)
Market Street			
Passenger	1.0	0.8	14.0
Freight	4.3[a]	0.8	87.0[a]
Martin Luther King Jr. Way			
Passenger	1.0	0.8	3.5
Freight	4.4	0.7	19.0

NOTES:
a Data summary includes one extraordinary event. The Market Street at-grade crossing gates were down for 87 minutes Sunday evening between about 9:13 p.m. and 10:40 p.m. The Martin Luther King Jr. Way crossing gates were down for 29 minutes across eight down times during this period, with the longest being 16 minutes.

SOURCE: Fehr & Peers, 2020

I311-7

COMMENT

I311-7-4

RESPONSE

I311-7-4 This comment expresses a desire to know the traffic by freight hauler but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See Consolidated Response 4.5, *Truck Relocation*. Regarding railroad activities, see Draft EIR p. 4.15-68, which states that during the railroad observation period, an average of six freight trains per day and 36 passenger trains per day passed the Project site.

I311-7

COMMENT

RESPONSE

- *Madison Street/9th Street* – Upgrade or add new bulbouts and improved curb ramps, add pedestrian signal heads.
- *9th Street between Broadway and Harrison Street* – Phase I includes corner bulbouts, enhanced pedestrian crosswalks, bicycle sharrow, and sidewalk amenities including pedestrian-oriented lighting and additional street trees. Phase II, Option A: Street conversion from three lanes one-way to two-way (left-turn lane where needed). Phase II, Option B: Lane reduction from three lanes one-way to two lanes one-way with sidewalk widening.
- *9th Street east of Harrison Street* – Phase I includes restriping Class 2 bike lanes, corner bulbouts, enhanced pedestrian crosswalks, and sidewalk amenities including pedestrian-oriented lighting and street trees. Phase II, Option A: Street conversion from three lanes one-way to two-way (including left-turn lane where needed). Phase II, Option B: Lane reductions from three lanes one-way to two lanes one-way with sidewalk widening.
- *8th Street between Broadway and Harrison Street* – Phase I includes corner bulbouts, enhanced pedestrian crosswalks, a bicycle sharrow, and sidewalk amenities including pedestrian-oriented lighting and street trees. Phase II, Option A: Street conversion from one-way to two-way. Phase II, Option B: Lane reduction from four lanes one-way to three lanes one-way and sidewalk widening.
- *8th Street east of Harrison Street* – Phase I includes a lane reduction from four lanes one-way to three lanes one-way, Class 2 bike lanes, corner bulbouts, enhanced pedestrian crosswalks, and sidewalk amenities including pedestrian-oriented lighting and street trees. Phase II, Option A: Street conversion from one-way to two-way. Phase II, Option B: Lane reduction and sidewalk widening.
- *Oak Street (entire plan area)* – Phase I includes striping a four- to three-lane reduction one-way with the addition of a Class 2 bike lane. The street will receive corner bulbouts, enhanced pedestrian crosswalks, and sidewalk amenities including pedestrian-oriented lighting, street trees, and wayfinding – particularly at the Lake Merritt BART Station. Phase II, Option A: Street conversion from one-way to two-way traffic. Phase II, Option B: Sidewalk widening (building on Phase I) (City of Oakland, 2014a).

West Oakland Specific Plan

- *Rail Lines* – At-grade rail crossings at Market Street and Martin Luther King Jr. Way are in poor condition and should be repaired.[1]
- *3rd Street between Brush Street and Castro Street* – Reconfigure street to provide continuous sidewalk on north side.
- *Adeline Street, truck parking enforcement* – The City and the Port coordinate to enact reasonable resolution to current circulation problems associated with on Adeline Street truck parking, especially in the mornings. Appears to be sign and enforcement, as there currently appears to be parking available outside gates on Port property, on the south side of the Middle Harbor Drive bridge. A truck parking program with appropriate time limits and enforcement should be implemented.
- *Mandela Parkway/7th Street Intersection* – While the pedestrian connection from Mandela Parkway to the West Oakland BART Station is new and in good condition, additional street lighting and sidewalk improvements will provide safer pedestrian circulation.

I311-7

COMMENT

RESPONSE

I311-7-5 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I311-7

COMMENT

RESPONSE

Streetscapes: Improve the attractiveness of streetscapes to promote walking and biking, traffic safety, public safety, and attract desired development

Streetscapes-1: Fully implement the improvements identified in various streetscape Master Plans that the City has already prepared, including the following:

- 7th Street Concept and Urban Design Plan: Complete implementation of the recommendations and design strategies contained in the 7th Street Concept and Urban Design Plan. The 7th Street Concept and Urban Design Plan includes schematic designs for streetscape improvements on Seventh Street in three zones: the historic district commercial zone bifurcated by the BART tracks, the new transit-oriented development area arising around the West Oakland BART station and former industrial parcels; and the mixed-use district at Mandela Parkway.

Streetscapes-5: Improve the streetscapes of other neighborhood local streets as development occurs. Throughout West Oakland, new development projects should include incremental improvements to the streetscapes of the local streets which they abut. Typical streetscape improvements could include a variety of elements, such as installing special signage that identifies West Oakland's formally historic neighborhoods as well as other neighborhoods and could involve a public process in designing the elements. Capital improvements should include funding for operations and maintenance. Elements of these improvements could b

- Low-impact development stormwater management approaches;
- New or widened sidewalks to include more bus stop amenities such as benches and shelters;
- The inclusion of street furniture, landscaping, and art;
- Street trees and planter strips between sidewalks and the street to provide a safety buffer for pedestrians, allowing tree wells and planters to be used instead of planter strips where parking or bicycle lanes are next to sidewalks;
- Adequate and neighborhood-scaled lighting for pedestrian safety and comfort;
- Medians, pocket plazas, and wide sidewalk spaces as potential gathering areas and to display public art; and
- Educational and interpretive signs, artwork, and landscaping to highlight historical and cultural features.

Pedestrians: Fully develop and improve West Oakland's pedestrian network.

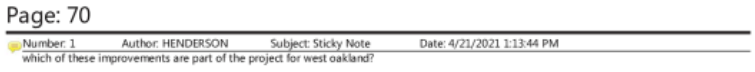
Pedestrian-2: Promote land use and site design that makes walking convenient and enjoyable.

- Discourage facilities that create blank walls, unscreened edges along sidewalks, and gaps between sidewalks and building entrances.
- Locate parking lots, driveways and loading areas behind buildings, with access on side or rear streets where feasible.
- Continue blight elimination and nuisance abatement programs and install trash cans in heavily used pedestrian areas, especially near local serving retail establishments.

I311-7

COMMENT

I311-7-6



RESPONSE

I311-7-6 This comment requests more information about the Complete Streets section of the Circulation chapter in the West Oakland Specific Plan (WOSP) and asks for clarification regarding the improvements proposed as part of the Project that align with the goals of the WOSP.

See Draft EIR pp. 4.15-98 through 4.15-116, which detail the conceptual drawings and representations of transportation improvements if all recommended features are implemented, subject to detailed engineering analysis, review, and approval by the City of Oakland. See also Draft EIR Table 4.15-41 (pp. 4.15-213 through 4.15-216), which addresses the plan consistency analysis for the Project related to the WOSP.

I311-7

COMMENT

RESPONSE

Seaport Air Quality 2020 and Beyond Plan

The Seaport Air Quality 2020 and Beyond Plan (June 2019) is acknowledged here but does not address transportation impact topics (Port of Oakland, 2019). See Section 4.2, *Air Quality*, for information pertaining to this document.

City of Oakland Complete Streets Policy

The City of Oakland adopted the Complete Streets Policy to Further Ensure that Oakland Streets Provide Safe and Convenient Travel Options for all Users in January 2013 (City Council Resolution 84204 C.M.S.). This resolution, consistent with the California Complete Streets Act of 2008, directs the City of Oakland to plan, design, construct, operate, and maintain the street network in the City to accommodate safe, convenient, comfortable travel for all modes, including pedestrians, bicyclists, transit users, motorists, trucks, and emergency vehicles (City of Oakland, 2013b).

4.15.3 Project Transportation Characteristics

This section discusses various characteristics of the Project identified in Chapter 3, *Project Description*, that affect transportation and circulation.

Proposed Project

The Project would make site improvements necessary to support a ballpark with a 35,000-attendee capacity and additional development including a 3,500-seat performance venue, a 400-room hotel or hotels, up to 3,000 residential units, up to 1.5 million square feet of commercial/office (which could include a range of commercial uses, including but not limited to, general administrative and professional offices and life sciences/research), and up to approximately 270,000 square feet of retail uses (which could include dining/restaurant/entertainment) at full buildout. Phase 1 of the Project would include a subset of this development including the ballpark and the 400-room hotel or hotels as well as up to 540 residential units, up to 250,000 square feet of office/commercial, and up to 30,000 square feet of retail. It is estimated for purposes of this EIR that full buildout of the Project would be completed within eight calendar years. The proposed phasing for development of the Project is considered conservative. Actual build-out would be influenced by market and financing considerations and may occur over a longer period, as discussed in Chapter 3, *Project Description*. See Section 4.15.7, *Impacts of the Project*, for detailed multimodal trip generation and VMT generated by the Project.

The Project would also implement a Transportation Management Plan (TMP) and a Transportation and Parking Demand Management (TDM) Plan to achieve a 20 percent vehicle trip reduction (VTR) consistent with requirements of AB 734 and the City's guidelin[illegible]

The TMP is the document that addresses the ballpark-related transportation management, while the TDM Plan is the plan for the other developments on the site, including the office, retail, residential, hotel, and performance theater. The contents and implementation of both plans are discussed in Section 4.15.4, *Transportation Improvements*.

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COMMENT

I311-7-7

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:30:25 PM

If the TMP and TDM is part of the project, it should be provided as part of the project and included in the analysis, not deferred. The public has the right to know what is proposed, and view documentation that such reduction is ensured.

I311-7-7

RESPONSE

I311-7-7

See Response to Comment I311-2-24 and Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*.

I311-7

COMMENT

RESPONSE

Parking

The Project would provide parking for all uses on the site to support the Project's development program including the non-ballpark development as well as the ballpark, with a maximum of about 8,900 total spaces at full buildout, as described in this section.

The overall strategy for the ballpark parking is to reduce ballpark parking on-site over time from a maximum of 3,500 on-site parking spaces under Phase 1 to no more than 2,000 on-site parking spaces at buildout, in addition to the proposed on-site non-ballpark development parking supply described below. (As a point of reference, the Oakland Coliseum currently provides about 9,100 parking spaces for ballpark events.) Under Phase 1, ballpark parking spaces would generally be located on the large surface area west of the ballpark. This area could also accommodate a range of transportation services beyond motor vehicle parking, including limited ride-sourcing (i.e., Lyft and Uber) and shuttle buses as well as parking for bicycles, scooters, and other shared mobility services. Both the ballpark and performance venue components of the Project would share this parkin[1]

As the Project site builds out, the large surface parking area would be replaced with development and a network of streets. At buildout there will be up to 1.5 miles of curb space to support a range of mobility services. That curb space may be used for ride sourcing, shuttle and other buses, and bicycles and scooters. With transportation trends quickly evolving, the Project through the TMP and TDM Plan would have the flexibility to adjust curb space management to accommodate changes in travel behavior. As noted, each non-ballpark development block would provide its own parking, either on site or within a shared/district parking framework, with the following proposed parking maximums, resulting in a proposed maximum of about 6,900 parking spaces for the non-ballpark development:

- 1.0 parking spaces per residential unit
- 2.0 parking spaces per 1,000 square feet gross floor area of office
- 2.6 parking spaces per 1,000 square feet gross floor area of retail and restaurant
- 0.5 parking spaces per hotel room

These parking maximums are the same as or more stringent than current parking maximums in downtown. The City through the site-specific rezoning process will update zoning and the Project will be required to adhere to the new parking regulations which may include lower maximums, but in no event would they be more than those identified above. The Project would also provide bicycle parking spaces consistent with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code).

Residential Parking

Automobile use at residential locations is a function of the number of automobiles available for the household to use, as well as demographic composition of residents, mix of nearby land uses, and convenience of transportation options. The Project's residential parking rates were compared

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Page: 80

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:31:58 PM

Provide analysis of impacts form free parking that will occur on adjacent streets, and provide baseline analysis of free parking that occurs in the vicinity of existing As stadium on game days.

RESPONSE

I311-7-8 See Consolidated Response 4.7, *Parking*.

I311-7

COMMENT

RESPONSE

the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. On the north side of the railroad Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway. Vehicle access to the Vistra Plant could be via an extension of Water Street at Clay Street or driveway easement and used infrequently solely for site access.

- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street and Broadway with quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes b[1]
- Install a traffic signal at the Market Street at-grade crossing and its intersection with Embarcadero West as well as a traffic signal on Market Street at 3rd Street. These signals would be part of the railroad preemption system and include queue cutter loops on Market Street that would be tied to both traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. A railroad preemption system provides an opportunity for vehicles to clear the track area before the train arrives at the crossing. A queue cutter loop signal is a traffic signal installed at a highway-rail grade crossing in a manner similar to a pre-signal; its function is to provide a means to prevent vehicles from stopping on the tracks or within the railroad right-of-way as a result of traffic queuing from a downstream signalized intersectio[2]
- While there is no motor vehicle intersection at the Martin Luther King Jr. Way at-grade crossing, install a traffic signal at the at-grade crossing as well as traffic signals at 2nd Street where left turns would be prohibited and at 3rd Street where a left-turn lane would be provided to separate left turning and through movement traffic. These signals would be part of the railroad preemption system and include a queue cutter loop on Martin Luther King Jr. Way that would be tied to all three traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks.

Off-Site Transportation Improvements

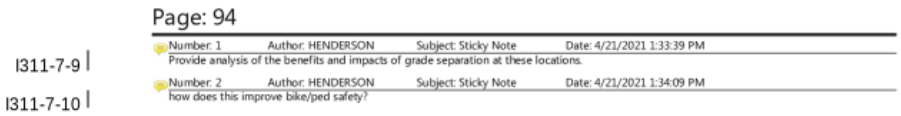
Various off-site Transportation Improvements were identified through the CEQA and Non-CEQA analyses conducted pursuant to the City's Transportation Impact Review Guidelines (TIRG). Consistent with the TIRG, the Transportation Improvements identified herein are intended to increase and prioritize access for transit, pedestrians, and bicyclists to the Project site in order to provide streets that are safe and convenient for all users and reduce vehicle miles traveled and vehicle trips as required for the Project. As described above, these improvements fall into one of two categories:

- CEQA Mitigation Measures – Identified through the Project's CEQA analysis
- Non-CEQA Recommendations – Identified through the Project's Non-CEQA analyses

The off-site Transportation Improvements identified as CEQA Mitigation Measures in this section are actions to be taken to avoid or reduce the magnitude of a significant impact. All CEQA Mitigation Measures will be (1) included as part of the design, construction, and/or operation of the proposed Project; (2) adopted as conditions of approval for the proposed Project; and (3) subject to monitoring and reporting requirements of CEQA and the terms of the discretionary approvals for the Project. Responsibility for carrying out the CEQA Mitigation Measures that are adopted will be

I311-7

COMMENT



RESPONSE

I311-7-9 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.
The list referred to on p. 4.15-94 of the Draft EIR describes at-grade improvements designed to address safety at rail crossings to the extent this is feasible. It is not the appropriate place for a discussion of the pros and cons of grade separation. See Chapter 6 of the Draft EIR for a description of Alternative 3, Proposed Project with Vehicular Grade Separation, and other grade separation alternatives that were considered but were not carried forward for analysis in the Draft EIR.

I311-7-10 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation,* for a detailed overview of the proposed Project's rail safety improvements. With regard to bicycle and pedestrian safety, the Project would also provide a pedestrian and bicycle bridge connecting the Project site to the transportation hub on 2nd Street (Mitigation Measure TRANS-1c) as well as nearby employment and residential centers, providing bicyclists and pedestrians the option to use either the bridge or the at-grade rail crossings for access.

I311-7

COMMENT

RESPONSE

identified in the Mitigation Monitoring and Reporting Program adopted at the time the Project is approved. The Mitigation Measures describe in this Section 4.15, *Transportation and Circulation*, do not trigger secondary transportation impacts because the measures do not increase roadway capacity, induce additional vehicle travel beyond that already assumed in the analysis, and can be constructed within the existing roadway rights-of-way.

The off-site Transportation Improvements identified herein as Non-CEQA Recommendations are recommended for implementation prior to or during the development of the Project. These are not required to address a CEQA impact, but would support the Project's transportation needs, and some may also support those of the Port and the surrounding neighborhoods within about one mile of the Project site, on days with and without a capacity ballpark event. Decision makers for the Project will consider non-CEQA Recommendations during Project review and may impose one or more of them as Project-specific conditions of approval. Some elements of the Non-CEQA Recommendations may be implemented by the City through its Paving Plan, included in current or future grant applications, or implemented by some other mechanism, such as an infrastructure financing district. For those Non-CEQA Recommendations that the City adopts, the entity responsible for implementing those measures will be identified in the conditions of approval, the development agreement, or other approval documents. The Non-CEQA Recommendations describe in this Section 4.15, *Transportation and Circulation*, do not trigger secondary transportation impacts because the measures do not increase roadway capacity, induce additional vehicle travel beyond that already assumed in the analysis, and can be constructed within the existing roadway rights-of-way.

The off-site Transportation Improvements discussed in this chapter are grouped by street corridor given the quantity of features identified. In addition, figures were developed to illustrate the recommended as-built condition of each corridor, assuming the implementation of all Transportation Improvements (CEQA Mitigation Measures and Non-CEQA Recommendations). **Figure 4.15-22** provides a key map for all the identified off-site Transportation Improvements, and **Figure 4.15-23 through Figure 4.15-39** are scaled-conceptual drawings that represent the improvements identified through the preparation of this chapter. Transportation Improvements shown on the figures are designed within the existing curb-to-curb cross section except where noted, and the pedestrian features would generally be designed within the available public right-of-way; although easements may be necessary at some locations to address inconsistent property boundaries along some corridors.

Certain Transportation Improvements have also been incorporated into the Draft Transportation Management Plan (TMP) for the ballpark use, which is provided in Appendix TRA. The TMP is the document that addresses the ballpark transportation management, including capital and operational strategies.

The analysis that follows identifies and describes in greater detail the CEQA Mitigation Measures and Non-CEQA Recommendations and the resulting user experience, by corridor. The final design of all Transportation Improvements will be subject to the final design review and approval by the City to ensure that they are based on the most up-to-date design and construction standards and to ensure physical and operational feasibility. Further, implementation of some off-site

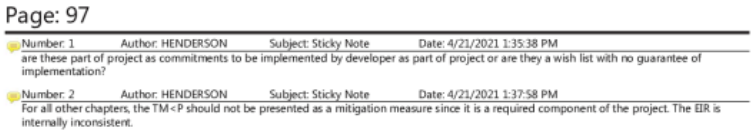
I311-7

COMMENT

I311-7-11

I311-7-12

I311-7-13


Page: 97

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:35:38 PM
are these part of project as commitments to be implemented by developer as part of project or are they a wish list with no guarantee of implementation?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:37:58 PM
For all other chapters, the TM<P should not be presented as a mitigation measure since it is a required component of the project. The EIR is internally inconsistent.

RESPONSE

I311-7-11 This comment requests more information about the off-site transportation improvements identified within the Draft EIR as Non-CEQA Recommendations.

See Draft EIR p. 4.15-97, which states that the recommended non-CEQA transportation improvements are not required to address CEQA impacts but would support the Project's transportation needs and the needs of the surrounding neighborhoods within about 1 mile of the Project site, on days with and without a capacity ballpark event. Some of the non-CEQA transportation improvements may be identified by the Port of Oakland as Seaport Compatibility Measures. These non-CEQA recommendations will be considered by decision makers for the Project and one or more of them may be imposed in the Project's conditions of approval, development agreement, or other approval documents.

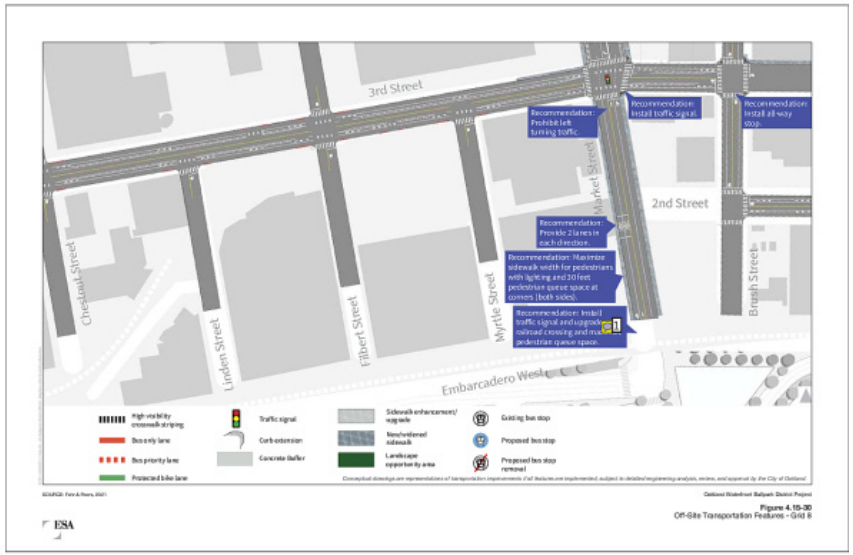
I311-7-12 See Response to Comment I311-7-11. This is a duplicate comment.

I311-7-13 The comment refers to the Transportation Management Plan (TMP) proposed by the Project. Mitigation Measure TRANS-1b discussed in Draft EIR Section 4.15, *Transportation and Circulation*, includes City requirements and ensures the effectiveness of the TMP. Thus, the TMP is included in Mitigation Measure TRANS-1b and referenced as such throughout the Draft EIR.

I311-7

COMMENT

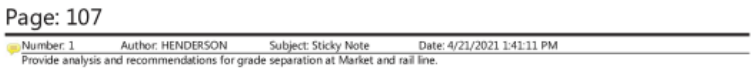
RESPONSE



I311-7

COMMENT

I311-7-14



RESPONSE

I311-7-14 The comment is noted. See Draft EIR Section 6.2.3 for a description and discussion of a grade separation alternative, including a possible Market Street alignment. See also Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative.*

I311-7

COMMENT

RESPONSE

environmental standards, including preparation of a Transportation Management Plan (TMP) and a Transportation Demand Management (TDM) Plan. The TMP is the document that addresses the ballpark transportation management, while the TDM Plan addresses the other proposed development on the Project site. These are described in the following sections.

Transportation Management Plan for Ballpark

On event days, an integrated approach for managing people walking and biking, using transit and micromobility, and driving or riding in cars is necessary within the vicinity of the Project site. The TMP, included in Appendix TRA, illustrates the recommended event management strategies, including traffic control plans pre- and post-event. These strategies are intended to manage routes for private motor vehicle traffic accessing the Project site, and to provide enough space for and promote and enhance pedestrians, bicycles, and transit options.

To meet the requirements of AB 734, the Project must implement a TMP program for the ballpark development that achieves a minimum 20 percent vehicle trip reduction compared to the number of trips that would occur without a TMP program. The TMP for the ballpark, identified as Mitigation Measure TRANS-1b, identifies a wide range of potential measures to implement. The TMP outlines operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event. It considers the travel characteristics of ballpark attendees, workers, and all other visitors to the site. Its primary goal is to ensure safe and efficient access for all people traveling to and from the site, with a focus on promoting pedestrian, bicycle, and transit access, thereby reducing motor vehicle impacts to the site and surrounding neighborhoods. To increase the likelihood that ballpark attendees have a positive experience traveling to and from the area, the TMP includes strategies to increase the use of and attractiveness of transit, walking, bicycling, scooters, and other shared micromobility i.e., bikes and scooters. The TMP also includes attendee and employee traffic and TNC and taxi management techniques to ensure that people who travel via car can effectively navigate to their parking, drop-off, and pick-up location with fewer delays.

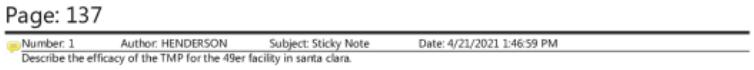
Appendix TRA contains the Draft TMP. The TMP is intended to be a living document and would be amended periodically by the Oakland A's, in coordination with Port of Oakland and City of Oakland. The TMP, as a living document, would also be updated over time as travel patterns change because of development and changes to transportation infrastructure and operations. This approach is consistent with what has occurred at other event venues developed in recent years. There, too, project sponsors, transit agencies, and local agencies have updated TMPs as experience is gained regarding the transportation characteristics of events at a given site. Examples include Golden 1 Center in Sacramento and Oracle Park and Chase Arena in San Francisco. The TMP at this time establishes an operational oversight group made up of the transportation agencies that could be impacted by ballpark events as well representation from local businesses and neighborhoods. Ongoing operational oversight is essential to ensure the implementation strategies are responsive to actual conditions.

As detailed in the TMP, Broadway, 2nd Street, and 7th Street would serve as primary routes for transit vehicles. Private automobiles and trucks would be restricted to local access only on 2nd Street west of Broadway to maximize transit throughput at the planned Transportation Hub on

I311-7

COMMENT

I311-7-15



RESPONSE

I311-7-15 This comment expresses a request for information related to the efficacy of the Transportation Management Program (TMP) for the San Francisco 49ers football stadium in Santa Clara, California. However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I311-7

COMMENT

RESPONSE

The TMP also includes a Parking Management Plan for the ballpark, which is summarized in the following section and then followed by a summary of the TMP operational strategies preferred by the City. The TMP also addresses railroad crossings, event-day operations and communication, curb management, freight, and emergency vehicle access. The TMP concludes with a framework for monitoring, refinement, and performance standards. See the Draft TMP in Appendix TRA for more details.

Parking Management and Reservation System

As part of the Project, the City of Oakland prepared a Parking Management Plan (PMP), attached in Appendix TRA, that addresses daily on- and off-street parking management in Oakland, with additional details for parking management near the Project site on event days. The PMP identifies the following principles from City of Oakland Resolution No. 84664 C.M.S. to guide parking and curb management decisions:

- Parking is part of a multimodal approach to developing neighborhood transportation infrastructure.
- Parking should be actively managed to maximize efficient use of a public resource.
- Parking should be easy for customers.
- Parking policy and regulations should help the City meet other transportation, land use, and environmental goals.

For on-street parking management, the PMP recommends enforcing on-street meters 362 days a year including Sundays and extending enforcement hours depending on the hours of adjacent businesses, with the goal of approximately 85 percent maximum occupancy per block. These changes are applicable where parking meters are needed and would support parking management efforts at the Project site by having on-street parking management during all days and times when there would be baseball games. The PMP recommends new on-street meters for all block faces that do not have Residential Parking Permits (RPP) where the City of Oakland anticipates people may park for events at the Project site. It also includes potential new RPP areas to protect on-street parking for Oakland residents, especially in areas of West Oakland, and extending enforcement hours of RPP like on-street meters.

For off-street parking management, the PMP recommends prohibiting monthly and daily pricing, while avoiding or eliminating permit and discount programs, and require that parking be sold by the hour. It also recommends time-of-day pricing at off-street parking locations and the ability to charge higher special event rates. The PMP also recommends implementing an off-street parking garage reservation system for special events to minimize congestion and conflicts caused by people who drive directly to the ballpark and circle to find parking.

Implementing the recommendations outlined in the PMP would result in reducing the number of people who drive to the area on event days by increasing the cost of parking closest to the Project site, therefore increasing the attractiveness of other modes of travel. It would also reduce daily vehicle circling in and around the Project site by creating a reservation system for off-street parking and ensuring a minimum level of availability for on- and off-street parking. Reduced

I311-7

COMMENT

I311-7-16

Page: 139

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:48:12 PM
Describe off site parking impacts at adjacent streets and include mitigation.

RESPONSE

I311-7-16 See Consolidated Response 4.7, *Parking*.

I311-7

COMMENT

RESPONSE

TABLE 4.15-23
TRANSPORTATION MANAGEMENT PLAN STRATEGIES AND EFFECTIVENESS – BALLPARK

Strategy	Measures	Vehicle Trip Reduction Estimate
Encourage Walking and Bicycling	• Develop Howard Terminal high-density housing and office uses. • Bike lanes on: Martin Luther King Jr. Way between the site and 8th Street and 7th Street between Mandela Parkway and Martin Luther King Jr. Way including the 8th Street fork. • Bike lanes north of 8th Street on Martin Luther King Jr. Way to San Pablo Avenue, Market Street from 3rd Street north into Berkeley, and 2nd Street connecting to the Oak / Embarcadero corridor. – Upgrade sidewalks along the primary corridors serving the ballpark including 7th and Market Streets, Martin Luther King Jr. Way, Washington Street, and Broadway. • Free bicycle/scooter valet and/or secure parking spaces for at least 500 bicycles and scooters with flexibility to expand to 1,000 spaces.	0–3%
Better Transit Options	• Event-day ferry service between the Oakland Jack London Square ferry terminal and San Francisco, Alameda, Richmond, and/or Marin. • Extend bus lines to provide high-frequency AC Transit service near the ballpark along 2nd Street i.e., Transportation Hub. • Bus-only lanes on Broadway between Embarcadero and 11th Streets connecting the 12th Street BART station; 7th Street between the West Oakland BART station and Castro Street; and/or 7th and 8th Streets connecting Broadway to the Lake Merritt BART station. • Reroute bus lines closer to the ballpark, connecting West Oakland and Lake Merritt BART stations via 2nd Street. • Transit reimbursement equivalent to one roundtrip fare on AC Transit; provide free transit after ballpark events at the Transportation Hub.	1–10%
Downtown Connections	• Event-day shuttles between 12th Street BART station and the ballpark. • Event-day shuttles between West Oakland and Lake Merritt BART stations and the ballpark. • Gondola service between 12th Street and the ballpark along Washington Street. Refer to Section 5.2 Aerial Gondola Variant for further information.	2–6%
Parking Supply Management	• Limit on-site parking spaces available for ballpark attendees to 3,500 at opening day and 2,000 spaces at site buildout. • Parking pricing to maintain 90-95% occupancy rate at nearby off-site garages; use pricing to maintain 85% occupancy rate at nearby on-street spaces. • Through curb management prohibit on-street parking by ballpark attendees near the ballpark, if necessary, to maintain on-street parking for local businesses and residents. • Expand residential parking permit programs in West Oakland and Downtown Oakland.	0–11%
Reduced Vehicle/Trip Demand	• Manage TNC operations by prohibiting drop-off/pick-ups except in designated areas significantly farther from the ballpark than the transit hub before and after ballpark events. Enforce via physical barriers and traffic and/or parking control offices or other personnel acceptable to the City. • Implement a TNC fee to manage demand at priority pick-up/drop-off zones on-site (if provided) and nearby off-site (if provided) locations.	3–14%

SOURCES: Fehr & Peers, 2020

As shown in Table 4.15-23, the TMP strategies have a wide range of effectiveness, which illustrates that the implemented TMP strategies will need to be aggressive but that the AB 734 requirements can be successfully achieved. The VTR ranges represent conservative assumptions

I311-7

COMMENT

I311-7-17

Page: 142

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:49:41 PM
Does the project include construction of off site bay trail improvements to close the gap in the bay trail? If not why not?

RESPONSE

I311-7-17 See Response to Comment I307-1-17.

I311-7

COMMENT

RESPONSE

about potential trip reduction at the low end of the ranges. Due to the location of the project in an area that has very good transit, bicycle, and pedestrian access with dispersed parking, it is expected that the TMP would achieve a 20 percent VTR if all strategies were moderately effective. As a result, the ballpark development with a TMP is expected to achieve the 20 percent VTR required by AB 734 legislation.

Transportation and Parking Demand Management – Non-Ballpark

The previous section addressed event management for the ballpark and summarized the TMP that applies to the ballpark. This section addresses the Transportation Demand Management (TDM) Plan for the non-ballpark development. To meet the requirements of AB 734, the Project must implement a TDM Plan for non-ballpark development that achieves a minimum 20 percent vehicle trip reduction compared to operations without a TDM Plan.

The TDM Plan for the Project's non-ballpark development would consist of both one-time physical improvements and on-going operational strategies. Physical improvements would be constructed contemporaneously with the Project and are therefore anticipated to have a one-time capital cost. Operational strategies provide on-going incentives and support for the use of non-auto transportation modes.

The TDM Plan ultimately established for the non-ballpark development would include establishment of a Transportation Management Association (TMA) for the Project site. A TMA is generally a non-profit membership-funded organization made up of employers, developers, and/or property managers working together to improve travel for its members, increase car-free travel options, and provide education informing the site users about the diverse benefits of transit and shared mobility. Local TMA examples include:

- Alameda Point TMA, focusing on transit service, AC Transit EasyPass program, and TDM monitoring.
- Emeryville TMA, focusing on providing a "last-mile" shuttle service connecting employees, residents, and visitors of Emeryville from the MacArthur BART Station to various locations in Emeryville.

The TDM Plan for the Project's non-ballpark development is identified as Mitigation Measure TRANS-1b, which identifies a wide range of potential measures to implement. A summary of those measures is provided in this section. The City of Oakland typically requires both physical improvements and operational strategies for development projects, consistent with the City of Oakland's Transit First Policy. **Table 4.15-24** lists the typically required TDM measures that are part of the City's *Transportation Impact Review Guidelines* (dated April 14, 2017) and their applicability to the Project. Since the Project would fully re-construct the transportation network within the Project site, many of these elements would be incorporated in the design of the Project's internal transportation network. In addition to the listed physical improvements, the Project would also implement several off-site corridor transportation improvements, which are illustrated in Figure 4.15-22 through Figure 4.15-39 and discussed in Table 4.15-14 through Table 4.15-22.

I311-7

COMMENT

I311-7-18

Page: 143

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:51:00 PM
TDM is part of project and should be included and analyzed herein.

RESPONSE

I311-7-18 See Response to Comment I311-2-24 and Consolidated Response 4.23, *Transportation and Parking Demand Management Plan and Transportation Management Plan Considerations*.

I311-7

COMMENT

RESPONSE

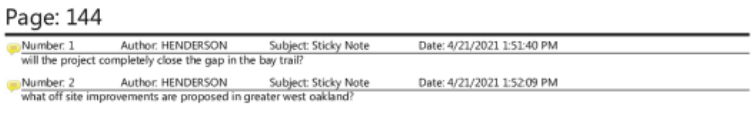
TABLE 4.15-24
NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN CONSISTENCY WITH CITY'S TRANSPORTATION IMPACT REVIEW GUIDELINES

Improvement	Required by Code or When …	Required for Proposed Project?
1. Bus boarding bulbs or islands	• A bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or • A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would, depending on design, provide bus boarding bulbs or islands.
2. Bus shelter	• A stop with no shelter is located within the project frontage, or • The project is located within 0.10 miles of a flag stop with 25 or more boardings per day	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would include bus shelters or other, comparable amenities.
3. Concrete bus pad	• A bus stop is located along the project frontage and a concrete bus pad does not already exist	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would incorporate concrete bus pads.
4. Curb extensions or bulb-outs	• Identified as an improvement within site analysis	**Yes.** Project would construct bulb-outs where additional pedestrian waiting space is needed at intersections and where truck and emergency access can still be accommodated (Mitigation Measure TRANS-1e).
5. Implementation of a corridor-level bikeway improvement	• A buffered Class 2 or Class 4 bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and • The project would generate 500 or more daily bicycle trips	**Yes.** Bike lanes on Martin Luther King Jr. Way between the site and 8th Street (Mitigation Measure TRANS-2b); on 7th Street between Mandela Parkway and Martin Luther King Jr. Way (Mitigation Measure TRANS-2a); on Embarcadero West, south side of the railroad tracks, between Martin Luther King Jr. Way and Washington Street and potentially to Broadway (Mitigation Measure TRANS-3a); and completed bike lanes on Washington Street between Embarcadero West and 10th Street (Mitigation Measure TRANS-2c) would constitute multiple corridor-level bikeway improvements.
6. Implementation of a corridor-level transit capital improvement	• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and • The project would generate 400 or more peak period transit trips	**Yes.** The Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c) together with bus-only lanes on Broadway to connect the Transportation Hub and the 12th Street BART Station (Mitigation Measure TRANS-1d) would constitute a corridor-level transit capital improvement,
7. Installation of amenities: lighting; pedestrian-oriented green infrastructure, trees, and greening landscape; trash receptacles per Pedestrian Master Plan and applicable streetscape plan	• Always required	**Yes.** Pedestrian amenities to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).

I311-7

COMMENT

I311-7-19
I311-7-20


Page: 144

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:51:40 PM
will the project completely close the gap in the bay trail?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 1:52:09 PM
what off site improvements are proposed in greater west oakland?

RESPONSE

I311-7-19 See Response to Comment I307-1-17.

I311-7-20 This comment expresses a desire to know the transportation improvements in West Oakland proposed by the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Draft EIR Section 4.15.4, *Transportation Improvements,* which outlines the nature and location of off-site transportation improvements that would be incorporated into the Project as both CEQA and Non-CEQA measures. The off-site improvements are graphically illustrated on Figures 4.15-22 through 4.15-39 (pp. 4.15-99 through 4.15-116). The off-site improvements in West Oakland are also described for the 7th Street corridor (pp. 4.15-117 and 4.15-118), I-880/5th Avenue/Adeline Street corridor (pp. 4.15-121 and 4.15-122), and Market Street corridor (pp. 4.15-122 and 4.15-124). In addition, the Parking Management Plan (PMP) required as part of Mitigation Measure TRANS-1b would incorporate residential permit parking in West Oakland and a parking reservation system to manage parking at the BART overflow parking lots for ballpark attendees who drive and park.

I311-7

COMMENT

RESPONSE

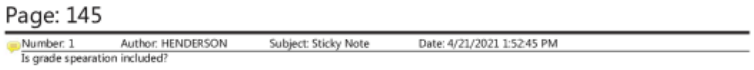
TABLE 4.15-24 (CONT.)
NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN CONSISTENCY WITH CITY'S TRANSPORTATION IMPACT REVIEW GUIDELINES

Improvement	Required by Code or When …	Required for Proposed Project?
8. Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	• When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection	**Yes.** Construct railroad safety improvements between Schnitzer Steel and Broadway which requires CPUC approval (Mitigation Measure TRANS-3a). Pedestrian safety improvements to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).
9. In-street bicycle corral	• A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.	**Yes.** In-street bicycle corrals or bicycle parking of similar ease and density to be provided on-site.
10. Intersection improvements[a]	• Identified as an improvement within site analysis	**Yes.** On- and off-site intersections would be designed to address these concerns.
11. New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	• Always required	**Yes.** All on-site sidewalks, curb ramps, curbs, and gutters would meet current City and ADA standards.
12. No monthly permits and establish minimum price floor for public parking[b]	• If proposed parking ratio exceeds 1:1000 sf. (commercial)	**Yes.** In commercial developments where the parking ratio exceeds 1:1,000 sq. ft., no monthly permits would be offered for publicly available spaces, and a price floor would be established for all publicly available parking.
13. Parking garage is designed with retrofit capability	• Optional If parking ratio exceeds 1.25 spaces per unit (residential) or 1:1000 sf. (commercial)	**Yes.** Residential parking would be limited to 1 space per unit. Commercial developments with parking more than 1:1,000 sq. ft. could be designed with retrofittable garages.
14. Parking space reserved for car share	• If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 and 200 units, then one car share space per 200 units.	**Yes.** Project would include car share parking that meets these residential ratios and car share parking for commercial parking at one car share space per 200 parking spaces. And regularly monitor car share parking usage and adjust, as necessary.
15. Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	• Typically required	**Yes.** All on-site streets would be newly constructed.
16. Pedestrian crossing improvements	• Identified as an improvement within site analysis	**Yes.** New on-site streets and intersections as well as off-site transportation improvements would include the pedestrian crossing features.
17. Pedestrian-supportive signal changes[c]	• Identified as an improvement within operations analysis	**Yes.** All new and modified on- and off-site signals would have pedestrian supportive signal features.
18. Real-time transit information system	• A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c), each building, and the ballpark would make real time transit information available for transit serving the Hub, BART, Amtrak, and ferries.

I311-7

COMMENT

I311-7-21



RESPONSE

I311-7-21 Mitigation Measure TRANS-3b would implement a pedestrian and bicycle bridge over the railroad tracks. Alternative 3 in Draft EIR Chapter 6 would implement a motor vehicle bridge over the railroad tracks. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I311-7

COMMENT

RESPONSE

TABLE 4.15-25
TRANSPORTATION AND PARKING DEMAND MANAGEMENT STRATEGIES AND PLAN EFFECTIVENESS
NON-BALLPARK DEVELOPMENT

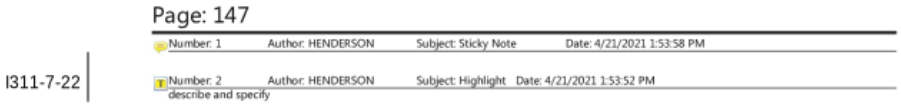
TDM Strategy	Description	Estimated Vehicle Trip Reduction[a]		
		Residents	Workers	Non-Event Visitors
Infrastructure Improvements	Various improvements	4%–8%[b]	4%–8%[b]	5%–10%[b]
Limited Parking Supply	Provide 1.0 parking space per residential unit, compared to average vehicle ownership of 0.94 spaces in the surrounding neighborhood	0%[c]	10–20%	2–6%
	Provide 2.0 parking spaces per KSF of office, compared to the average of 2.9 spaces per KSF			
	Provide 2.6 parking spaces per KSF of retail and restaurant, compared to the average of 2.8 spaces per KSF for non-December period			
Off-street Parking Management	For publicly accessible parking, no monthly permits and establish minimum price floor			
On-street Parking Management	Parking Management Plan includes pricing control of on-street parking			
Unbundled Parking	Parking spaces leased separately from unit rent	1–5%	N/A	N/A
Carshare Parking Spaces	Dedicated on-site carshare parking spaces	<1%	<1%	N/A
Transit Operations	Contribute to AC Transit service enhancement	—[c]	—[c]	—[c]
Transit Fare Subsidy	Provide transit subsidy to residents (per bedroom) and employees at least equal to an unlimited AC Transit EasyPass or half a monthly unlimited bus pass	2–6%	10–15%	N/A
Pre-Tax Commuter Benefit	Encourage employers to enroll in a service to assist employees to use pre-tax income for transit passes			
TDM Marketing and Education	Active marketing of carpooling, BART, AC Transit, bike sharing, and other non-auto modes and services such as guaranteed ride home programs	1%–2%	1%–2%	1%–2%
TDM Representatives	Representatives of building tenants and building management responsible for disseminating information from the TMA about the TDM Plan to employees, residents, and visitors			
Transportation Management Association (TMA)	TMA for the non-ballpark development made up of its employees, developers, and/or property managers responsible for implementing and managing the TDM Plan for the non-ballpark development			

NOTES:
a The focus of the CAPCOA document is reductions to VMT but the research used to generate the reductions also indicates vehicle trip reductions are applicable as well. For the purposes of this analysis the VTR is assumed to equal the VMT reduction. See the cited CAPCOA research for more information and related information on page 8 of the BAAQMD *Transportation Demand Management Tool User's Guide* (June 2012).
b Estimated based on mode shift associated with protected bike lanes, bus-only lanes, and expanded bus transit services.
c The effectiveness of this strategy cannot be quantified at this time. This does not necessarily imply that the strategy is ineffective. It only demonstrates that at the time of the CAPCOA report development, existing literature did not provide a robust methodology for calculating its effectiveness. In addition, many strategies are complementary to each other and isolating their specific effectiveness may not be feasible.

SOURCES: Fehr & Peers, 2020. (Appendix TRA)

I311-7

COMMENT



RESPONSE

I311-7-22 The commenter requests more information on the infrastructure improvements listed as a TDM strategy. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Draft EIR Table 4.15-24, which lists the mandatory infrastructure improvements that are included in the TDM Plan.

I311-7

COMMENT

RESPONSE

As shown in Table 4.15-25, the TDM strategies are estimated to reduce the overall automobile trips generated by the non-ballpark components of the project. The efficacy of these strategies varies based on location and other factors. Due to the location of the project in an area that has very good transit, bicycle, and pedestrian access, it is expected that the higher end of the VTR range would be achieved with these TDM strategies. However, even if all strategies were only moderately effective, the non-ballpark development with TDM would still achieve the 20 percent VTR required by AB 734 legislation.

Considered and Discarded Strategie

Several Transportation Improvements were discarded as infeasible, inapplicable, or ineffective. These are noted below with an explanation as to why the feature was not considered in the analysis.

- *I-980 Freeway Replacement* – Replacing the I-980 freeway with a surface roadway and infill development is identified for further study in the Downtown Oakland Specific Plan. Given the complexity and cost of this potential improvement, an I-980 freeway replacement was determined to be infeasible within the timeframe that the Project would be constructed.
- *Passenger Rail (Amtrak)* – Providing a new rail station for Amtrak at the Project site was considered and discarded. The existing Amtrak station is within walking distance, about six to seven blocks away from the site, and Amtrak has a limited number of trains per day operating on fixed schedules that can use the UPRR tracks. Schedule changes to accommodate special events at the ballpark would interfere with freight operations and would therefore not be consistently available. This feature was discarded due to the limited effectiveness of the new station compared to its complexity and cost.
- *Passenger Rail (BART)* – Providing a new BART station along 5th Street near the Project site was considered and discarded. According to a feasibility study conducted by BART, adding an infill station would require skip-stop operations at the West Oakland station to mitigate line capacity and throughput impacts due to closely spaced stations. Although the study did not consider the Project development, the station would be located about 0.6 miles from the Project site, between Filbert and Chestnut Streets, which would not offer a large travel time savings. This feature was discarded due to the complexity, cost, skip-stop operations, and limited benefits of providing the infill station.
- *Second Transbay Rail Crossing* – BART and the Capitol Corridor Joint Powers Authority (CCJPA) are studying a second transbay rail line with potential station locations near the Project site. Evaluating the feasibility of transbay crossing lines and station locations is identified for further study in the Downtown Oakland Specific Plan. Given this potential project's complexity and cost, providing a second transbay rail crossing was determined to be infeasible within the timeframe that the ballpark would be constructed. However, the Project is encouraged to pursue sponsorship opportunities for the station, should the second bay crossing move forward with a station near the Project area.
- *Transit Hub On-Site* – Providing an on-site transit hub was considered and discarded. For an on-site transit hub, transit vehicles would access the site via Market Street or Martin Luther King Jr. Way. These locations may experience heavy congestion during special events, degrading service reliability. Reliability would also be negatively affected by freight trains, which occasionally block these entrances for extended periods of time. Instead of an on-site transit hub, a Transportation Hub is planned on 2nd Street between Martin Luther King Jr. Way and Clay Street. This location would experience minimal conflicting automobile traffic

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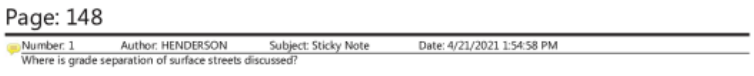
COMMENT

I311-7-23



RESPONSE

I311-7-23 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*, for responses to comments regarding grade separations. To supplement the information provided on p. 4.15-148 of the Draft EIR regarding considered and discarded transportation improvement strategies, the following bullet point is added to the list:

> *Fully Grade-Separated Access*—The Capitol Corridor Joint Powers Authority has studied placing passenger and freight rail below grade in the Jack London Square area, estimating the cost at $1.2 billion in 2016 dollars (Capitol Corridor, 2016). Given this potential project's cost and complexity, providing a fully grade separated access to the Project site was deemed infeasible in the time frame that the ballpark would be constructed. See Section 6.2.3 for discussion of an alternative to the proposed Project with a vehicular grade separation.

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COMMENT

RESPONSE

measure would not increase the capacity of the roadway system and so would not cause a significant transportation impact per the significance criteria as described in the City's *Transportation Impact Review Guidelines*.

4.15.6 Significance Criteria

The following thresholds are consistent with OPR guidance and with the City's *Transportation Impact Review Guidelines*. The Project would have a significant impact on the environment if it would:

1. Cause substantial additional VMT per capita, per service population, or other appropriate efficiency measure. Specifically,
   - For residential uses, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent.
   - For office uses, a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15 percent.
   - For retail uses, a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15 percent.
   - For retail projects greater than 80,000 square feet, a project would cause substantial additional VMT if it results a net increase in citywide total VMT per service population.[20]
   - For the ballpark and performance venue a project would cause substantial additional VMT if it exceeds existing VMT per attendee minus 15 percent where existing VMT per attendee is measured from existing uses at the Coliseum.[21]
2. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay).
3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas i.e., adding new mixed-flow lanes or adding new roadways to the network.

The City's current criteria do not include any thresholds specific to Alameda CTC's requirement for an assessment of impacts on the regional transportation network. As discussed in Regulatory Framework, above, Alameda CTC reviews land use actions, such as specific plans and projects, that would cause a net increase of 100 p.m. peak-hour vehicle trips or more. The Alameda CTC guidelines state that impacts to all modes should be considered. To assess vehicle delay on the regional CMP roadway segments near the Project site, Alameda CTC requires use of the Alameda CTC Travel Demand Model. Alameda CTC has not adopted thresholds of significance for CMP land use analysis purposes. In response to this, a fourth criterion is included:

4. For the Alameda CTC analysis, the City of Oakland has, based on its professional judgement and consistent with the 2017 CMP's use of LOS, determined that the implementation of the

[20] While this is not a stated significance criterion in the City of Oakland, it is used here because it is consistent with OPR guidance that recommends that "agencies should analyze the effects of a retail project by assessing the change in total VMT, because retail projects typically re-route travel from other destinations."

[21] While this is not a stated significance criterion in the City of Oakland, it is used here because it is consistent with the guidance used for residential and office VMT thresholds. The threshold applies the same logic used in OPR guidance, measured against per-attendee VMT at the existing Coliseum.

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COMMENT

I311-7-24

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 2:02:43 PM
at grade crossing improvements are not consistent with CPUC requirements, especially for ped/bike safety, how is this rationalized or not included as a mitigation?

RESPONSE

I311-7-24 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-7

COMMENT

RESPONSE

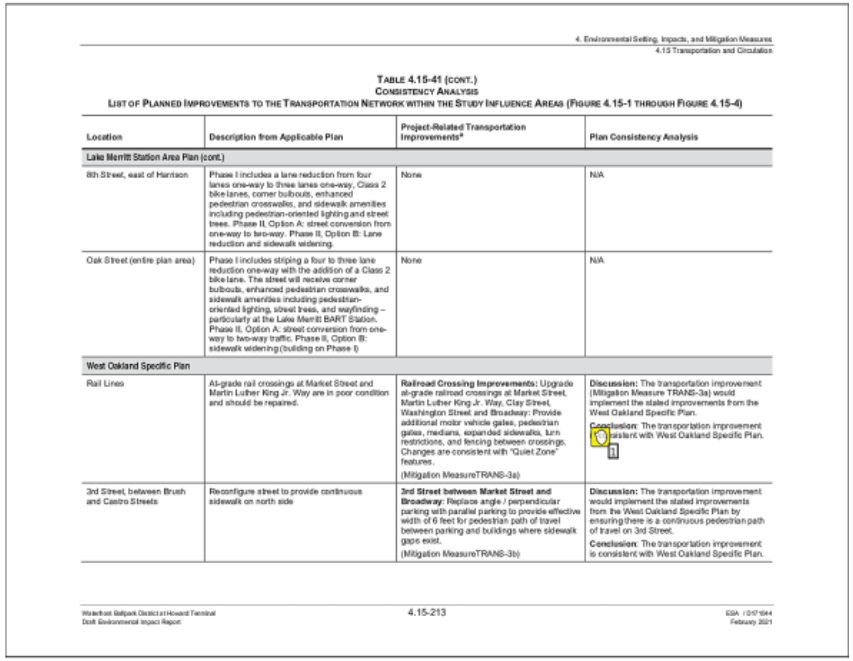

TABLE 4.15-41 (CONT.)
CONSISTENCY ANALYSIS
LIST OF PLANNED IMPROVEMENTS TO THE TRANSPORTATION NETWORK WITHIN THE STUDY INFLUENCE AREAS (FIGURE 4.15-1 THROUGH FIGURE 4.15-4)

Location	Description from Applicable Plan	Project-Related Transportation Improvements[a]	Plan Consistency Analysis
Lake Merritt Station Area Plan (cont.)			
8th Street, east of Harrison	Phase I includes a lane reduction from four lanes one-way to three lanes one-way, Class 2 bike lanes, corner bulbouts, enhanced pedestrian crosswalks, and sidewalk amenities including pedestrian-oriented lighting and street trees. Phase II, Option A: street conversion from one-way to two-way. Phase II, Option B: Lane reduction and sidewalk widening.	None	N/A
Oak Street (entire plan area)	Phase I includes striping a four to three lane reduction one-way with the addition of a Class 2 bike lane. The street will receive corner bulbouts, enhanced pedestrian crosswalks, and sidewalk amenities including pedestrian-oriented lighting, street trees, and wayfinding – particularly at the Lake Merritt BART Station. Phase II, Option A: street conversion from one-way to two-way traffic. Phase II, Option B: sidewalk widening (building on Phase I)	None	N/A
West Oakland Specific Plan			
Rail Lines	At-grade rail crossings at Market Street and Martin Luther King Jr. Way are in poor condition and should be repaired.	**Railroad Crossing Improvements:** Upgrade at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street and Broadway: Provide additional motor vehicle gates, pedestrian gates, medians, expanded sidewalks, turn restrictions, and fencing between crossings. Changes are consistent with "Quiet Zone" features. (Mitigation MeasureTRANS-3a)	**Discussion:** The transportation improvement (Mitigation Measure TRANS-3a) would implement the stated improvements from the West Oakland Specific Plan. **Conclusion:** The transportation improvement is consistent with West Oakland Specific Plan.
3rd Street, between Brush and Castro Streets	Reconfigure street to provide continuous sidewalk on north side	**3rd Street between Market Street and Broadway:** Replace angle / perpendicular parking with parallel parking to provide effective width of 6 feet for pedestrian path of travel between parking and buildings where sidewalk gaps exist. (Mitigation MeasureTRANS-3b)	**Discussion:** The transportation improvement would implement the stated improvements from the West Oakland Specific Plan by ensuring there is a continuous pedestrian path of travel on 3rd Street. **Conclusion:** The transportation improvement is consistent with West Oakland Specific Plan.

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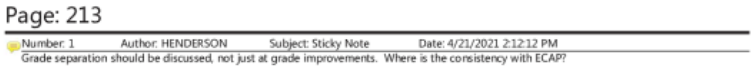
COMMENT

I311-7-25



RESPONSE

I311-7-25 As noted in the second column of Table 4.15-41 in the Draft EIR, the West Oakland Specific Plan calls for repair of the Market Street and Martin Luther King Jr. Way at-grade rail crossings. Mitigation Measure TRANS-31 would implement the stated improvements and no plan inconsistency is noted. See Table 4.7-8 in the Draft EIR for a discussion of consistency with the Equitable Climate Action Plan (ECAP).

I311-7

COMMENT

RESPONSE

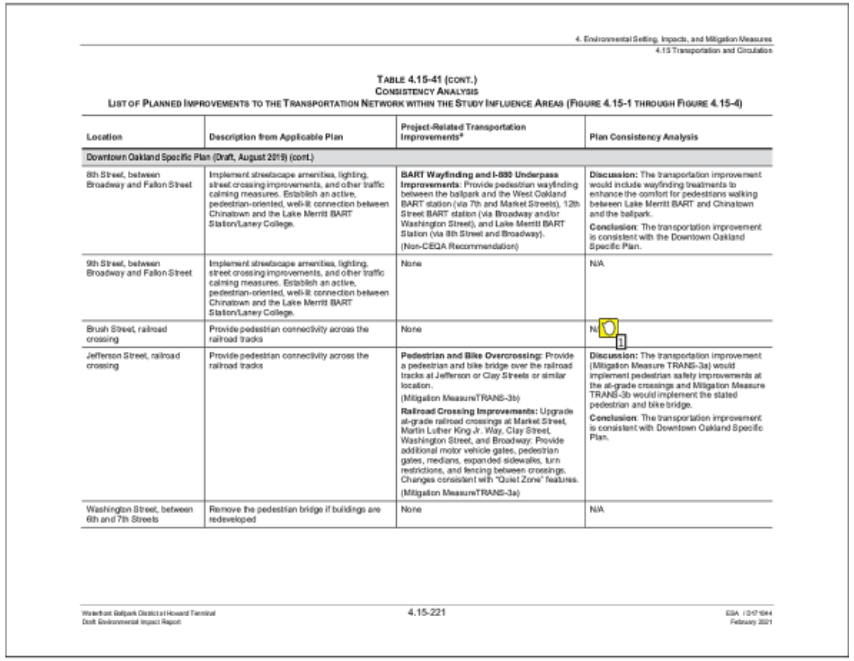


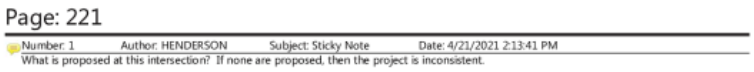
TABLE 4.15-41 (CONT.)
CONSISTENCY ANALYSIS
LIST OF PLANNED IMPROVEMENTS TO THE TRANSPORTATION NETWORK WITHIN THE STUDY INFLUENCE AREAS (FIGURE 4.15-1 THROUGH FIGURE 4.15-4)

Location	Description from Applicable Plan	Project-Related Transportation Improvements[a]	Plan Consistency Analysis
Downtown Oakland Specific Plan (Draft, August 2019) (cont.)			
8th Street, between Broadway and Fallon Street	Implement streetscape amenities, lighting, street crossing improvements, and other traffic calming measures. Establish an active, pedestrian-oriented, well-lit connection between Chinatown and the Lake Merritt BART Station/Laney College.	**BART Wayfinding and I-880 Underpass Improvements**: Provide pedestrian wayfinding between the ballpark and the West Oakland BART station (via 7th and Market Streets), 12th Street BART station (via Broadway and/or Washington Street), and Lake Merritt BART Station (via 8th Street and Broadway). (Non-CEQA Recommendation)	**Discussion:** The transportation improvement would include wayfinding treatments to enhance the comfort for pedestrians walking between Lake Merritt BART and Chinatown and the ballpark. **Conclusion**: The transportation improvement is consistent with the Downtown Oakland Specific Plan.
9th Street, between Broadway and Fallon Street	Implement streetscape amenities, lighting, street crossing improvements, and other traffic calming measures. Establish an active, pedestrian-oriented, well-lit connection between Chinatown and the Lake Merritt BART Station/Laney College.	None	N/A
Brush Street, railroad crossing	Provide pedestrian connectivity across the railroad tracks	None	N/A
Jefferson Street, railroad crossing	Provide pedestrian connectivity across the railroad tracks	**Pedestrian and Bike Overcrossing:** Provide a pedestrian and bike bridge over the railroad tracks at Jefferson or Clay Streets or similar location. (Mitigation MeasureTRANS-3b) **Railroad Crossing Improvements:** Upgrade at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, and Broadway. Provide additional motor vehicle gates, pedestrian gates, medians, expanded sidewalks, turn restrictions, and fencing between crossings. Changes consistent with "Quiet Zone" features. (Mitigation MeasureTRANS-3a)	**Discussion:** The transportation improvement (Mitigation Measure TRANS-3a) would implement pedestrian safety improvements at the at-grade crossings and Mitigation Measure TRANS-3b would implement the stated pedestrian and bike bridge. **Conclusion**: The transportation improvement is consistent with Downtown Oakland Specific Plan.
Washington Street, between 6th and 7th Streets	Remove the pedestrian bridge if buildings are redeveloped	None	N/A

I311-7

COMMENT

I311-7-26



RESPONSE

I311-7-26 The commenter states an opinion that the Project is inconsistent with the Draft Downtown Oakland Specific Plan because it does not provide for a Brush Street railroad crossing. The goal of the plan consistency analysis is to identify potential conflicts between the Project and individual projects and policies in planning documents completed within the influence area of the Project. Because the Project's proposed transportation improvements do not conflict with a future rail crossing at Brush Street, a plan consistency analysis is not required. Draft EIR Alternative 3 would include a motor vehicle grade separation at the railroad tracks along either the Market or Brush Street alignments.

I311-7

COMMENT

RESPONSE

The Market Street crossing would realize the greatest Project demand for motor vehicle crossings as this would be the primary access to the Project site with hourly demands expected to peak at over 2,200 vehicles with an at-capacity baseball game and buildout development. The Washington Street crossing would realize the greatest demand for pedestrians with hourly demands expected to peak over 4,300 crossings. These demands are substantially higher than day-to-day crossing activities under existing conditions, except during relatively infrequent large special events at Jack London Square when thousands of people are attracted to the area and cross the railroad tracks as pedestrians.

As noted in the 4.15-1 Environmental Setting there were almost 300 trains that crossed the Market Street and Martin Luther King Jr. Way at-grade crossings over a 7-day period between 11:00 a.m. and 11:00 p.m., representing on average 42 trains per day. There were 13 observed instances during the seven-day study period where gate down times at the Market Street crossing exceeded 7 minutes and 7 such instances at the Martin Luther King Jr. Way crossing. All these observations were associated with freight trains. There were six instances during the week when the gates were down at both crossings for freight trains with the longest being about 19 minutes and the shortest being about 7 minutes. Site employees, residents, and visitors would not be able to exit the site during times when both the Market Street and Martin Luther King Jr. Way at-grade crossings are blocked by a train. However, the EVA connecting the site with Middle Harbor Road at Adeline Street would provide emergency access when needed.

According to Federal Railroad Administration Highway-Rail Grade Crossing Accident/Incident Reports (n.d.), there was a cluster of collisions (18) at the at-grade crossings and Embarcadero West in the 1970s followed by an extended period, 1980 through 1998, where there were only a few collisions (5). Between 1999 and 2009 there was another cluster of collisions (13) with few collisions (2) occurring since 2009. The historic crash frequency is no guarantee of future trends. The lack of crashes for extended periods is not indicative of the heightened safety concerns raised by railroad operators and people working in, living in, and visiting Jack London District. The railroad segment through Jack London District is unique in California in that passenger and freight trains operate within an urban street sharing the rail right-of-way with motor vehicles, bicycles, and pedestrians; where railroad crossing controls and protection are minimally provided at public street at-grade crossings but no features exist that preclude people from crossing mid-block or turning left across the railroad tracks even when crossing controls are activated.

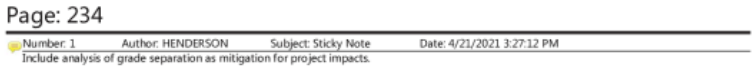
The Project sponsor commissioned a study, *Oakland A's Howard Terminal Project – Railroad Corridor and Grade Crossing Improvements* (Railroad Study) that is included in Appendix TRA. The study identified at-grade railroad crossing improvements based on a review of existing site conditions, the forecasted increase in vehicular, pedestrian and bicycle traffic, and potential increases in rail servic

As noted in the Railroad Study there are currently special event activities at Jack London Square that attract large crowds including the Art & Wine Event (10,000 attendees), Wine Walks (5,000 attendees), PedalFest (15,000 to 30,000 attendees), Oakland A's FanFest (30,000 attendees), 4th of July (15,000 attendees), and the Eat Real Festival (90,000 attendees over three days). There is currently no formal plan for managing this event traffic, including railroad track crossings and

I311-7

COMMENT

I311-7-27



RESPONSE

I311-7-27 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I311-7

COMMENT

RESPONSE

potential conflicts. The transportation experience during these events, particularly larger events, is characterized by fully utilized parking garages and on-street parking, at-capacity Broadway shuttle and AC Transit buses, people walking from the 12th Street and Lake Merritt BART Stations, and biking. The multimodal traffic crossing the railroad tracks under existing conditions is unmanaged, with no protections at intersecting streets with the railroad, and the at-grade crossing intersections themselves are generally only controlled by a 9A warning device in each direction.

The Railroad Study describes several recommendations to address at-grade railroad crossing safety, which are described in the *Railroad Crossing* subsection starting on page 4.15-96. The proposed improvements would substantially improve railroad corridor safety within the limits of the improvements but are subject to review and approval by the CPUC and would not eliminate the use of at-grade crossings by pedestrians, bicyclists, and vehicles accessing the proposed Project. Mitigation Measures TRANS-3a and TRANS-3b would improve safety at existing at-grade crossings but would not reduce the impact to less than significant and are subject to review and approval by another agency – the CPUC.

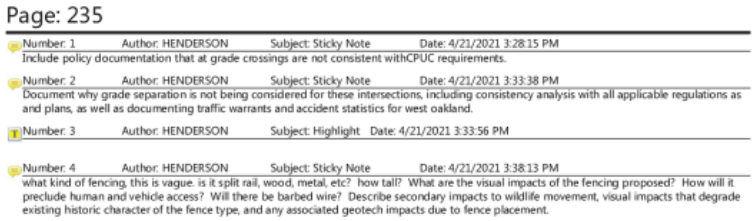
Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements

Subject to obtaining necessary approvals from CPUC and other responsible agencies, the Project sponsor shall install at-grade railroad crossing improvements including fencing and railroad crossing features to enhance multimodal safety along and across the railroad tracks including elements that would facilitate a Quiet Zone (if pursued by others) designation through Jack London District. The mitigation measure would substantially improve safety along the railroad corridor and shall include the measures listed below.

- Install fencing on both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to Broadway. This change would alter Embarcadero West circulation as follows:
  - Between Market Street and Schnitzer Steel Embarcadero West would remain two-way with a signalized intersection at Market Street.
  - Between Market Street and Martin Luther King Jr. Way the street would be abandoned such that there would no longer be a motor vehicle intersection at Martin Luther King Jr. Way.
  - The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to Washington Street (and potentially to Broadway) would be physically separated from the railroad tracks by a fence to accommodate a multi-use path. The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and Broadway could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane

I311-7

COMMENT


Page: 235

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 3:28:15 PM
Include policy documentation that at grade crossings are not consistent withCPUC requirements.

I311-7-28

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 3:33:38 PM
Document why grade separation is not being considered for these intersections, including consistency analysis with all applicable regulations as and plans, as well as documenting traffic warrants and accident statistics for west oakland.

Number: 3 Author: HENDERSON Subject: Highlight Date: 4/21/2021 3:33:56 PM

I311-7-29

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 3:38:13 PM
what kind of fencing, this is vague. is it split rail, wood, metal, etc? how tall? What are the visual impacts of the fencing proposed? How will it preclude human and vehicle access? Will there be barbed wire? Describe secondary impacts to wildlife movement, visual impacts that degrade existing historic character of the fence type, and any associated geotech impacts due to fence placement.

RESPONSE

I311-7-28 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I311-7-29 The fencing called for in Mitigation Measure TRANS-3a would be designed to restrict access to the rail corridor and would meet requirements of the Union Pacific Railroad (UPRR) and/or the California Public Utilities Commission (CPUC). It is likely that the fence would be metal and would extend at least 6 feet tall. Fence posts are ubiquitous in the urban landscape and do not require geotechnical evaluation.

As noted in Draft EIR Section 4.1, *Aesthetics, Shadow, and Wind* (p. 4.1-41), the Project as a whole would alter the visual character of the area. While the tall buildings proposed are likely to be more noticeable to most viewers than fencing and landscape features, some observers could find these changes disruptive. Overall, the visual impacts of the Project would be less than significant if aesthetics were subject to review under CEQA. No wildlife movement across the railroad right-of-way is noted as part of the existing setting described in Section 4.3, *Biological Resources,* of the Draft EIR (see p. 4.3-12). Also, the consideration of impacts on cultural resources such as the UPRR API focuses on views of the resource along the rail corridor, which would not be impeded by the fencing. (See the discussion starting on Draft EIR p. 4.4-23.)

I311-7

COMMENT

RESPONSE

were combined with the 8-foot wide sidewalk. On the north side of the railroad Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway. Vehicle access to the Vistra Plant could be via an extension of Water Street at Clay Street or driveway easement and used infrequently solely for site access.

- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street and Broadway with quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes t[1]
- Install a traffic signal at the Market Street at-grade crossing and its intersection with Embarcadero West as well as a traffic signal on Market Street at 3rd Street. These signals would be part of the railroad preemption system[25] and include queue cutter loops[26] on Market Street that would be tied to both traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3rd Street that are activated during railroad preemption.
- While there is no motor vehicle intersection at the Martin Luther King Jr. Way at-grade crossing, install a traffic signal at the at-grade crossing as well as traffic signals at 2nd Street where left turns would be prohibited and at 3rd Street where a left-turn lane would be provided to separate left turning and through movement traffic. These signals would be part of the railroad preemption system and include a queue cutter loop on Martin Luther King Jr. Way that would be tied to all three traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3rd Street that are activated during railroad preemption.

The Project sponsor shall be responsible for undertaking the necessary Diagnostic Study based on the suite of improvements described above and coordinating with the City, CPUC and affected railroads and obtaining all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). and constructing the at-grade improvements prior to opening day of the ballpar[2]

Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.

Prior to opening day of the ballpark, Project sponsor shall design and construct a grade-separated overcrossing for pedestrians and bicyclists seeking to access the Project site. The overcrossing, which would require review and approval by CPUC as well as the City and the Port, consultation with the Capital Corridor Joint Powers Authority, and potentially affected property owners such as the UPRR, shall be located at Jefferson Street (**Figure 4.15-48**) or Clay Street (**Figure 4.15-49**), or a comparable nearby location and shall create a safe and accessible route for pedestrians and bicyclists traveling to the Project site on both event and non-event days, connecting 2nd Street, which is north of

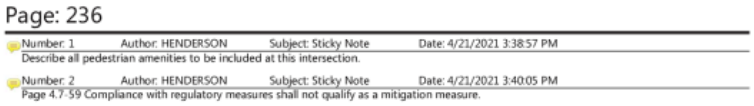
[25] A railroad preemption system provides an opportunity for vehicles to clear the track area before the train arrives at the crossing.

[26] A queue cutter loop signal is a traffic signal installed at a highway-rail grade crossing in a manner similar to a pre-signal; its function is to provide a means to prevent vehicles from stopping on the tracks or within the railroad right-of-way as a result of traffic queuing from a downstream signalized intersection.

I311-7

COMMENT

I311-7-30



RESPONSE

I311-7-30 Per Mitigation Measure TRANS-3a, the Project sponsor must undertake the necessary diagnostic study based on the suite of improvements described above and coordinate with the City, CPUC, and affected railroads and obtain all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings), and construct the at-grade improvements prior to opening day of the ballpark.

Generally, the at-grade crossing design elements would include fencing, quad gates for motor vehicles, pedestrian and bicycle gates, surface treatments to facilitate crossings, lighting, and signing and striping and other features. See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, and Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I311-7

COMMENT

RESPONSE

the railroad tracks, to Athletics' Way to the south. Pedestrian facilities serving the bridge shall be upgraded on Jefferson and Clay Streets to correct tripping hazards and daylight intersections and driveways with red curb per City guidance. Along 3rd Street between Market Street and Broadway gaps in the pedestrian network would be closed by converting diagonal and perpendicular parking to parallel parking to provide a pedestrian path of travel between buildings and parking where no sidewalk exists today.

The overcrossing could include some combination of stair and elevator system potentially with ADA-compliant ramping that could also be used by bicycle riders. The tallest point at the overcrossing would be about 40 feet above grade taking into consideration architecture features of the bridge such as railing and fencing. The overcrossing could include a viewing space, providing views of the rail corridor, the ballpark, the Inner Harbor of the Estuary, the Oakland Hills, and downtown Oakland, as well as interpretive information celebrating the history of the railroad in Oakland.

If constructed along Jefferson Street, the overcrossing would border the PG&E Station C API, a historical resource, and be immediately adjacent to the National Register-eligible PG&E Station C contributor located at 601 Embarcadero West. Therefore, to avoid any adverse impacts on 601 Embarcadero West and the API, the design of the pedestrian and bicycle overcrossing along Jefferson Street shall incorporate transparent materials, small-dimension structural elements, and/or design features that maintain views from the street directly adjacent to the resource. Also, the structural design, including foundations, shall be subject to review by the Planning Director or the Director's designee, prior to the City Council's review and approval of a major encroachment per[1]

Effectiveness of Mitigation

Mitigation Measure TRANS-3a would have the potential to improve safety and therefore reduce the severity of Impact TRANS-3. However, some travelers to and from the site would continue to use at-grade crossings at the numerous crossing locations along Embarcadero West. For this reason, and because the improvements are subject to the review and approval of another agency, the measure would reduce the severity of the impact, but not to a level that is less than significant. For these reasons, the impact would remain **significant and unavoidable**.[2]

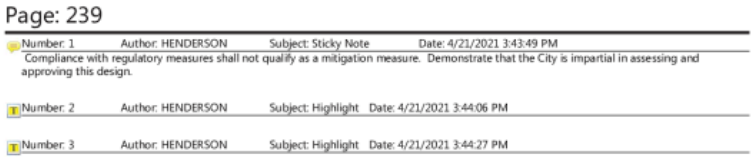
Similarly, Mitigation Measure TRANS-3b, Pedestrian and Bicycle Overcrossing, would offer a grade-separated alternative to bicyclists and pedestrians seeking to access the site, potentially accommodating an estimated 3,000 to 6,000 people during the peak hour going to and from the Project site on event days, depending on the frequency of bus and shuttle service to the Transportation Hub on 2nd Street near the overcrossing. However, while the crossing would provide a safe and convenient alternative to at-grade crossings of the railroad tracks at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, and Broadway, some travelers to and from the site would continue to use the numerous existing at-grade crossings along Embarcadero West and the improvement is subject to the review and approval of another agency. For these reasons, the impact would remain **significant and unavoidable**.[3]

Secondary impacts of Mitigation Measure TRANS-3b would include potential disturbance of hazardous materials on the site of the bridge and in the public right of way. Mitigation measuress included in Section 4.8, *Hazards and Hazardous Materials*, would address potential exposure to hazardous materials during and after construction, and would prevent significant impacts on

I311-7

COMMENT

I311-7-31


Page: 239

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 3:43:49 PM
Compliance with regulatory measures shall not qualify as a mitigation measure. Demonstrate that the City is impartial in assessing and approving this design.

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/21/2021 3:44:06 PM

Number: 3 Author: HENDERSON Subject: Highlight Date: 4/21/2021 3:44:27 PM

RESPONSE

I311-7-31 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-7

COMMENT

RESPONSE

human health or the environment by ensuring DTSC oversight and compliance with regulatory requirements. Mitigation Measure TRANS-3b requires the use of transparent materials, small-dimension structural elements, and/or design features for the overcrossing, if it is constructed along Jefferson Street, which would maintain visibility of the PG&E Station C API, an historical resource, from the adjacent street, and require review of foundations and other structural elements by the Planning Director or the Director's designee, thus ensuring a less-than-significant impact on the historical resour

Overall, the impact of Mitigation Measure TRANS-3a and Mitigation Measure TRANS-3b would remain **significant and unavoidable** since the improvement is subject to the review and approval of another agency.

Significance after Mitigation: Significant and Unavoidable.

Impact TRANS-4: The Project would be constructed over several years and include on- and off-site construction activities as well as construction along the railroad corridor that could expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a substantial transportation hazard. (Criterion 2) (*Less than Significant with Mitigation*)

While the extent, duration and order of construction activities is not known at this time, broad parameters have been identified to guide the City, the Project sponsor, and the contractor to successfully construct this Project while minimizing the transportation effects on the surrounding communities.

During the construction period for either the Phase 1 or subsequent buildout, temporary and intermittent transportation impacts may result from truck movements as well as construction worker vehicles to and from the project site. The construction-related traffic may temporarily reduce capacities of roadways in the project vicinity because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. The construction trucks would use the local streets depicted in Figure 4.15-20 between the project site and the I-880 freeway. Considering the proximity of freeway ramps on 5th and 6th Streets, construction trucks on local roadways would likely be limited to Market Street as well as 5th and 6th Streets.

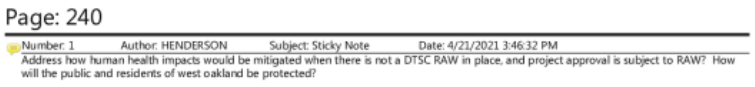
Parking for construction workers' vehicles would need to be accommodated while maintaining adequate parking supply for completed buildings on the site. It is expected that parking for most construction workers would be accommodated on-site during construction of the ballpark but if additional parking was needed there are existing areas under the freeway between Market Street and Martin Luther King Jr. Way that could also be used for construction worker parking.

Potential construction activity of off-site transportation improvements in the public right-of-way, could result in temporary closure of sidewalks, prohibition of on-street parking, and potentially vehicle travel lane closures. A set of comprehensive traffic control measures for motor vehicles, transit, bicycle, and pedestrian access and circulation would minimize the impact of off-site transportation improvements on the traveling public.

I311-7

COMMENT

I311-7-32



RESPONSE

I311-7-32 See Response to Comment I-308-1 and Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment.*

I311-7

COMMENT

RESPONSE

Mitigation Measure TRANS-4: Construction Management Plan.

The Project sponsor and general contractor shall prepare a Construction Management Plan (CMP) and the plan shall be submitted to the City of Oakland for review and approval prior to the City issuing the first construction-related permit. The Plan shall be reviewed by the City's Planning and Building Department, Fire Department, Department of Transportation, Public Works Department, and others as needed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Mitigation Measures (and additional conditions of approval if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management.

The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, litter/debris clean-up plan, and others as needed) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

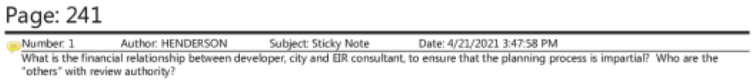
The CMP shall also consider construction activities in the public-right-of-way including obtaining an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. If obstructions impact vehicle or bicycle travel lanes, bus stops, or sidewalks, the Project sponsor shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The Project sponsor shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, truck, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicycles, and Bus Facilities in Construction Zones. The Project sponsor shall implement the approved Plan during construction and coordinate with the City and the Port to adjust, if necessary, to respond to transportation-related issues that arise out of the implementation. In addition, the Project sponsor shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at their expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

Significance after Mitigation: Less than significant.

I311-7

COMMENT

I311-7-33



RESPONSE

I311-7-33 The City of Oakland's practice is to require project applicants to bear the cost for the City's review of development applications. This Project is no different, and the Project sponsor is providing funding for review by City staff and for consultants working at the City's direction. As the CEQA lead agency, the City is responsible for the adequacy of its environmental documents and consults with responsible agencies such as the Port.

I311-7

COMMENT

RESPONSE

Table 4.15-32 shows the Project's 2040 VMT for residential and commercial uses. As shown, per capita VMT in 2040 for the Project would be 6.6 due to its location in in Jack London District (TAZs 966 and 967) compared to the regional average of 13.8. The per worker project VMT would be 14.2 due to its location in Jack London District compared to the regional average of 20.3. Both per capita and per worker Project-generated VMT would be more than 15 percent below the regional averages in 2040 and would therefore constitute a less-than-significant impact. Table 4.15-33 shows the proposed Project 2040 retail VMT in terms of citywide service population. As shown in the table, VMT per citywide service population would remain the same without and with the retail component of the proposed Project, and therefore the VMT impact would be less-than-significant impact for the retail component of the proposed Project in 2040.

Table 4.15-35 shows that the TDM Plan would result in VMT reductions (17 percent) for the performance venue and would have a less-than-significant impact on VMT with the TDM Plan. The ballpark is expected to host only up to 9 concerts per year, compared to a minimum of 81 baseball games, all of which would have VMT per attendee reductions greater than the threshold level. Table 4.15-39 presents the annualized VMT per attendee at the ballpark with the implementation of TMP strategies for all baseball games and concerts. The annual VMT per attendee with TMP strategies would also be reduced to a level more than 15 percent below similar existing uses. The combination of a TMP as well as the Project sponsor's decision to incorporate parking maximums for ballpark parking (up to 2,000 spaces at buildout) would result in VMT reductions for the ballpark that would not have a cumulatively considerable contribution to a cumulative impact. Therefore, a less-than-significant cumulative impact on VMT would occur provided is the mitigation measures identified for the Project are implemented to ensure that the required reduction in VMT standard is met. Specifically, the following mitigation measures are identified to ensure the Project complies with the 20 percent VTR requirement and the effectiveness of the TDM Plan (for the non-ballpark development) and the TMP (for the ballpark) that would reduce the Project's contribution to cumulative transportation impacts and achieve the required reduction in VMT per capita in 2040:

Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan. (See Impact TRANS-1A)

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Impact TRANS-1B)

Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Impact TRANS-1B)

Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Impact TRANS-1B)

Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Impact TRANS-1B)

Significance after Mitigation: Less than Significant.

I311-7

COMMENT

I311-7-34

Page: 245

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 3:48:43 PM
Compliance with regulatory measures shall not qualify as a mitigation measure.

RESPONSE

I311-7-34 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I311-7

COMMENT

RESPONSE

Consistency with Adopted Policies, Plans, or Programs

The Project and the associated recommended improvement measures presented in this Draft EIR were discussed in detail in the previous sections. Implementation of the Project and its associated development when considered together with cumulative development results in significant cumulative impact related to safety and performance.

Impact TRANS-2.CU: Project or required transportation improvements could potentially conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay). (Criterion 2) (*Less than Significant with Mitigation*)

As previously noted, implementation of the Project including the Mitigation Measures and the Non-CEQA Recommendations described in this chapter is generally consistent with and furthers the existing policies in the policy documents resulting in an overall beneficial impact on transportation in the area. However, there are limited potential conflicts between the Project and individual plan elements and policies as noted in Impact TRANS-2 that are reduced to less than significant by Mitigation Measure TRANS-2a and Mitigation Measure TRANS-2b. Although the Project and its required transportation improvements would be generally consistent with applicable plans and policies, these mitigations would continue under cumulative conditions to reduce the Project's contribution to the cumulative effects of inconsistency with these limited individual plan elements. With implementation of these measures, the cumulative impact is deemed less than signific

Mitigation Measure TRANS-2a: Implement Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See Impact TRANS-2)

Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Impact TRANS-2)

Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Impact TRANS-2)

Significance after Mitigation: Less than Significant.

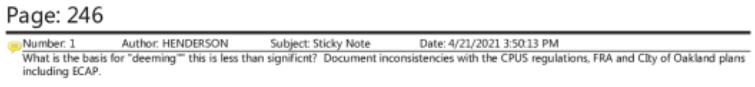
Impact TRANS-3.CU: The Project would contribute to cumulative volumes of multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. (Criterion 2) (*Significant and Unavoidable with Mitigation*)

The Project sponsor commissioned a study, *Oakland A's Howard Terminal Project – Railroad Corridor and Grade Crossing Improvements* (Railroad Study) that is included in Appendix TRA, and the recommendations in that study are included in Mitigation Measure TRANS-3a. The

I311-7

COMMENT

I311-7-35



RESPONSE

I311-7-35 The comment expresses an opinion about inconsistencies between the Draft EIR and other plans, ordinances, and policies that address the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths, but does not specify where these inconsistencies lie. The commenter is directed to the plan consistency analysis in Table 4.15-41 of the Draft EIR. This table lists the applicable transportation-related plans and associated planned transportation network changes that are relevant to the Project influence areas. The plans covered include City of Oakland plans such as the 2017 Pedestrian Plan, the 2019 Bike Plan, the Lake Merritt Station Area Plan, the Oakland-Alameda Access Plan, the West Oakland Truck Management Plan, the AC Transit Service Expansion Plan, the West Oakland Specific Plan, the General Plan Land Use and Transportation Element, and the Draft Downtown Oakland Specific Plan, among others.

I311-8 Andrew Peters (Part 9)

COMMENT

RESPONSE

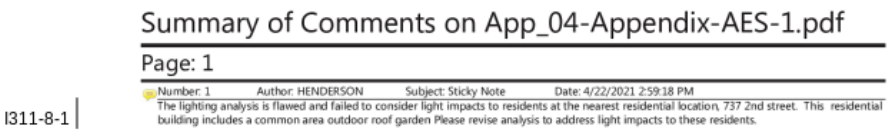
Appendix AES

Aesthetics, Shadow and Wind Supporting Information

I311-8

COMMENT

I311-8-1



RESPONSE

I311-8-1 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

2 Thresholds of Significanc[1]

2.1 Prevailing Standards and Codes

The lighting design for the development must meet the standards set forth by the State of California, the City of Oakland, and the Port of Oakland. The California Code of Regulations Title 24, also known as the Building Energy Efficiency Standards, sets legal compliance requirements for residential and non-residential construction, and is updated on a three-year code cycle. The current version of the standard is dated 2016 and is in force until January 1, 2020, at which time the applicability of the code will not change, though technical updates to Part 6 described below is expected.

2.1.1 California Code of Regulations Title 24 Article 1

Title 24 Article 1 includes the framework to establish Lighting Zones for use by the State and by other Authorities Having Jurisdiction (AHJ). The lighting zone determination of a property is a functional way of categorizing the expected appropriate brightness of a property based on the expected ambient brightness. The majority of properties in California fall into Lighting Zone 2 (LZ2) or Lighting Zone 3 (LZ3). Based on the 2010 US Census data, the Howard Terminal site is assigned to LZ3.

Zone	Ambient Illumination	State wide Default Location	Moving Up to Higher Zones	Moving Down to Lower Zones
LZ1	Dark	Government designated parks, recreation areas, and wildlife preserves. Those that are wholly contained within a higher lighting zone may be considered by the local government as part of that lighting zone.	A government designated park, recreation area, wildlife preserve, or portions thereof, can be designated as LZ2 or LZ3 if they are contained within such a zone.	Not applicable.
LZ2	Low	Rural areas, as defined by the 2000 U.S. Census.	Special districts within a default LZ2 zone may be designated as LZ3 or LZ4 by a local jurisdiction. Examples include special commercial districts or areas with special security considerations located within a rural area.	Special districts and government designated parks within a default LZ2 zone maybe designated as LZ1 by the local jurisdiction for lower illumination standards, without any size limits.
LZ3	Medium	Urban areas, as defined by the 2000 U.S. Census.	Special districts within a default LZ3 may be designated as a LZ4 by local jurisdiction for high intensity nighttime use, such as entertainment or commercial districts or areas with special security considerations requiring very high light levels.	Special districts and government designated parks within a default LZ3 zone may be designated as LZ1 or LZ2 by the local jurisdiction, without any size limits.
LZ4	High	None.	Not applicable.	Not applicable.

Figure 2: Lighting Zone Descriptions and Applicability per Title 24 2016 Article 1

2.1.2 California Code of Regulations Title 24 Part 6

Part 6 of Title 24 is known as the Efficiency Standards, and includes mandatory requirements for indoor and outdoor lighting and lighting controls. Specific to outdoor lighting, the standard provides prescriptive maximum limitations on lighting power density (LPD), measured in watts per square foot, for various use types as a function of lighting zone. The standard also includes prescriptive lighting controls requirements for outdoor applications, including but not limited to the use of occupancy-based

I311-8

COMMENT

I311-8-2

Page: 2

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:15:49 PM
what is the threshhold of significance for existing residential uses, and was this criteria used to exclude analysis of existing residential use at 737 2nd street?

RESPONSE

I311-8-2 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

2.2.3 Sensitive Receptors: Glare

Based on the CIE guide, for environmental zone E4, building façade luminance for both pre- and post-curfew are considered obtrusive when they are in excess of 25 cd/m². Sign luminance is considered obtrusive when it is in excess of 1,000 cd/m². Glare results for the proposed project can be found in Section 6.1.2 below. Results of the specific glare analysis focused on the specific areas of concern, including the Turning Basin, can be found in Section 6.2 below.

Light Technical Parameter	Application Conditions	Environmental Zones				
		E0	E1	E2	E3	E4
Building Façade Luminance (L_s)	Taken as the product of the design average illuminance and reflectance divided by π.	< 0,1 cd/m²	< 0,1 cd/m²	5 cd/m²	10 cd/m²	25 cd/m²
Sign Luminance (L_s)	Taken as the product of the design average illuminance and reflectance divided by π, or for self-luminous signs, its average luminance.	< 0,1 cd/m²	50 cd/m²	400 cd/m²	800 cd/m²	1 000 cd/m²
NOTE The values apply to both pre- and post-curfew, except that in Zones 0 and 1 the values shall be zero post-curfew. The values for signs do not apply to signs for traffic control purposes.						

Figure 6: CIE 150:2017 Maximum Permitted Values of Average Surface Luminance

While no standards currently exist in the US pertaining to limiting the glare of sports lighting as viewed from neighboring locations, the European Committee for Standardization, in their publication CEN EN 12193:2007 "Light and lighting – Sports lighting", provides guidance for limiting the maximum intensity of sports light fixtures, measured in candela (cd), in the direction of sensitive sites to limit obtrusive light, as shown in Figure 7. The standard states "To safeguard and enhance the night time environment it is necessary to control obtrusive light, which can present physiological and ecological problems to surroundings and people." "Obtrusive light" is defined in the standard as "spill light which because of quantitative, directional or spectral attributes in a given context give rise to annoyance, discomfort, distraction or reduction in the ability to see essential information."

Environmental zone	Light on properties		Luminaire intensity		Upward light
	E_v lx		I cd		ULR
	Pre-curfew[a]	Post-curfew	Pre-curfew	Post-curfew	%
E1	2	0	2 500	0	0
E2	5	1	7 500	500	5
E3	10	2	10 000	1 000	15
E4	25	5	25 000	2 500	25
[a] In case no curfew regulations are available, the higher values shall not be exceeded and the lower values should be taken as preferable limits.					

Figure 7: EN 12193:2007 Maximum Obtrusive Light Permitted for Exterior Lighting Applications

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COMMENT

I311-8-3

Page: 6

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:00:33 PM
define sensitive receptor. Is it not residents who live immediately adjacent to the stadium?

RESPONSE

I311-8-3 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

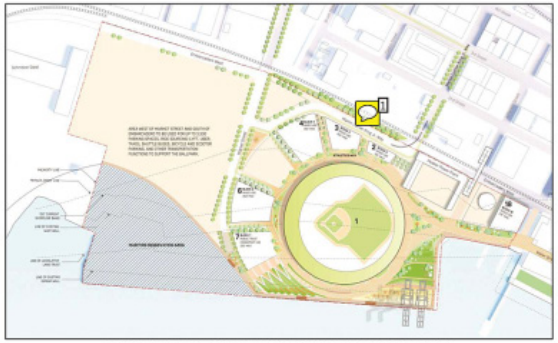

Figure 10: "Phase 1" scenario site plan for MRA Project

3.4 "Full Buildout" Scenario

The "Full Buildout" is intended to capture the extent of the full site development. This includes the development of buildings on the balance of the property, construction of additional roadways, and activation of additional park and green space. Surface parking is anticipated to be eliminated in this scenario.

Figure 11: "Full Buildout" site plan for Baseline Project

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COMMENT

I311-8-4

Page: 9

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 2:43:05 PM
this diagram shows planting and landscaping outside project boundaries, within UP ROW. This gives a false impression of landscaping to be provided. Please correct false information. UP scoping letter indicated no facilities would be allowed within their lands.

RESPONSE

I311-8-4 See Response to Comment I307-1-14.

I311-8

COMMENT

RESPONSE

4 Methodology

4.1 Receptor Site Identification

Sensitive receptor sites were identified by E[illegible] their 1 February 2019 memo, included as an appendix to that report. The memo identified six key receptor sites, as shown below in Figure 25.

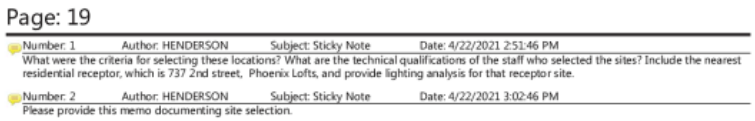
Figure 25: Receptor sites identified by ESA in their 1 February 2019 memo indicating receptor site locations and numbers in pink. Note that the project boundary (in red) is incorrect; refer to the project boundary shown in the plan diagrams in Section 3 above.

Two receptor sites, Site 5 and Site 6, were identified to be located on the highway. Since full measurements were not feasible at those locations due to safety concerns, alternate sites were identified and confirmed with ESA. Additionally, subcategories of receptor sites were added to allow the assessment to include the potential impacts of the Gondola variant, including its two stations and central support tower. Figure 26 indicates the final receptor site locations and orientations used for this analysis.

I311-8

COMMENT

I311-8-5


Page: 19

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 2:51:46 PM
What were the criteria for selecting these locations? What are the technical qualifications of the staff who selected the sites? Include the nearest residential receptor, which is 737 2nd street, Phoenix Lofts, and provide lighting analysis for that receptor site.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:02:46 PM
Please provide this memo documenting site selection.

RESPONSE

I311-8-5 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

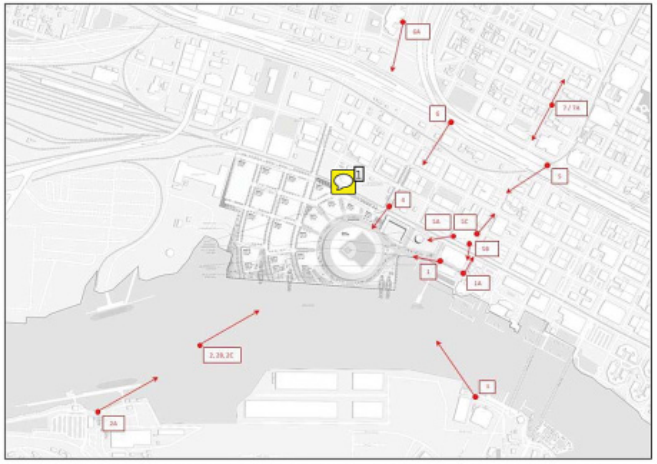


Figure 26: Expanded receptor site location map showing the locations of the receptor sites and their orientations

4.2 Equipment

All luminance and illuminance measurements were taken using a Sekonic L-758 light meter, as shown in Figure 27.

Figure 27: Light meter used for luminance and illuminance measurements

All photographs were taken using a Canon EOS Rebel T6i with an 18-55mm IS SM lens kit, as shown in Figure 28. A tripod was used to allow photographs to be taken at approximately 5'-6" above grade. The camera has a 24.2 megapixel CMOS sensor and fully manual modes, including manual focus.

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COMMENT

I311-8-6

Page: 20

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 2:52:58 PM
provide analysis at nearest residential receptor, 737 2nd street. What was the methodology for selection of sites?

RESPONSE

I311-8-6 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

assigned a 40% light reflectance value. All lighting was modeled assuming initial conditions, and do not account for any depreciation due to dirt, age, weather exposure, or other factors.

AGI renderings showing false-color luminance values were exported from each receptor site to provide a direct before-and-after comparison of the anticipated impact of the project. The mesh levels required for accurate calculations associated with surface or entity size, for some portions of the model, required such tight meshing that the mesh boundaries in the exported renderings somewhat obscure the displayed false-color representation of the anticipated luminances.

4.5.3 Lighting

Since the project is in early conceptual design, the specifics of the lighting design such as luminaire selection and placement have not been developed. As such, the lighting information available via the lighting masterplan was at a coarse level of detail, indicating illuminance targets for all major activities anticipated within the project.

To allow the impact of that lighting to be modeled, the various surfaces within the project were assigned luminances within AGI32, effectively allowing them to "glow" via reflected light. This method allows for the effect of the light to be modeled without having to model the luminaires themselves. Based on the lighting masterplan and the proposed geometry, Table 1 provides the pre-curfew modeled surface luminances and Table 2 provides the post-curfew modeled surface luminances. The luminances were derived using the assumed light reflectance values listed previously, assuming a Lambertian distribution.

	Illuminance, [lux]	Reflectance	Luminance, [cd/m²]
Retail Storefronts*	300	50%	47.7
Mixed-Use Facades	35	50%	5.6
Roof Garden	60	40%	7.6
Intersections	18	10%	0.6
Streets - Primary	20	10%	0.6
Streets - Secondary	20	10%	0.6
Plazas/Parks	6	10%	0.2
Athletics Way	6	10%	0.2
Ballpark Façade	100	50%	15.9
Gondola Loading Platforms	200	10%	6.4
Surface Parking	10	10%	0.3

Table 1: Initial luminances pre-curfew (applies to game and non-game nights)

*Retail storefront luminance pre-curfew is intended to capture the impact of interior lighting emanating from within

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COMMENT

I311-8-7

Page: 23

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 2:54:17 PM
Include roof garden at 737 2nd street in the analysis

RESPONSE

I311-8-7 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

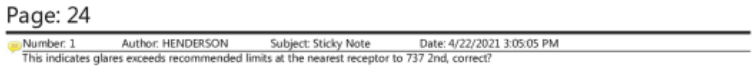
Receptor Site	Measured Existing Maximum Glare, (cd/m²)	BASELINE PROJECT									
		GAME NIGHTS						NON-GAME PRE-CURFEW		POST-CURFEW	
		Baseline Ballpark Height		Reduced Ballpark Height		Rotated Ballpark		Baseline Ballpark Height		Baseline Ballpark Height	
		Phase 1	Full Buildout	Phase 1	Full Buildout	Phase 1	Full Buildout	Phase 1	Full Buildout	Phase 1	Full Buildout
Receptor Site 1 - Water Street at Clay (Facing Ballpark)	220	3,500	3,500	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a
Receptor Site 1A - Water Street at Washington (Facing Gondola)	1,300	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2 - Inner Harbor Turning Basin @ 190'	56	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2A - Turning Basin Line-of-Sight	100	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2B - Inner Harbor Turning Basin @ 64'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2C - Inner Harbor Turning Basin @ 35'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 3 - Alameda Dock	40	3,500	3,500	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a
Receptor Site 4 - MLK at Embarcadero	1,100	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5 - I880 Westbound	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5A - 2nd at Washington (Facing Ballpark)	56	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5B - 2nd at Washington (Facing JLS Station)	180	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5C - 2nd at Washington (Facing Convention Center Station)	10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 6 - I980 Ramp to Eastbound I880	n/a	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 6A - 7th at Brush	74	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 7 - 8th at Washington (Facing Convention Center Station)	5,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 7A - 8th at Washington (Facing Tower)	2,700	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Table 22: Summary of glare results for Signage for the Baseline Project [Note: Threshold of significance is 1,000 cd/m² for signage. "n/a" indicates receptor sites that do not have a direct view of the signage]

I311-8

COMMENT

I311-8-8



RESPONSE

I311-8-8 The comment in question refers to results of the glare impact analysis for previously proposed designs for the ballpark (Baseline Ballpark Height and Reduced Ballpark Height). The current ballpark design is identified in the Project lighting analysis report (Draft EIR Appendix AES.1) as the "Rotated Ballpark." With the current design, the receptor at Martin Luther King Jr. Way and Embarcadero would not have a direct line-of-sight view of the signage and therefore would not be adversely affected by glare from signage, as is explained in the note at the bottom of the report's Tables 22 and 23. Inasmuch as the signage would likewise not be directly visible from 737 2nd Street, no adverse glare from signage would result at that location. See also Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

Receptor Site	Measured Existing Maximum Glare, [cd/m²]	MRA PROJECT									
		GAME NIGHTS						NON-GAME PRE-CURFEW		POST-CURFEW	
		Baseline Ballpark Height		Reduced Ballpark Height		Rotated Ballpark		Baseline Ballpark Height		Baseline Ballpark Height	
		Phase 1	Full Buildout	Phase 1	Full Buildout	Phase 1	Full Buildout	Phase 1	Full Buildout	Phase 1	Full Buildout
Receptor Site 1 - Water Street at Clay (Facing Ballpark)	220	3,500	3,500	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a
Receptor Site 1A - Water Street at Washington (Facing Gondola)	1,300	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2 - Inner Harbor Turning Basin @ 190'	56	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2A - Turning Basin Line-of-Sight	100	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2B - Inner Harbor Turning Basin @ 64'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 2C - Inner Harbor Turning Basin @ 25'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 3 - Alameda Dock	40	3,500	3,500	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a
Receptor Site 4 - MLK at Embarcadero	1,100	3,500	3,500	3,500	1	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5 - I880 Westbound	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5A - 2nd at Washington (Facing Ballpark)	56	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5B - 2nd at Washington (Facing JLS Station)	160	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 5C - 2nd at Washington (Facing Convention Center Station)	10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 6 - I980 Ramp to Eastbound I880	n/a	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 6A - 7th at Brush	74	3,500	3,500	3,500	3,500	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 7 - 8th at Washington (Facing Convention Center Station)	5,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Receptor Site 7A - 8th at Washington (Facing Tower)	2,700	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Table 23: Summary of glare results for Signage for the MRA Project [Note: Threshold of significance is 1,000 cd/m² for signage. "n/a" indicates receptor sites that do not have a direct view of the signage]

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COMMENT

I311-8-9

Page: 25

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:05:55 PM
This indicates glares exceeds recommended limits at the nearest receptor to 737 2nd, correct?

RESPONSE

I311-8-9 See Responses to Comment I311-8-8.

I311-8

COMMENT

RESPONSE

IES File – A type of file which contains the photometric data for a luminaire. Compatible with the light calculation software AGI32.

Illuminance – The density of light incident on a surface typically reported in units of lux (lumens per square meter) or footcandles (lumens per square foot).

- Vertical – The density of light incident on a vertical plane measured at a point.
- Horizontal – The density of light incident on a horizontal plane measured at a point.
- Example: One 60W incandescent light bulb will generate 1 lux at a distance of approximately 8 meters (26 ft)

Lambertian reflectance – A material property which describes a perfectly diffuse reflecting surface which scatters light evenly in all directions.

LED – A light-emitting diode. A type of light source that emits light by allowing current to flow through a small semiconductor.

Light Loss Factor – A value assigned to represent the depreciation of light from a source at some point in time in the future as compared to the initial light output.

Light Pollution – The negative environmental impacts caused by light at night.

Light Trespass – The measurable amount of light incident on adjacent or distant locations (spill light).

Lighting Power Density – The amount of light measured in watts over a single square foot of area.

Lighting Zone – A lighting designation that categorizes locations based on expected ambient brightness.

Lumen – A fundamental measurement of light quantity.

Luminaires – A complete light fixture assembly.

Luminance – The intensity of light in a given direction typically reported in units of candela per meter squared.

- Example: One 60W incandescent light bulb (frosted) has a luminance of approximately 120,000 cd/m^2
- Luminance describes the photometric brightness of an object, but the perceptual brightness (how bright something seems) is highly dependent on ambient brightness and contrast

Nadir – A direction pointing directly down from or below a given location.

Occupancy-Based Controls – A method of controlling light in response to occupancy.

Overexposure – In photography, the result of extra or excess light entering the camera through the lens to produce an image which is brighter or more washed-out but allows for dark details to be seen.

Parametric – An iterative approach to a process where variables are altered in a regular sequence.

Radiosity – A method of calculating reflected light through diffuse reflection.

Sensitive Receptor Site – Locations determined as potentially being sensitive to a development.

Sky Glow – The visible brightness of the night sky that obscures view of celestial bodies.

Spill Light – See Light Trespass.

I311-8

COMMENT

I311-8-10

Page: 26

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:18:53 PM
Please document how an existing residential condomuinium that faces the site with walls of windows would not be considered a sensitive receptor. Provide an amended analysis documenting site conditions and potential impacts.

RESPONSE

I311-8-10 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

8.1.1.1.3 Glare

Figure 86 through Figure 101 illustrate the luminances anticipated to be observed from the identified receptor sites for this lighting condition. Note that the scale associated with each receptor site view approximately matches the scale used for the associated site's existing conditions HDR falsecolor images. Table 31 summarizes the anticipated glare significance at the receptor sites. Additionally, as noted in Section 4.5.3, the modeled retail lighting is included for pre-curfew times to capture the impact of interior lighting emanating through windows as a conservative contribution to spill light assessment; the modeled luminance, therefore, is an interior luminance and not subject to glare limitations directly.

Receptor Site	Facades		Signage	
	Maximum, [cd/m²]	Significant	Maximum, [cd/m²]	Significant
Receptor Site 1 - Water Street at Clay (Facing Ballpark)	15.9	No	3,500	Yes
Receptor Site 1A - Water Street at Washington (Facing Gondola)	6.4	No	n/a	n/a
Receptor Site 2 - Inner Harbor Turning Basin @ 190'	15.9	No	n/a	n/a
Receptor Site 2A - Turning Basin Line-of-Sight	15.9	No	n/a	n/a
Receptor Site 2B - Inner Harbor Turning Basin @ 64'	15.9	No	n/a	n/a
Receptor Site 2C - Inner Harbor Turning Basin @ 25'	15.9	No	n/a	n/a
Receptor Site 3 - Alameda Dock	15.9	No	3,500	Yes
Receptor Site 4 - MLK at Embarcadero	15.9	No	3,500	Yes
Receptor Site 5 - I880 Westbound	15.9	No	n/a	n/a
Receptor Site 5A - 2nd at Washington (Facing Ballpark)	15.9	No	3,500	Yes
Receptor Site 5B - 2nd at Washington (Facing JLS Station)	6.4	No	n/a	n/a
Receptor Site 5C - 2nd at Washington (Facing Convention Center Station)	1.6	No	n/a	n/a
Receptor Site 6 - I980 Ramp to Eastbound I880	15.9	No	3,500	Yes
Receptor Site 6A - 7th at Brush	15.9	No	3,500	Yes
Receptor Site 7 - 8th at Washington (Facing Convention Center Station)	6.4	No	n/a	n/a
Receptor Site 7A - 8th at Washington (Facing Tower)	0.0	No	n/a	n/a

Table 31: Summary of anticipated glare significance at receptor sites for the Baseline project, Baseline ballpark height, "Phase 1" scenario Game Night lighting conditions. [Note: Threshold of significance is 25 cd/m² for façade lighting and 1,000 cd/m² for digital signage]

I311-8

COMMENT

I311-8-11

Page: 30

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:09:10 PM
Provide analysis at senitive receptor 7237 2nd. From this analysis, it appears there would be a significant impact.

RESPONSE

I311-8-11 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

RESPONSE

8.1.2.1.3 Glare

Figure 137 through Figure 152 illustrate the luminances anticipated to be observed from the identified receptor sites for this lighting condition. Note that the scale associated with each receptor site view approximately matches the scale used for the associated site's existing conditions HDR falsecolor images. Table 37 summarizes the anticipated glare significance at the receptor sites. Additionally, as noted in Section 4.5.3, the modeled retail lighting is included for pre-curfew times to capture the impact of interior lighting emanating through windows as a conservative contribution to spill light assessment; the modeled luminance, therefore, is an interior luminance and not subject to glare limitations directly.

Receptor Site	Facades		Signage	
	Maximum, [cd/m²]	Significant	Maximum, [cd/m²]	Significant
Receptor Site 1 - Water Street at Clay (Facing Ballpark)	15.9	No	3,500	Yes
Receptor Site 1A - Water Street at Washington (Facing Gondola)	6.4	No	n/a	n/a
Receptor Site 2 - Inner Harbor Turning Basin @ 190'	15.9	No	n/a	n/a
Receptor Site 2A - Turning Basin Line-of-Sight	15.9	No	n/a	n/a
Receptor Site 2B - Inner Harbor Turning Basin @ 64'	15.9	No	n/a	n/a
Receptor Site 2C - Inner Harbor Turning Basin @ 25'	15.9	No	n/a	n/a
Receptor Site 3 - Alameda Dock	15.9	No	3,500	Yes
Receptor Site 4 - MLK at Embarcadero	15.9	No	3,500	Yes
Receptor Site 5 - I880 Westbound	15.9	No	n/a	n/a
Receptor Site 5A - 2nd at Washington (Facing Ballpark)	15.9	No	3,500	Yes
Receptor Site 5B - 2nd at Washington (Facing JLS Station)	6.4	No	n/a	n/a
Receptor Site 5C - 2nd at Washington (Facing Convention Center Station)	1.6	No	n/a	n/a
Receptor Site 6 - I980 Ramp to Eastbound I880	15.9	No	3,500	Yes
Receptor Site 6A - 7th at Brush	15.9	No	3,500	Yes
Receptor Site 7 - 8th at Washington (Facing Convention Center Station)	6.4	No	n/a	n/a
Receptor Site 7A - 8th at Washington (Facing Tower)	0.0	No	n/a	n/a

Table 37: Summary of anticipated glare significance at receptor sites for the Baseline project, Baseline ballpark height, "Full Buildout" scenario Game Night lighting conditions. [Note: Threshold of significance is 25 cd/m² for façade lighting and 1,000 cd/m² for digital signage]

I311-8

COMMENT

I311-8-12

Page: 31

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:12:58 PM
quantify glare impacts at 737 2nd street residences

RESPONSE

I311-8-12 See Responses to Comments I307-4-1 and O-36-11.

I311-8

COMMENT

COMMENT

AES.2 Pedestrian Wind Study

REPORT

OAKLAND ATHLETICS' NEW BALLPARK

OAKLAND, CA

PEDESTRIAN WIND STUDY
RWDI # 1900310
October 21, 2020

SUBMITTED TO

Noah Rosen
Project Manager
nrosen@athletics.com

Oakland Athletics
Oakland-Alameda County Coliseum
7000 Coliseum Way
Oakland, CA. 94621
T: 510.638.4900

SUBMITTED BY

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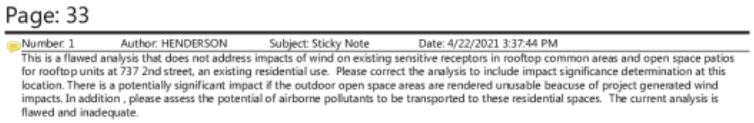
T: 519.823.1311
F: 519.823.1316

I311-8

COMMENT

I311-8-13


Page: 33

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:37:44 PM

This is a flawed analysis that does not address impacts of wind on existing sensitive receptors in rooftop common areas and open space patios for rooftop units at 737 2nd street, an existing residential use. Please correct the analysis to include impact significance determination at this location. There is a potentially significant impact if the outdoor open space areas are rendered unusable beacuse of project generated wind impacts. In addition , please assess the potential of airborne pollutants to be transported to these residential spaces. The current analysis is flawed and inadequate.

RESPONSE

I311-8-13 Regarding winds on the roof of 737 2nd Street, see Response to Comment I-307-4-15. Regarding the use of 737 2nd Street, as explained in Response to Comment O-36-11, this building is not considered a residential use under the Oakland Planning Code. However, the building at 737 Second Street (Phoenix Lofts) contains commercial live/work facilities and thus can be presumed to have people living in these units.

Regarding air quality effects, see Draft EIR Section 4.2, *Air Quality*.

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RESPONSE

PEDESTRIAN WIND STUDY
OAKLAND ATHLETICS' NEW BALLPARK
RWDI #1900310
October 21, 2020

1 INTRODUCTION

RWDI was retained to conduct a pedestrian wind assessment for the Oakland Athletics' proposed new ballpark and mixed-use project along the Oakland Estuary waterfront in Oakland, CA (**Image 1**). This report presents the project objectives, background and approach, and the results from RWDI's assessment.

1.1 Project Description

It is our understanding that the project is adjacent to the Inner Harbor and includes the construction of both the ballpark at approximately 120 feet in height and several residential and office towers ranging from 100 to 600 feet in height.

1.2 Objectives

The objective of the study was to assess the effect of the proposed development on local conditions in pedestrian areas on and around the study site and provide recommendations for minimizing adverse effects, if needed. This quantitative assessment was based on wind speed measurements on a scale model of the project and its surroundings in one of RWDI's boundary-layer wind tunnels. These measurements were combined with the local wind records and compared to appropriate criteria for gauging wind comfort and safety in pedestrian areas on the project site.

Image 1: Aerial View of Site and Surroundings (Photo Courtesy of Google™ Earth)

rwdi.com

Page 1

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COMMENT

I311-8-14

Page: 37

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 3:35:29 PM

This is a flawed analysis that does not address impacts of wind on existing sensitive receptors in rooftop common areas and open space patios for rooftop units at 737 2nd street, an existing residential use. Please correct the analysis to include impact significance determination at this location.

RESPONSE

I311-8-14 See Response to Comment I311-8-13.

I311-8

COMMENT

RESPONSE

PEDESTRIAN WIND STUDY
OAKLAND ATHLETICS' NEW BALLPARK
RWDI #1900310
October 21, 2020

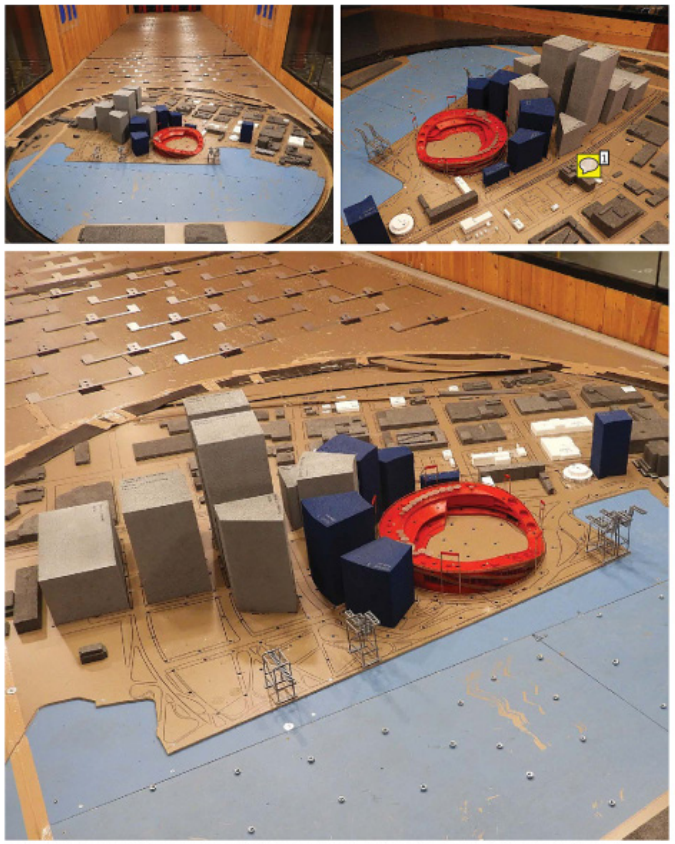

Image 2C: Wind Tunnel Study Model - Existing + Stadium + Phase 1 + Maritime Reservation Scenario

rwdi.com

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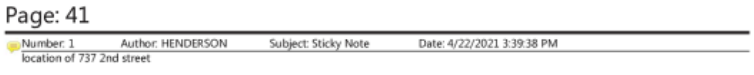
COMMENT

I311-8-15



RESPONSE

I311-8-15 The comment points out the location of 737 2nd Street on Image 2C of the Project's wind analysis report (Appendix AES.2). Regarding wind effects on 737 2nd Street, see Response to Comment I307-3-6.

I311-8

COMMENT

RESPONSE

Image 8: Examples of Walkways Sheltered by a Canopy, Overhang or Street Art

Localized wind screens or landscaping that slows winds along sidewalks and protects places where pedestrians are expected to gather or linger can also be effective. These localized measures should be placed to the west of the areas of concern.

Landscaping typically affects winds locally - the larger the tree crown and canopy, the greater the area of influence. Tall, slender trees with little foliage have little to no effect on local winds speeds at ground level because of the height of the foliage above ground. Shorter street trees with larger canopies help reduce winds around them but their influence on conditions farther away is limited.

Solid windscreens have a greater effect at reducing the wind speeds to immediate leeward side of the screens, however, outside of this area of influence, the winds are either unaffected or accelerated. Porous windscreens have less of an effect to the immediate leeward side. However, they have an increased area of influence and are less likely to cause any accelerations of the winds further downwind. Examples of effective localized wind reduction measures are shown in **Image 11**.

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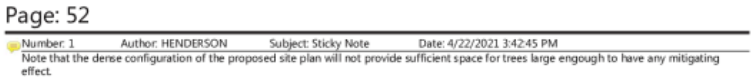
COMMENT

I311-8-16



RESPONSE

I311-8-16 The comment claims that landscaping, including tree planting, would not reduce pedestrian winds, given the Project's proposed density. Although landscaping is not presumed, in and of itself, to avoid significant wind impacts, based on experience in wind tunnel testing and in the real world, landscaping—including tree planting—would be anticipated to have some ameliorative effect on local wind conditions (i.e., around the bases of tall buildings).

I311-8

COMMENT

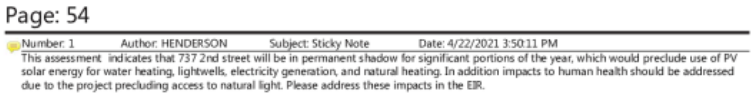
RESPONSE

AES.3 MRS Shadow Diagram

I311-8

COMMENT

I311-8-17



RESPONSE

I311-8-17 This comment refers to the shadow diagrams for the Maritime Reservation Scenario in Draft EIR Appendix AES.3. The maximum building heights, on which shadow diagrams for both the Project and the Maritime Reservation Scenario are based, would not change under the Maritime Reservation Scenario relative to those for the Proposed Project. Likewise, the maximum potential massing of most buildings would not change. The only exceptions are the blocks that would be eliminated or reduced in footprint to accommodate the expanded turning basin—the blocks closest to the Oakland-Alameda Estuary at the Project site's southwest corner. Therefore, shadow effects of the Maritime Reservation Scenario on the building at 737 2nd Street would be virtually identical to those of the Project. This can be seen in a comparison between the Project shadow images in Draft EIR Figures 4.1-22 through 4.1-29, pp. 4.1-54 through 4.1-61, and those for the Maritime Reservation Scenario in Draft EIR Appendix AES.3, MRS Shadow Diagrams. See Responses to Comments O-57-24 and I-311-2-15.

I311-8

COMMENT

Appendix TRA
Transportation Supporting Information

COMMENT

Good Neighbor Policies

- Create generous pedestrian queuing areas at the Ballpark to minimize the number of pedestrians potentially impacting neighborhood areas.
- Promote pre- and post-game routes emphasizing the use of Market Street and Martin Luther King Jr. Way for vehicles.
- Ensure that access to neighborhood buildings, parking, and sidewalks for daily users in the Jack London District, Old Oakland, Chinatown and West Oakland will not be unreasonably impeded.
- Integrate the site seamlessly with the surrounding neighborhoods to create a porous, accessible, and welcoming environment.
- Minimize vehicular congestion from the project and avoid conflict between vehicular, pedestrian, and bicycle traffic generated by the project with Seaport operations, including drayage truck routes and traffic.

Media Requirements

- Locate media to provide for reliable satellite connections as per MLB guidelines while routing cables in such a way that prioritizes the safety of pedestrians

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1.2. TMP Document Context

The TMP is one of three documents related to the Ballpark with a substantial transportation component. The other two documents are an Environmental Impact Report (EIR), which will be prepared in compliance with CEQA, and the technical memorandums supporting the EIR, which are appendices to the EIR and include detailed information regarding potential transportation impacts and recommendations outside the purview of CEQA.

1.3. Key Stakeholders

Overall management of the TMP will be overseen by the A's, the City of Oakland, and the Port of Oakland. The A's will have responsibility for implementation of the Plan, and the City of Oakland and Port of Oakland will provide feedback and direction to the A's to modify the TMP as needed, based on the results of monitoring reports. Any proposed revisions to the TMP will be subject to the City of Oakland approval.

In addition, like other sports and entertainment venues, it is expected the A's will seek approvals and/or enter into agreements with various agencies and/or vendors to provide the changes necessary to implement this TMP. Because the Oakland Department of Transportation (OakDOT) and the Oakland Police Department (OPD) have roles for maintaining and operating the transportation system in the project vicinity, and the

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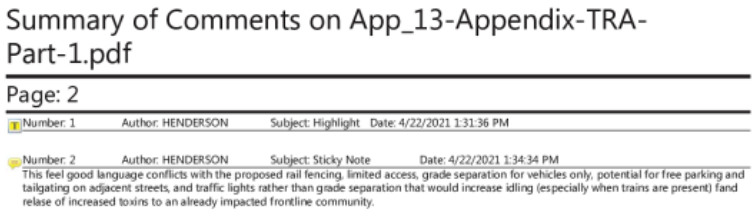
COMMENT

I311-8-18



Summary of Comments on App_13-Appendix-TRA-Part-1.pdf

Page: 2

Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 1:31:36 PM

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 1:34:34 PM

This feel good language conflicts with the proposed rail fencing, limited access, grade separation for vehicles only, potential for free parking and tailgating on adjacent streets, and traffic lights rather than grade separation that would increase idling (especially when trains are present) fand relase of increased toxins to an already impacted frontline community.

RESPONSE

I311-8-18 The commenter expresses disapproval of the content of the *Good Neighbor Policies* section of the draft Transportation Management Plan (TMP). This TMP section outlines some high-level policies aimed at promoting accessibility between neighboring areas and the Project site. See Table 1-1 of the TMP, which outlines how community groups would be involved in operational planning to help ensure a smooth transition into the existing neighborhood.

The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I311-8

COMMENT

10. At-Grade Rail Crossings

Railroad tracks serving passenger and freight services lie parallel to the north of Embarcadero West. Passenger rail currently runs 42 trains per weekday and 34 trains per weekend day on these tracks. Freight rail does not operate on a set schedule, but field observations conducted the week of July 22 through 28 (2019) at the Market Street and Martin Luther King Jr. Way at-grade crossings found that an average of six freight trains passed through the corridor each day between 11:00 AM and 11:00 PM. Several at-grade crossings for pedestrians and vehicles exist in the project vicinity and are described below.

Broadway crosses two tracks and provides two gates. The southbound approach provides a single-arm gate and overhead flashing lights, and the northbound approach provides a single-arm gate. Both approaches provide pedestrian-level flashing warning lights on both sides of the street. Crosswalks are marked across the tracks on both sides of the street, although the crosswalks are outside of the crossing arms.

Washington Street crosses two tracks and provides two gates. Both southbound and northbound approaches provide a single-arm gate. Crosswalks are marked across the tracks on both sides of the street. Both crosswalks are outside of the crossing arms and do not provide additional warnings to pedestrians about oncoming trains.

Clay Street crosses two tracks and provides two gates. Both southbound and northbound approaches provide a single-arm gate. Pedestrians are directed by signage to cross using a marked crosswalk across the tracks on the east side of the street. However, this crosswalk is on the outside of the crossing arms and does not provide additional warnings to pedestrians about oncoming trains.

RESPONSE

I311-8

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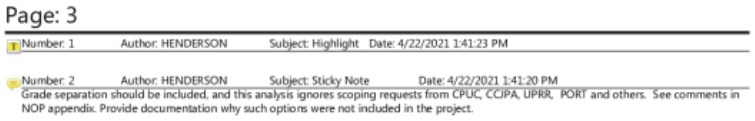

I311-8-19

I311-8-20

RESPONSE

I311-8-19 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I311-8-20 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I311-8

COMMENT

RESPONSE

This emergency vehicle access would be made available to police, fire, ambulance and other emergency service providers only for the purpose of responding to an emergency at Howard Terminal when other means of access to and from the area are unavailable or sub-optimal.

The Oakland Fire Department has requested the following general transportation features to serve events at the Ballpark:

- Designated space for dispatching emergency services personnel within the Ballpark. This could be a room for EMT personnel or a similar facility.
- A grade-separated crossing over the railroad tracks that can serve a light vehicle, such as an ATV.
- A clear path to the Ballpark through all non-motorized areas.
- Emergency vehicle access around the entire Ballpark.

Collaboration with the Oakland Fire Department is ongoing, and this document will be updated to reflect the discussions. An incident command staging area may be provided to provide multiple emergency vehicles with clear in/out access to reduce response times. The mobility coordinator will communicate with the Oakland Fire Department for changes to operational needs.

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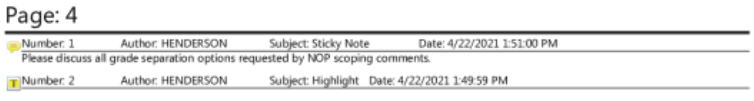
COMMENT

I311-8-21



RESPONSE

I311-8-21 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*. Also, please note that the Oakland Fire Department's request for emergency access is addressed by the emergency vehicle access described in Section 3.8.6 of the Draft EIR.

I311-9 Andrew Peters (Part 10)

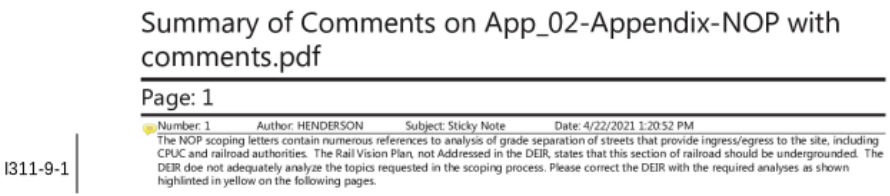
COMMENT

RESPONSE

Appendix NOP
Notice of Preparation

I311-9

COMMENT


Summary of Comments on App_02-Appendix-NOP with comments.pdf

Page: 1

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/22/2021 1:20:52 PM

The NOP scoping letters contain numerous references to analysis of grade separation of streets that provide ingress/egress to the site, including CPUC and railroad authorities. The Rail Vision Plan, not Addressed in the DEIR, states that this section of railroad should be undergrounded. The DEIR doe not adequately analyze the topics requested in the scoping process. Please correct the DEIR with the required analyses as shown highlinted in yellow on the following pages.

I311-9-1

RESPONSE

I311-9-1 The commenter has highlighted portions of letters submitted in response to the Notice of Preparation, which were used to inform the analysis presented in the Draft EIR. For more discussion of the issues addressed in the highlighted portions of the letters, please see Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, Consolidated Response 4.9: *The Proposed Project with Grade Separation Alternative*, and Consolidated Response 4.11, *Quiet Zone*. Also see Draft EIR Section 4.10, Impact LUP-3, regarding public trust restrictions, the air quality analysis presented in Section 4.2 of the Draft EIR, the transportation analysis presented in 4.15 of the Draft EIR, Consolidated Response 4.14, *Environmental Justice*, and Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment.*

I311-9

COMMENT

COMMENT

STATE OF CALIFORNIA — Edmund G. Brown Jr., *Governor*

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

December 21, 2018

Peterson Vollmann
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Preparation
Oakland Waterfront Ballpark District
SCH # 2018112070

Dear Mr. Vollmann,

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The project is located near multiple at-grade highway-rail crossings, including:

Crossing Name	CPUC No.	DOT No.
Market St	001D-6.20	749580R
Martin Luther King Way	001D-6.40	749571X
Clay St	001D-6.50	749583L
Washington St	001D-6.60	749584T
Broadway	001D-6.70	749585A
Franklin St	001D-6.75	749586G
Webster St	001D-6.80	749587N
Oakland Jack London Square Station	001D-7.00-D	Unknown
Oak St	001D-7.20	749591D

Please ensure the nearby crossings and tracks comply with applicable federal and state requirements. Applicable state requirements include:

- California Manual on Uniform Traffic Control Devices – Chapter 8 (http://www.dot.ca.gov/hq/traffops/engineering/mutcd/)
- CPUC General Order 26-D, Clearances on railroads and street railroads as to side and overhead structures parallel tracks and crossings,
- CPUC General Order 72-B, Construction and maintenance of crossings
- CPUC General Order 75-D, Warning devices for at-grade railroad crossings
- CPUC General Order 88-B, Alterations of railroad crossings
- CPUC General Order 118, Construction, reconstruction and maintenance of walkways and control of vegetation adjacent to railroad tracks

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:43:11 PM

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:43:13 PM

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A link to the Commission's General Orders and Public Utilities Code can be found here http://www.cpuc.ca.gov/crossings.

1 The adjacent rail line is part of Union Pacific Railroad's (UP) Niles Subdivision and is heavily used by vehicular, pedestrian, and rail traffic. There are currently 62 trains per day, including 24 Amtrak passenger trains. The adjacent Port of Oakland leads to heavy freight rail traffic. The track along this segment becomes street running with the majority of the crossings having three tracks. The area around the track is commercial, with restaurants, stores, hotels, bars, and a theater on either side of the tracks. The public crosses the tracks to access Jack London Square, located south of the tracks. The public will also be required to cross the tracks to access the proposed ballpark. UP has a future plan to reconnect the third track. Use of this third track by trains will completely prevent use of Embarcadero by vehicles. Activation of the third track will greatly hinder access to and from the proposed ballpark.

Over the past ten years there have been multiple vehicular and pedestrian incidents involving trains along this segment of track. Constructing the ballpark will greatly add to both vehicular and pedestrian traffic in the area. Safety of the public must be addressed by the environmental documents.

The CPUC has the following comments on the ballpark project:

- The Environmental Impact Report must address the impacts to the rail line, and all the impacted rail crossings including the crossings outside of the project boundary limits, and detail mitigation measures proposed to be implemented.
- Traffic studies should be performed at every railroad crossing 2 listed in the table above.
- The CPUC will require grade separating the existing Market St and Martin Luther King Jr. Way at-grade crossings as part of the project. The existing crossings are not designed to accommodate the heavy pedestrian and vehicular traffic a ballpark will bring.
  - Heavy train traffic will prevent ingress/egress from the ballpark should the at-grade crossings remain. Both long freight trains and Amtrak passenger trains frequently travel through this rail line, resulting in constant crossing activations. Frequent crossing activations in combination with inebriated fans may increase the likelihood of rail incidents.
  - Any railroad incident in the vicinity will completely block access to the stadium while the train is stopped for the investigation should the crossings remain at-grade.
  - Both situations above will prevent emergency vehicle access to the stadium.
- The proposed pedestrian rail crossing and aerial tram crossing over the existing UP rail line will require Commission authorization via the formal application process.
- The CPUC recommends installing vandal resistant fence along the track.
- Analyzing the location of parking lots and pedestrian travel paths to the stadium is critical. The CPUC recommends minimizing pedestrian exposure to the railroad tracks as much as possible.
- Should crossings remain at-grade, the CPUC will require:
  - A diagnostic review of all of the nearby at-grade highway-rail crossings.
  - Signalizing all the intersections along Embarcadero with railroad preemption.
  - Installing raised concrete medians on the railroad crossing approaches.
  - Installing Americans with Disabilities Act compliant curb ramps at all intersections.

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:43:38 PM

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:43:51 PM

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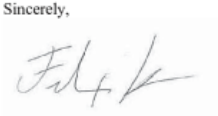
COMMENT

Peterson Vollmann
SCH # 2018112070
December 21, 2018
Page 3 of 3

- The CPUC will require the City to submit a stadium management plan to address crowd control along the rail line during events.
- Train horn noise will increase during events due to the increase in the volume of pedestrians along the tracks.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-3722 or email me at felix.ko@cpuc.ca.gov.

Sincerely,



Felix Ko, PE
Senior Utilities Engineer
Rail Crossings and Engineering Branch
505 Van Ness Ave
San Francisco, CA 94102

3

COMMENT

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Number: 1	Author: HENDERSON	Subject: Highlight	Date: 4/22/2021 12:44:18 PM
Number: 2	Author: HENDERSON	Subject: Highlight	Date: 4/22/2021 12:44:13 PM
Number: 3	Author: HENDERSON	Subject: Highlight	Date: 4/22/2021 12:44:13 PM

I311-9

COMMENT

COMMENT

From: Vollmann, Peterson
To: Jillian Feyk-Miney; Crescentia Brown
Subject: FW: Oakland Waterfront Ballpark District Project NOP Comments
Date: Monday, January 14, 2019 3:38:55 PM
Attachments: image001.png 1
image002.png 2
image003.png 3
image004.png 4
Oakland Waterfront_NOP_comment_ltr_FINAL DRAFT.pdf 5

Peterson Z. Vollmann, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612 | Phone: (510)238-6167 | Fax: (510) 238-4730 | Email: pvollmann@oaklandca.gov | Website: www.oaklandnet.com/planning

From: Boggiano, Reid@SLC [mailto:Reid.Boggiano@slc.ca.gov]
Sent: Monday, January 14, 2019 3:10 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Subject: Oakland Waterfront Ballpark District Project NOP Comments

Hi Peter,

Please see the attached comments on the Oakland Waterfront Ballpark NOP. The link provided in the NOP but did not work. A hardcopy will be mailed to you this week. Thank you.

Reid Boggiano, Granted Lands Program Manager
CALIFORNIA STATE LANDS COMMISSION
External Affairs
100 Howe Avenue, Suite 100-South | Sacramento | CA 95825
Phone: 916.574.0450 | Email: Reid.Boggiano@slc.ca.gov

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Number: 1 Author: Date: Indeterminate

Number: 2 Author: Date: Indeterminate

Number: 3 Author: Date: Indeterminate

Number: 4 Author: Date: Indeterminate

Number: 5 Author: Date: Indeterminate

I311-9

COMMENT

COMMENT

STATE OF CALIFORNIA GAVIN NEWSOM, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 *Fax* **(916) 574-1810**
California Relay Service TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1890**

Established in 1938

January 14, 2019

File Ref: SCH #2018112070

Peterson Vollmann
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

VIA REGULAR & ELECTRONIC MAIL (PVollmann@oaklandca.gov)

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project, Alameda County – Case File Number ER18-016

Dear Mr. Vollmann:

The California State Lands Commission staff has reviewed the NOP for an EIR for the Oakland Waterfront Ballpark District Project (Project) at Howard Terminal. The City of Oakland (City), as the lead agency pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), is preparing the Draft EIR for the Project and the Oakland Athletics Investment Group, LLC d/b/a is the Project sponsor. The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their Public Trust resources, values, and uses. The Commission may also be a responsible agency because of its jurisdiction related to its consideration of any proposed Title Settlement and Exchange Agreement between the Port of Oakland and the Commission or for any approvals the Legislature delegates to the Commission.

Commission Jurisdiction, Public Trust Lands, and Regulatory Authority

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; and 6306). All tide and submerged lands, granted or ungranted, as well as navigable waterways, are subject to the protections of the common law Public Trust Doctrine.

The Project is located largely on current or historic tide and submerged lands held in trust by the City. The most landward portion of Howard Terminal was purchased with Public Trust funds and is owned by the Port of Oakland as a Public Trust asset. Beginning in 1852 and through a series of legislative grants from the state, the City of Oakland was

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:44:50 PM

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granted, in trust, certain sovereign tide and submerged lands located with its boundaries. In 1927, the City delegated to the Port the exclusive authority to hold, manage, and administer all tide and submerged lands originally granted to the City within the Port Area. The Port has, among other powers and duties, the exclusive power to acquire and hold, in the name of the City, lands, real property, property rights, leases and easements, and to sell and exchange lands, as necessary and convenient for development and operation of the Port; exercise on behalf of the City all the rights, powers and duties with respect to subject matters within the Port's jurisdiction, that are now may in the future be vested in the City; and sue and defend in the name of the City all actions and proceedings involving any matters within the Port's jurisdiction.

Public Trust lands held in trust and the revenues generated from these lands must be used for purposes that promote or are consistent with the Public Trust and the applicable granting statutes. All uses of Public Trust lands, including those authorized by the granting statutes, must consider the overarching principle of the Public Trust Doctrine: that Trust lands belong to the statewide public and are to be used for statewide public purposes, not purely for local or municipal purposes. (*Mallon v. City of Long Beach* (1955) 44 Cal.2d 199). The management of Public Trust lands is a matter of statewide importance. Land-use decisions must be made by the local trustee "without subjugation of statewide interest, concerns, or benefits to the inclination of local or municipal affairs…" (Pub. Resources Code § 6009 subd (d).)

Public Trust land uses are generally limited to water-dependent or water-related uses that promote fisheries, commercial navigation, environmental preservation, water-related recreation, enjoyment of the Public Trust lands and resources, and public access to the water. There are many types of Trust consistent uses. The most common are ports, marinas, docks and wharves, buoys, commercial and sport fishing, bathing, swimming, public access amenities, and kayaking or boating. Public Trust lands may also be kept in their natural state or restored and enhanced for habitat, wildlife refuges, scientific study, or open space. Ancillary or incidental uses that directly promote Trust uses, directly support and are necessary for Trust uses or support the public's enjoyment of Trust lands are also permitted. Examples include facilities to serve waterfront visitors, such as hotels, restaurants, visitor-serving retail and recreation, and restrooms. Other examples are commercial facilities that must be located on or adjacent to the water, such as warehouses and container-cargo storage. Uses generally not compatible with Public Trust lands are those that are not water-related or dependent and that do not serve a statewide public purpose. Incompatible uses include residential, general commercial and office uses, and municipal uses, like public schools, hospitals, or municipal government buildings.

Project Description

The sponsor proposes to develop Howard Terminal with these elements:

- Demolish existing buildings on the Project Site, except the existing power plant and the existing container cranes, which may be retained.
- Address hazardous materials that may be present on the Project site.
- Construct the following:
  - A new privately funded, open-air, approximately 35,000 person capacity Major League Baseball park.
  - Up to 4,000 residential units of varying affordability and types.

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  - Approximately 2.27 million square feet of adjacent mixed use development and recreational uses including retail, commercial, office, cultural entertainment, flex light industrial/manufacturing, and recreational uses.
  - A performance venue with a capacity of up to 3,500 individuals.
  - A 300 to 400-room hotel.
- Construct/provide improved access from the surrounding neighborhood and regional transportation networks.
- Construct/provide new waterfront public access, enhanced water views, and on-site open space.
- Comply with AB 734 regarding implementation of sustainability measures, development of a LEED Gold ballpark, and no net increase of greenhouse gas emissions.
- Phase development, with a target completion date of Spring 2023 for construction of Phase 1, including the ballpark, associated infrastructure, and potentially some ancillary development.

General Comment

Impacts to Current and Future Public Trust Uses:

California's maritime facilities and operations are critical to the state and national economies. The California Legislature has unequivocally expressed the importance of maritime commercial at California ports as constituting one of the state's primary economic and coastal resources and an essential element of the national maritime network. It is important that the Port and the City analyze whether and to what extent the Project will impact existing and potential maritime uses at the Howard Terminal and elsewhere within the Port. The potential displacement of Port critical maritime activities is a matter of statewide concern and should be fully analyzed. The Commission, in its role as a fiduciary trustee of the state's Public Trust lands and resources, has a long history of supporting responsible maritime operations at California Ports, including in 2012 where the Commission adopted a resolution supporting California Ports.

Consistency with the Public Trust:

All proposed uses for the Project, including the mixed-use development, performance venue, and Major League Baseball Park, will need to be carefully and critically analyzed to ensure consistency with the Public Trust. Residential units are generally considered to be inconsistent with the Public Trust as residential development is not water dependent or related and entirely privatize public lands and resources.

Evaluating the trust consistency of a proposed project that is outside the traditional Public Trust uses of commerce, navigation, and fisheries is a complex process that depends on the characteristics of the site, the specific project components including design and programming, and the Public Trust needs in the area. Determinations are handled on a case-by-case basis and are intensely fact-specific. Guidance can be found from previous court decisions, opinions of the California Attorney General, and resolutions and advice letters from the Commission.

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Peterson Vollmann Page 4 January 14, 2019

1 A major league baseball park is not a traditional public trust use—it typically does not involve water related commerce, navigation, or fishing. Recreational uses that have no relation to the water and that do not provide a statewide public benefit, are typically not trust-consistent. Whether a recreational venue, like a major league baseball park, has a sufficient connection to the water and enhances the statewide public's use and enjoyment of the water is a critical component in a project's consistency with the Public Trust.

In 1997, the Commission found that an open air, waterfront ballpark of 42,000 seats in San Francisco was consistent with the Public Trust because the identity of the ballpark was tied to its location on the water and it would, among other things, be an important visitor-serving facility integrated into and encouraging Public Trust activities. The Commission found that the ballpark, together with its public spaces and access, visitor-serving specialty shops, and ancillary facilities, complemented the overall use of the waterfront. In addition, the use of the area had evolved from maritime industrial toward non-industrial uses including public recreation and water-oriented retail. The staff report for this approval analyzes factors that led to the Commission's trust consistency determination. While the San Francisco and Oakland shorelines and scale of port operations are vastly different, the factors in the Commission's determination should be carefully reviewed when considering the Oakland Waterfront Ballpark District Project.

In 2013, legislation was enacted that authorized the Commission to approve a multi-use development on Public Trust lands in San Francisco that included a major league basketball arena, if the Commission finds that certain conditions are met. The legislation found that the mixed-use development would not displace any existing maritime uses at the site and would allow the existing maritime uses to continue and expand. The legislation also found that the project would not eliminate any opportunities to develop future maritime cargo facilities on the Port property. The legislation imposed several conditions intended to promote public trust activities. For example, the legislation required that the project attract people to the waterfront, increase public enjoyment of the San Francisco Bay, encourage public trust activities, and enhance public use of trust assets and resources on the waterfront. Another major condition was that the project include a significant and appropriate maritime program. The Commission was authorized to approve the project if it made certain findings including a determination that the project was consistent with the Public Trust. Even though the sites and project elements differ, the factors considered in the legislative findings and the requirements for a trust consistent project are analogous to the considerations that will need to be taken into account when considering the Oakland Waterfront Ballpark District Project.

Potential Title Settlement and Land Exchange:

The NOP states that to implement the proposed Project, it would need "*Port and State Lands Commission approval of a Trust Settlement and Exchange Agreement addressing public trust issues affecting the Project Site*" (NOP, p. 4).

Public Resources Code section 6307 sets forth the conditions under which the Commission may approve a title settlement and exchange agreement. To approve an agreement, the Commission must make all the following findings:

1. The lands or interests in lands to be acquired in the exchange will provide a significant benefit to the public trust.

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2. The exchange does not substantially interfere with public rights of navigation and fishing.
3. The monetary value of the lands or interests in lands received by the trust in exchange is equal to or greater than that of the lands or interests in lands given by the trust in exchange.
4. The lands or interest in lands given in exchange have been cut off from water access and no longer are in fact tidelands or submerged lands or navigable waterways, by virtue of having been filled or reclaimed, and are relatively useless for public trust purposes.
5. The exchange is in the best interests of the state.

The settlement and exchange process may take several years to complete. We look forward to working with the Port, the City and the Project sponsor to discuss the potential for a title settlement.

Environmental Review

Commission staff requests that the City consider the following comments in the preparation of the Project's EIR.

Climate Change

1. Sea-Level Rise: The NOP states that global climate change will be covered in the Draft EIR. Commission staff recommends the Draft EIR discuss and evaluate sea-level rise, particularly the site's vulnerability to inundation via an increase in both total water level *and* total water level combined with storm events, wave action, and king tides. These risks and impacts may result in greater amounts of erosion for exposed vulnerable adjacent shorelines, Public Trust tidelands, and degradation or damage to proposed infrastructure.

   While not contained in the NOP itself, staff understands from news reports that the City proposes raising the Project site by 3.5 feet (42 inches) "to accommodate the 2100 tide event."[1] Commission staff is concerned that this level of protection would be insufficient given the currently available information on expected sea-level rise. Using the Adapting To Rising Tides Bay Shoreline Flood Explorer and program (Bay Conservation and Development Commission, 2018), which the City participated in developing, the City can better understand the impacts and adaptation strategies that would best protect and increase the resiliency of the Project area and the underlying Public Trust tidelands. The life of the Project is likely to extend to the end of the century and therefore sea-level rise will influence the Project site. For example, using the Flood Explorer at 36 inches of sea-level rise (a low projection) plus a 25-year storm surge, total water level would be 66 inches, which would flood over half the Project site under existing conditions. Using a moderate projection of 52 inches and 25-year storm surge yields a total water level of 84 inches, sufficient to inundate the entire Project site.

[1] Athletics President Dave Kaval quoted in https://www.mercurynews.com/2018/11/30/is-the-rising-tide-moving-against-the-as-ambitious-howard-terminal-ballpark-project/

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The City should also consider its report *Oakland Preliminary Sea-Level Rise Road Map*,[2] published in the Fall of 2017, for guidance in planning for the proposed Project. It states (p. 1-3, 1-4):

> *Sea levels offshore of Oakland are expected to rise between 11 and 24 inches by mid-century, and 36 to 66 inches by 2100. The most likely SLR projections are based on a moderate level of global greenhouse gas emissions and continued accelerating land ice melt patterns.*

Given the above information, staff recommends the City follow the step-by-step approach in the State of California Sea-Level Rise Guidance: 2018 Update (Ocean Protection Council, 2018), which itself is based on the State's best available science laid out in Rising Seas in California: An Update on Sea-Level Rise Science (Ocean Protection Council, 2017). By using this approach, the City can describe how the Project would be designed to ensure its resiliency and/or adaptability to anticipated inundation at both mid-century and end of century projections.

The likelihood of more flooding increases the potential for contaminants and other hazardous and toxic materials to spread that could affect groundwater and Bay water quality. Sea-level rise will exacerbate the effects of flooding and increase the risks of water-borne contamination that could degrade water quality and nearshore coastal habitats, reduce public access to waterways, and impact public health and safety. As stated in the NOP, the project site is listed by the Department of Toxic Substances on the EnviroStor database of Hazardous Waste and Substance sites. According to the EnviroStor database webpage, previous contamination occurred due to underground gas storage tanks and gas manufacturing that took place for nearly 60 years on the northeast corner of the site. The Chemicals of Potential Concern (COPCs) identified at the location include polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), petroleum hydrocarbons, metals, and cyanide. Any alteration of the Project site must consider the potentially significant impacts from increased exposure of COPCs to the environment resulting from flood events. Also, since the proposed infrastructure and improvements will be vulnerable to damage and degradation from flood events related to climate change and sea-level rise, there may be marine debris, hazards, and public safety issues. Commission staff suggests the City include a robust analysis of these potential impacts in the Hazards and Hazardous Materials and Hydrology and Water Quality sections of the Draft EIR.

Finally, Commission staff notes the City is required to prepare and submit an assessment of how it proposes to address sea-level rise for its granted Public Trust lands (AB 691, Chapter, 592, Statutes of 2013). The Draft EIR should include a robust discussion of design elements that increase resiliency and protection of vital Project components and show a pathway to future adaptability that protects Public Trust resources, uses, and values.

2. Cultural and Historic Resources Tribal Engagement and Consideration of Tribal Cultural Resources: The NOP indicates that the Draft EIR will include a discussion of Tribal engagement and consideration of Tribal Cultural Resources. To

[2] http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak068799.pdf

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demonstrate compliance with AB 52, Chapter 532, Statutes of 2014, which applies to all CEQA projects initiated after July 1, 2015,[3] the City should ensure the Draft EIR provides sufficient information as to how it has complied with AB 52's procedural and substantive requirements for lead agency consultation with California Native American Tribes, consideration of effects on Tribal Cultural Resources (as defined in Pub. Resources Code, § 21074), and mitigation measures to avoid or minimize impacts to these resources. Even if no Tribe has submitted a consultation notification request for the Project area, the City should:

- Contact the Native American Heritage Commission to obtain a general list of interested Tribes for the Project area.
- Include the results of this inquiry within the Draft EIR.
- Disclose and analyze potentially significant effects to Tribal Cultural Resources and avoid impacts when feasible.

3. Determination of Significance: Regarding significance determinations, CEQA section 21084.2 states that, "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." When feasible, public agencies must avoid damaging effects to Tribal Cultural Resources and keep information Tribes submit confidential. Commission staff recommends that the City ensure the Draft EIR discusses how it determined the appropriate scope and extent of resources meeting the definition of Tribal Cultural Resources and whether locally-affiliated Tribes (Ohlone/Costanoan) were consulted as part of this determination. Including a clear record in the EIR of the City's efforts to comply with AB 52 will assist Commission staff's evaluation of consistency with AB 52 as well as its own Tribal Consultation Policy should the Commission need to act in its responsible agency capacity for the proposed Project

Environmental Justice

4. The NOP does not state whether the City intends to discuss and analyze potential environmental justice related issues, including an assessment of public access and equity implications and who would bear the burdens or benefits from the proposed Project. Commission staff believes the Draft EIR, as an informational public document, is an appropriate vehicle to disclose and discuss how the proposed Project would attain or be consistent with the City's equity goals and statewide policy direction. Specifically, Commission staff notes the following:

   a. The proposed Project appears to be within the "Downtown Oakland Specific Plan" area. While the Specific Plan has not been adopted, the City completed a Downtown Oakland Disparity Analysis in January 2018[4] as part of its commitment to perform an equity impact assessment as part of the Specific Plan. With this process as a backdrop, staff recommends the City increase accountability and transparency by ensuring the Draft EIR discusses how the proposed Project fits together with the Specific Plan and either enhances or impairs achieving the City's equity goals for downtown.

[3] Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 were added to CEQA pursuant to AB 52.
[4] http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak069022.pdf

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b. SB 1000, Chapter 587, Statutes of 2016, sets forth requirements for including environmental justice considerations in new general plans or in general plan amendments that revise two or more elements. While approval of the proposed Project would not trigger the SB 1000 requirement, it would require approval of a zoning change. That fact, together with the Specific Plan pending for the Project area and the age of the City's general plan (1998), argues strongly for inclusion of this topic in the Draft EIR.

c. In December 2018, the Commission adopted an Environmental Justice Policy that establishes equity goals based on guidance from environmental justice communities. Equitable public access and equitable sharing of environmental benefits and burdens are core elements of the Commission's new Policy. Last year, the San Francisco Bay Conservation and Development Commission (BCDC) initiated a Bay Plan Amendment to address social equity and environmental justice by updating several sections of the Bay Plan, including Public Access, Shoreline Protection, and Mitigation, and by adding a new environmental justice section with new findings and policies. Because both the Commission and BCDC are responsible agencies with permitting or approval authority related to the proposed Project, staff recommends the City use the Draft EIR to provide information and analysis that could assist responsible agency review and approval actions related to environmental justice.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee, Commission staff requests that you continue to coordinate with us and consider our comments when preparing the Draft EIR. Please send copies of Project-related documents, including electronic copies of the Draft and Final EIR, Mitigation Monitoring and Reporting Program, and Notice of Determination when they become available.

For questions concerning the Commission's jurisdiction and granted lands, please contact Reid Boggiano at (916) 574-0450 or reid.boggiano@slc.ca.gov. Please refer questions concerning environmental review to me at (916) 574-1897 or eric.gillies@slc.ca.gov.

Sincerely,

Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
S. Pemberton, Commission
R. Boggiano, Commission
A. Kershen, Commission

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:46:53 PM

Number: 2 Author: Eric.Gillies Subject: Stamp Date: 1/14/2019 2:04:18 PM -08'00'

I311-9

COMMENT

COMMENT

From: Vollmann, Peterson
To: Jillian Feyk-Miney; Crescentia Brown
Subject: FW: CCJPA NOP Comments - Oakland Waterfront Ballpark District Project at Howard Terminal
Date: Monday, January 7, 2019 4:50:22 PM
Attachments: CCJPA NOP Comments final.pdf

Peterson Z. Vollmann, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612 | Phone: (510)238-6167 | Fax: (510) 238-4730 | Email: pvollmann@oaklandca.gov | Website: www.oaklandnet.com/planning

From: Catherine Relucio [mailto:creluci@bart.gov]
Sent: Monday, January 7, 2019 4:38 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: James Allison <JimA@capitolcorridor.org>
Subject: FW: CCJPA NOP Comments - Oakland Waterfront Ballpark District Project at Howard Terminal

Please find attached Capitol Corridor Joint Powers Authority's (CCJPA) Comment on Notice of Preparation of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project at Howard Terminal.

Please contact Jim Allison if you have any questions, who is copied above.

Thank you,

Catherine Relucio
Senior Administrative Analyst
Capitol Corridor Joint Powers Authority
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Oakland, CA 94612
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January 7, 2019

Mr. Peterson Vollmann
Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, California 94612

Subject: Capitol Corridor Joint Powers Authority (CCJPA) Comment on Notice of Preparation of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project at Howard Terminal

The CCJPA is sending this correspondence with regards to the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project at Howard Terminal. The CCJPA is the managing entity for the Capitol Corridor Intercity Passenger Rail service, the third busiest intercity passenger rail route in the national Amtrak system.

As an existing transportation partner to the Oakland Athletics, we are excited to see the prospect of a potential new ballpark within the City of Oakland and look forward to serving the future facility planned within a comfortable, safe and secure, walking distance from our Oakland Jack London Square (OKJ) station. The Capitol Corridor route extends from Auburn, CA, through Sacramento to San Jose serving several rail stations along the Highway 80, 680, and 880 corridors, including the Oakland Jack London and Oakland Coliseum stations. A series of connecting motor coach services, including to San Francisco, enhance the reach of this State supported service. Adjacent to the proposed ballpark, the Capitol Corridor operates thirty (30) weekday trains and twenty-two (22) weekend trains on Union Pacific Railroad owned tracks. The OKJ station is the 5th busiest station along the Capitol Corridor route.

The CCJPA requests that the Draft EIR analyze and disclose the changes to area travel patterns and anticipated patronage changes on area transit and rail services because of a new ballpark at the proposed waterfront location. In 2005, the City of Oakland and the CCJPA partnered with Union Pacific Railroad and Amtrak to open the Oakland Coliseum (OAC) station, intended to serve the Oakland Coliseum sports complex. The reduced level of activity at the OAC location that would result from the relocation of the Oakland A's ballpark to the proposed Howard Terminal would potentially require the closure of the Coliseum station. CCJPA maintains ridership requirements under its station policy and anticipates the OAC would no longer meet these standards. In contrast, the patronage loss at OAC may be offset by an increase in patronage at OKJ. These patronage and ridership shifts should be considered in the transportation and circulation, air quality, greenhouse gas emissions, and climate change impact analyses in the Draft EIR.

We also request a comprehensive evaluation of the proposed ballpark's impacts to pedestrian safety. CCJPA is particularly concerned with the safety of ballpark patrons accessing the facility given the location of two mainline rail tracks immediately adjacent to the proposed ballpark. These active mainline tracks are used for freight and passenger rail services with an estimated fifty (50) trains of various types operating on this corridor over a typical twenty-

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our (24) hour period. A stadium with capacity for 35,000 persons that requires many to cross active rail tracks is of great concern. The presence of thousands of pedestrians able to cross these active mainline tracks at-grade would create significant safety concerns and potentially disrupt passenger train and freight services. Freight service, considered interstate commerce, is provided by Union Pacific Railroad, who owns and dispatches all trains in this portion of the corridor. Burlington Northern Santa Fe also provides freight services on these tracks. We anticipate that the California Public Utility Commission will actively participate in the review of this proposed project as they will have regulatory and safety review authority in this instance.

Due to this concern, the CCJPA recommends that project design alternatives be established and analyzed to separate at-grade train and pedestrian traffic to and from the ballpark and the surrounding land uses. Detailed and comprehensive access analyses must be pursued in the development of alternatives that avoid these transportation related health and safety concerns. The Draft EIR must set forth project design and area programming alternatives necessary to permit a reasoned choice. Conceptually, alternatives that would avoid or substantially lessen any of the significant pedestrian health and safety and transportation/circulation impacts of the project are feasible, but they would require solutions where design is used to ensure that the Embarcadero corridor rail services are grade separated from patrons to the ballpark area and facilities. We strongly encourage a project design that provides access corridors related to the ballpark and associated developments that avoid pedestrian and vehicle crossings of live mainline tracks.

Rail activity in the Embacadero Street corridor is expected to increase over the next decade. The State Rail Plan, and the CCJPA adopted Vision Implementation Plan, portend a strong growth trajectory of passenger rail activity while also preserving availability for increases in freight activity based around the Port of Oakland. While the State Rail Plan is at a higher conceptual level, the CCJPA's adopted Vision Implementation Plan does suggest in the longer term to eliminate the operation of the freight and passenger rail traffic through the Embarcadero in Jack London Square via a subterranean section. If studied more from the initial concepts in the CCJPA Vision Implementation Plan (reference date and weblink) there would be the means to eliminate the at-grade conflict to the benefit of not only the ballpark area patrons but to the businesses and activities associated with Jack London Square. The Vision Implementation Plan concepts are expansive and would be significant projects on their own but they could become a means of addressing the concerns of ballpark area patrons crossing the live mainline rail tracks.

We look forward to working with the City of Oakland and the A's organization to develop the Draft EIR.

Sincerely,

David Kutrosky
Managing Director

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COMMENT

City of Alameda • California

January 7, 2019

Peterson Vollmer, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland California, 94612

Subject: Response to Notice of Preparation for Oakland Waterfront Ballpark Environmental Impact Report

Dear Mr. Vollmer:

Thank you for the opportunity to comment on the scope of the draft Environmental Impact Report, and congratulations to the Oakland A's and the City of Oakland on this exciting plan for a 35,000 seat waterfront stadium/regional entertainment center at Jack London Square. Located less than 1,000 feet from the City of Alameda and within blocks of the Broadway and Jackson Street on/off-ramps to the Webster and Posey Tubes, the stadium will be an exciting new venue for Alameda residents to enjoy, but it will also cause some challenges for the regional transportation system that services the two cities and the region.

The new stadium/regional entertainment facility will be supported by existing regional roadway infrastructure that is substandard in many locations and largely at capacity. The adjacent segment of I-880 is one of the most congested segments of freeway in the Bay Area. The Broadway and Jackson on and off ramps have been in a state of "deficiency" for over 20 years and getting worse each year. They are projected to be even worse by 2023, when the new stadium opens. The only existing pedestrian and bicycle facilities between downtown Oakland and West Alameda, in the Posey and Webster Tubes, are inadequate, unhealthy and unsafe. The Jack London Ferry Terminal adjacent to the ballpark has no additional capacity.

There is no question that the construction and operation of a 35,000 seat major league baseball stadium, 4,000 new residential units, and a regional entertainment/office/commercial/hotel facility will significantly impact the already failing regional transportation facilities in the immediate vicinity of the project, including the I-880 corridor, Broadway, Jackson Street, Regional Route 61 (through the Posey and Webster Tubes), Webster Street, and other regional roadways during construction and during game and major event days. The additional congestion caused by the stadium and regional entertainment facility will severely impact bus transit between Oakland and Alameda as well as onto I-880, and ferry service will be impacted by the increased load during game/event days, as well.

The 79,000 residents of Alameda and the business community in West Alameda is dependent on the existing substandard and inadequate regional transportation system and bicycle and pedestrian facilities between Oakland and Alameda.

Planning, Building & Transportation
2263 Santa Clara Avenue, Room 190
Alameda, California 94501-4477
510.747.6800 • Fax 510.865.4053 • TTY510.522.7538

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The project proponents, the City of Oakland, and the regional transportation agencies must work with the City of Alameda to provide transportation improvements to serve the regional entertainment facility and ensure that the 79,000 residents of Alameda and the businesses of West Alameda are not trapped on or off island by the additional congestion caused by the proposed facilities during project construction and on game days and major event days at the new regional facility. To mitigate the project impacts of the regional transportation facilities, the City of Oakland should require that the project ensures:

- No Impact to Transit Service: As a "Transit First" City, Oakland should require that the new project result in no reduction in AC Transit bus travel times between Alameda and Downtown Oakland, and the 12th Street and Fruitvale BART stations during construction and on game and major event days.
- No Impact to Ferry Service: Oakland should require that the project construction and operation shall not result in reductions in ferry capacity or frequency, for those ferries that serve Alameda.
- Water Shuttle Service: Given that the existing roadway network serving the project site, the I-880 on and off ramps and the entrances to the Webster and Posey Tubes will be significantly impacted during construction and during game days and major event days, the City of Oakland should require that the project fund operation of frequent public water shuttle services, with onboard room for bicycles, between Alameda and Jack London Square and/or Estuary Park in Oakland during construction and on game and major event days.
- Bicycle/Pedestrian Bridge Design: As part of the Oakland A's Stadium approvals, the City of Oakland and the City of Alameda should jointly approve a preferred alignment and landings locations for a new bicycle and pedestrian bridge from Alameda to Jack London Square to replace the substandard, unhealthy and unsafe bicycle and pedestrian facilities in the Posey Tube.

Alameda is committed to working with the regional transportation agencies, the Oakland A's organization, the City of Oakland and all other interested groups and organizations to design and build the convenient, safe, greenhouse gas emission reducing, multi-modal regional transportation facilities necessary to support Oakland, Alameda, and a world class waterfront ball park.

Sincerely,

Andrew Thomas, Acting Planning, Building and Transportation Director

Cc: David Rudat, Interim City Manager

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EAST BAY MUNICIPAL UTILITY DISTRICT

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:49:15 PM

January 3, 2019

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (Case File Number ER18-016)

Dear Mr. Vollmann:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project located in the City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, the proposed project meets the threshold requirement for a Water Supply Assessment (WSA). Please submit a written request to EBMUD to prepare a WSA. EBMUD requires the project sponsor to provide future water demand data and estimates for the project site for the analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

EBMUD's Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. EBMUD owns and operates distribution pipelines in Embarcadero West, which provide continuous service to EBMUD customers in the area. Water main extensions, at the project sponsor's expense, will be required to serve the proposed development. A minimum 20-foot-wide right-of-way is required for installation of all new water mains. Off-site pipeline improvements, also at the project sponsor's expense, may be required to serve the proposed development depending on domestic flows and fire flow requirements set by the local fire agency. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . TOLL FREE 1-866-40-EBMUD

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Peterson Vollmann, Planner IV
January 3, 2019
Page 2

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential and mixed-use, multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

CONTAMINATED SOILS

Under the *Existing Conditions* section, the NOP states that the Project Site is included in the list of Hazardous Waste and Substances sites in the Department of Toxic Substances Control Envirostor database, which indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WATER RECYCLING

The proposed project is within the boundaries of EBMUD's East Bayshore Recycled Water Project. EBMUD's Policy 9.05 requires " . . . that customers . . . use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife" to offset demand on EBMUD's limited potable water supply. The proposed project may have a potential for

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Significant recycled water demand, and the applicant would be responsible for installation of all recycled water main extensions to and within the proposed development. The nearest planned recycled water main that the project will connect will be located at Martin Luther King Jr. Way and 3rd Street. EBMUD requests all plumbing for feasible recycled water uses be plumbed separately from the on-site potable system in order to accept recycled water when it becomes available. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. EBMUD also requests that an estimate of expected water demand for feasible recycled water uses be provided in the EIR and that the applicant coordinate closely with EBMUD regarding specifications for the recycled water system. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing recycled water service to the proposed development. Engineering and installation of recycled water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in

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WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:CC:dks
sb18_230.doc

cc: Oakland Athletics Investment Group, LLC d/b/a The Oakland Athletics
7000 Coliseum Way
Oakland, CA 94621

COMMENT

From: Vollmann, Peterson
To: Jillian Feyk Minor; Crescentia Brown
Subject: FW: Port of Oakland comments on Case File Number ER18-016
Date: Monday, January 7, 2019 4:48:54 PM
Attachments: image001.png
2019-01-07_Port of Oakland comment letter_Howard Terminal NOP.PDF

Peterson Z. Vollmann, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612 | Phone: (510)238-6167 | Fax: (510) 238-4730 | Email: pvollmann@oaklandca.gov | Website: www.oaklandnet.com/planning

From: Catherine Mukai [mailto:cmukai@portoakland.com]
Sent: Monday, January 7, 2019 4:35 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Chris Chan <cchan@portoakland.com>; Danny Wan <dwan@portoakland.com>; Michele Heffes <mheffes@portoakland.com>; Richard Sinkoff <rsinkoff@portoakland.com>
Subject: Port of Oakland comments on Case File Number ER18-016

Mr. Vollmann,

I have attached comments from the Port of Oakland regarding Case File Number ER18-016, Notice of Preparation of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project. This file was also submitted via the online comment portal this afternoon.

Please let me know if you have any questions. Thanks,

Catherine

Catherine Mukai, PE
Environmental Programs and Planning
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PORT OF OAKLAND

January 7, 2019

Peterson Vollmann
Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612
PVollmann@oaklandca.gov

via email and website

Subject: **Port of Oakland Comments to Notice of Preparation of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project**

Dear Mr. Vollmann:

The Port of Oakland ("Port") appreciates the opportunity to provide comments on the City of Oakland's ("City") November 30, 2018, Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("DEIR") for the Oakland Waterfront Ballpark District Project ("Proposed Project") at the Charles P. Howard Terminal ("Howard Terminal").

The Port Is a Responsible Agency

Under the Charter of the City of Oakland (the "Charter"), the Board of Port Commissioners (the "Port Board") has control and jurisdiction of the Port Area, as defined in the Charter, and has the power and duty to adopt and enforce general rules and regulation necessary for port purposes and harbor development and in carrying out the powers of the Port. To carry out its powers and duties, the Port Board has the "complete and exclusive powers" with respect to the Port Area, including, among other things, the power to sue and defend; to take charge of and control all waterfront properties (including Howard Terminal), including certain tidelands in the Port Area granted to the City in trust by the State of California ("State"); to acquire and hold property rights, leases, easements and personal property; to enter into contracts; and to exercise the right of eminent domain. Howard Terminal is, and the Proposed Project will be, in the Port Area.

Relevant to the property rights and the regulatory approvals that the Proposed Project will need, the Port Board has the Charter powers and duties to take the following discretionary actions (all sections references are to the Charter sections; this is not an exclusive list):

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- to make or enter into leases of any properties under its jurisdiction for a term not to exceed sixty-six (66) years, subject to referendum (Section 709) and to receive the income from such leases (Section 711);
- to provide for commercial development and residential housing in the Port Area; provided that *any residential housing development shall be approved by the Port with the consent of the City Council* (Section 706(23)) (emphasis added);
- to approve or deny the application for a "Port Building Permit" to "construct, extend, alter, improve, erect, remodel or repair . . . any building or structure within the 'Port Area'" by considering the character, nature and size and location of the proposed improvement, and by exercising a reasonable and sound discretion in the premises (Section 708);
- to develop and use property within the Port Area for any *purpose in conformity with the General Plan of the City* (Section 727) (emphasis added);
- to sell land within its jurisdiction when it determines that such lands have become unnecessary for port purposes or harbor development (Section 706(15));
- to do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City (Section 706(30)).

The Charter additionally provides the following restriction on the City Council's powers:

> "No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street or other public improvements shall be located or constructed in the Port Area, by the City of Oakland, or the Council thereof, without the approval of the Board." (Section 712).

By virtue of the Port Board's exclusive control over the Port Area under the Charter, the Port is also a trustee on behalf of the State to hold, maintain, and operate tidelands trust lands and assets for tidelands trust consistent uses and subject to trust conditions (the "Tidelands Trust"). The State Land Commission oversees the Port's role as tidelands trustee.

Pursuant to the above-referenced powers and duties under the Charter, the Port Board expects that it will consider the following discretionary actions (and all necessary findings) at a minimum with respect to the Proposed Project:

- Subject to the Tidelands Trust, approve agreement(s) to lease (and if applicable, to sell) certain portions of Howard Terminal to provide for development of the Proposed Project including the ballpark, ancillary facilities, commercial buildings, public amenities, and other visitor-serving accommodations;
- Subject to the Tidelands Trust, approve agreement(s) to lease (and if applicable, to sell) certain portions of Howard Terminal to provide for the development of the Proposed Project including residential housing subject to the consent of the City Council;

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- Issue Port Development Permit(s) (i.e., Port Building Permit(s) under Charter Section 708) in conformity with the City General Plan;
- Issue permits or franchises for the installation of streets, sewers and other public improvements (including public utilities);
- Approve and/or impose construction and post-construction controls relating to stormwater pursuant to applicable law including Port ordinances and contract requirements; and
- Approve and/or impose other environmental and sustainability measures addressing sanitary sewer, hazardous and toxic materials, private sewer laterals, other health and safety issues, and sustainability measures pursuant to applicable law including Port ordinances and contract requirements.

Overview of Existing Conditions

The Proposed Project site is unique from most other infill development in the San Francisco Bay Area because it lies at the confluence of multi-modal transportation corridors that are critical for the numerous active industrial, commerce, and international shipping uses in and adjacent to the site as well as for nearby commercial uses. The Proposed Project site lies directly adjacent to a heavily-utilized federal navigation channel (the "Inner Harbor Channel") and a turning basin that all ships berthing at the Inner Harbor ship terminals necessarily rely on for safe ingress and egress of the Inner Harbor. It currently serves the Seaport Area (defined below), and is leased or operated by several Port tenants who provide services in direct support of maritime cargo activities at the Port. The Proposed Project lies adjacent to transportation corridors that are heavily used by cars and trucks (along the I-80, I-880, and I-580 freeways), trains (including passenger and Class I rail tracks adjacent to the Project site), and marine vessels (in and adjacent to the federal navigation channel, i.e., Inner Harbor Channel).

Howard Terminal

Howard Terminal comprises approximately 50 land acres and two deep-water vessel berths adjacent to the Inner Harbor Channel. It is bounded by the Inner Harbor to the south, Schnitzer Steel (a privately-owned terminal) to the west, Embarcadero West to the north, and approximately Clay Street to the east. The Project Site depiction in the NOP includes areas that the Port typically does not refer to as Howard Terminal, notably: (a) the property in the northeast corner owned by Vistra Energy (approximately located between Martin Luther King Jr. Way and Jefferson Street) ("Vistra Site"); and (b) the Oakland Fire Department Station, docks, and parking lot on the southeasternmost edge toward Clay Street, which are Port property, but not managed by the Port's Maritime Department ("Clay Street Terminus"). As used in this comment letter and unless otherwise specified, "Howard Terminal" refers only to the Port's Howard

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Terminal property managed by the Port's Maritime Department and does not include the Vistra Site or the Clay Street Terminus.[1]

Marine terminal operations at Howard Terminal ceased in 2014 when SSA Terminals relocated the operations of the former APL/EMS Terminal (comprising Berths 60 through 63). Howard Terminal retains its capacity to resume its function as a marine terminal to service cargo vessels, tugs, barges, and other watercraft.

For the past four years, Howard Terminal has been used for a variety of ancillary maritime operations, including truck parking, loaded and empty container storage and staging, transloading (logistics) facilities, the Pacific Maritime Association's ILWU longshoreperson training facilities, and berthing vessels, all of which currently operate under short-term agreements with the Port. Howard Terminal is currently not accessible to the general public.

The Clay Street Terminus includes the City's Clay Street Fire Station, a small surface parking lot, and docks for the USS Potomac (former presidential yacht), a fire boat, and the former U.S. Lightship RELIEF that are potential historic resources. The Port maintains historic archives and will make them available to the Proposed Project applicant as needed.

Adjacent Areas

The Proposed Project site is in the Port of Oakland Seaport area ("Seaport Area"), and is bounded by the Inner Harbor, adjacent commercial uses (Schnitzer Steel), Jack London Square, and West Oakland.

The Seaport Area is comprised of all areas managed by the Port's Maritime Department, which includes the waterfront area generally bounded by the San Francisco-Oakland Bay Bridge to the northwest, I-880 to the east and northeast (until Adeline Street), and Howard Terminal on its easternmost extension.[2] The Seaport Area includes six marine terminals, one of which is Howard Terminal, comprising Berths 9 through 68. Three Port marine terminals, including Howard Terminal, are located along the Inner Harbor; one of these terminals currently handles approximately 60% of the Port's cargo throughput.

"Jack London Square" has its epicenter at the intersection of Broadway and Water Street and generally emanates west until Clay Street, east until Harrison Street, and north until the I-880 freeway.

"West Oakland" is generally bounded by highways I-880, I-980, and I-580, and by San Pablo Avenue.

[1] A small area in the northcentral area of Howard Terminal is currently owned by PG&E ("Gas Load Center") but will be transferred to the Port under an executed transfer agreement, anticipated to occur prior to commencement of the Proposed Project.
[2] An overview map of the Port's seaport facilities is available at https://www.oaklandseaport.com/seaport-resources/facilities/.

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Water Navigation

Circulation to, from, and around marine terminals involves complex coordination among ocean-going container vessels, harbor craft (tugs), marine terminal operators, logistics facility operators, and drayage trucks. Howard Terminal is located at the Port's Inner Harbor, adjacent to the Inner Harbor Turning Basin. Before arriving to or leaving a terminal along the Inner Harbor, each vessel must be turned in the Inner Harbor Turning Basin so it can exit the Estuary and return to the Bay; vessels are not designed to travel in reverse for any appreciable distance or to perform any challenging navigational maneuvers. Recently, approximately 1,100 to 1,200 container ship turns are made in the Inner Harbor Turning Basin per year, an average of three per day. The berthing, turning, and departure operations require a minimum of two tugs per vessel, as determined by the San Francisco Bar Pilots ("Bar Pilots") who pilot each vessel into and out of the Port's terminals. Navigation in the Estuary is limited to times of day with appropriate lighting and tidal conditions, as determined by the Bar Pilots.

The Inner Harbor Channel and Turning Basin are part of a federal navigation channel. Navigation by any vessel, including kayaks and other recreational boats, in the channel is regulated by the Inland Navigation Rules and Regulations of the United States Coast Guard, U.S. Department of Homeland Security. For example, Rule 9 states that "[a] vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable" and "[a] vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway." Rule 18 states that "[a]ny vessel other than a vessel not under command or a vessel restricted in her ability to maneuver shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draft." The ships serving the Port are considered vessels restricted in ability to maneuver and vessels constrained by draft.

Seaport Operations on Land

Seaport operations on land include transfer of containers to and from ocean-going vessels, stacking and storage of containers at the marine terminals and off-dock yards, and movement of cargo into and out of transload and cross-dock facilities. Horizontal transport around the Seaport Area is carried out by yard trucks, over-the-road drayage trucks, and rail. As of October 2018, approximately 9,000 drayage trucks are registered with the Port's Secure Truck Enrollment Program, a requirement for providing drayage service at the Port. Of these registered trucks, approximately 3,000 are in operation on any given day, with each driving one or more trips to and from the Seaport Area.[3] Maritime Street, 7th Street, Middle Harbor Road, Embarcadero Road, and the Adeline Street overpass are the key throughways for commercial traffic at the Seaport. Middle Harbor Road, between 7th Street and Maritime Street, is currently a private road and the DEIR should not assume it will be available to the public.

[3] See Appendix E, Truck Background Technical Memorandum, available at https://www.oaklandca.gov/topics/west-oakland-truck-management-plan.

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Other Considerations

The Proposed Project site is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. The Proposed Project site is also subject to two Covenants to Restrict Use of Property ("CRUP") recorded against title and regulated by the Department of Toxic Substances Control ("DTSC") (one CRUP, as amended, between the Port and DTSC covering Howard Terminal and the other CRUP between PG&E and DTSC covering the Gas Load Center). The Port, PG&E, and DTSC are in discussions over having the Gas Load Center CRUP be revised to be between the Port and DTSC and re-recorded once the Gas Load Center site is transferred from PG&E to the Port. The Proposed Project applicant should coordinate with both DTSC and the Port to amend the CRUPs to allow for the potential development at the site. The Proposed Project will entail subsurface excavation that will generate hazardous materials, which will require transport and disposal. The applicant should obtain its own hazardous waste ("EPA") identification number so it is responsible for waste management, including signing manifests and paying applicable fees and taxes.

The Proposed Project site is adjacent to shoreline areas frequented by wading birds who use this area at low tide for feeding and foraging. Across the Estuary, a federally endangered California's Least Tern Colony (*Sternula antillarum browni*) lives on Point Alameda. Osprey (*Pandion haliaetus*) have been observed to nest in the adjacent terminals. Marine mammals, such as harbor seals, also use the Estuary area for hunting and feeding.

Potentially Significant Environmental Issues, Reasonable Alternatives, and Mitigation Measures

The Port submits the following comments on the scope of the DEIR for your consideration.

Transportation

1. The Proposed Project is expected to increase the volume of automobile traffic in the Seaport Area, Jack London Square, and West Oakland, and is likely to modify traffic patterns and accessibility for drayage trucks serving the Seaport Area. Increased volume of traffic may increase Vehicle Miles Traveled ("VMT"), congestion, and conflicts among automobiles, trucks, rail, pedestrians, bicycles, and other road users. The Port facilitates a successful Night Gates program, alleviating daytime and rush-hour traffic, so the DEIR should evaluate potential transportation impacts that may occur at all hours of the day, including the peak hour for evening weekday events. The Port requests that the DEIR include a traffic impact analysis that evaluates the current level of service and post-project level of service for all intersections and roadways in the Seaport Area, Jack London Square, and West Oakland due to the unique nature of the Proposed Project. The analysis should include both Project impacts and cumulative impacts, with the latter reflecting, for example, the extensive residential and commercial development planned around the West Oakland BART station. The Seaport Area includes the roads that are designated as the Port's overweight corridor, which includes 3rd Street from Martin Luther King Jr. Way to Mandela Parkway, Middle Harbor Road across all the Port of Oakland Berths, Maritime Street including in the Former

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Oakland Army Base and 7th Street from Middle Harbor Shoreline Park to I-880, and the entrances to the Port at the following intersections: West Grand Ave/Maritime Street, 7th Street/Maritime Street; and Adeline and 3rd Streets.

2. To the extent that the Proposed Project anticipates the use of Maritime Street, 7th Street, Adeline Street, Embarcadero West, and/or other streets within or abutting the Seaport Area for event, resident, and worker traffic, the analysis should include the existing industrial traffic, including the overweight corridor, in the Transportation analysis. To the degree that the Proposed Project could increase traffic on these arterial streets, the DEIR should analyze their capacity and structural and seismic fitness. The operating environment at the Seaport Area is subject to change due to federal regulation, such as security requirements, and adaptability should be considered in the DEIR analysis and reflected in the potential mitigation measures.

3. The Port requests that the DEIR propose traffic mitigation plans covering the Seaport Area, Jack London Square, and West Oakland for operation of the Proposed Project, including an emergency response access and fire department access plan, and analyze their impacts in the DEIR. The mitigation plans should also account for trains blocking on-road traffic.

4. The Port has existing agreements with nine tenants covering portions of Howard Terminal, including with the operator of the Port's truck facility, which provides more than 2,000 parking spaces for drayage truck and container staging. The loss of these tenants could result in impacts to Seaport operations; the loss of the truck facility could result in impacts from trucks traveling to, and parking in, other locations inside and outside the Seaport Area, both in the short and long term. The DEIR should incorporate this consequence in the Transportation analysis. In addition, changes in parking facilities should be evaluated for consistency with the Draft (and eventual Final) *West Oakland Truck Management Plan*, which is a required Port and City mitigation to reduce impacts of trucks driving and parking in West Oakland.

5. An active, at-grade rail corridor serving both passenger (Amtrak) and commercial traffic (Class I railroads) runs adjacent to the Proposed Project location. The DEIR should analyze the potential impacts of the Proposed Project on rail service.

6. The Proposed Project will result in an increased number of vehicles, pedestrians, bicyclists, and others crossing an active rail corridor to access the Project site, which could result in impacts to public safety. The DEIR should analyze these public safety impacts (including, without limitation, on Maritime Street, 7th Street, Middle Harbor Road, Embarcadero West, and the Adeline Street overpass over 3rd Street) and propose mitigation. Mitigation measures could include elevated pedestrian walkways and/or vehicle crossings over the railroad tracks or temporary barriers at crossings during games and events.

7. Construction may result in temporary but important effects on local access and transportation in the Seaport Area, Jack London Square, and West Oakland. The DEIR should evaluate construction impacts to local access and transportation and include, as needed, a mitigation

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measure for a construction traffic management plan. All traffic analyses conducted for the built-out project shall consider already planned projects at the Port of Oakland.

8. Operations of the Proposed Project could create delays or conditions unfavorable to navigation for ocean-going vessels, ferries, Coast Guard vessels, barges, and harbor craft. Collateral impacts of the Proposed Project on navigation such as additional artificial lighting, recreational water craft use, extension of ballpark, residential or other commercial uses into navigable waters and constraints in wharfage, berthing, and other water vessel maneuvers may restrict navigable times and vessel maneuvering activities at marine terminals in the Inner Harbor, as well as at the Inner Harbor Turning Basin.. The DEIR should evaluate the potential effects of such Proposed Project operations on navigation and transportation in the Inner Harbor Channel.

Air Quality and Greenhouse Gas

9. As noted above, the Proposed Project may increase VMT, congestion, and conflicts among automobiles, trucks, rail, pedestrians, bicycles, and other road users. Air emissions may increase because of these changes; for example, the increase in congestion may result in an increase in idling and associated emissions. The DEIR should evaluate the criteria air pollutant, greenhouse gas ("GHG"), and toxic air contaminant ("TAC") emissions generated by all Proposed Project sources, as well as a health risk assessment ("HRA") of potential health impacts (both cancer and noncancer) to residents and workers from TACs associated with Proposed Project construction and operation. The DEIR should identify mitigation measures in design and operations, such as design of entrances into the Project site, to reduce these impacts. The receptors evaluated should include all of West Oakland to take into account the potential increase in traffic associated with use of the Proposed Project.

10. The Proposed Project will place receptors at the Proposed Project location that are especially sensitive to the cumulative air emissions impacts (including health impacts) of existing uses and uses in the Proposed Project, including criteria air pollutant emissions (e.g., fine particulate matter or $PM_{2.5}$), TAC emissions, and odors. The threshold of significance for residential receptors, for example, assumes higher levels of exposure compared to industrial or commercial receptors. The following mitigation measures should be considered:

    - Increased project distance from freeways and/or major roadways and design site layout to locate sensitive receptors as far as possible from any non-permitted TAC sources (e.g., loading docks, parking lots).
    - Tiered plantings of trees such as redwood, deodar cedar, live oak and oleander to reduce TAC and PM exposure.
    - Installation and maintenance of air filtration systems of fresh air supply either on an individual unit-by-unit basis, with individual air intake and exhaust ducts ventilating each unit separately, or through a centralized building ventilation system. The ventilation system should be certified to achieve a certain effectiveness, for example, to remove at least 80% of ambient $PM_{2.5}$ concentrations from indoor areas.

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 12:53:18 PM

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- Installation of passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., 1 mile per hour).
- Enforcement of illegal parking or idling of heavy-duty trucks in vicinity.

11. Delays or idling of vessel operations at anchor in the Bay or in the Inner Harbor, resulting from the potential navigational effects noted above, could increase air emissions from the vessels. The DEIR should evaluate these potential impacts and identify mitigation measures in design and operations that should be adopted to avoid any interference with navigation of waterborne vessels.

12. The Port is currently nearing completion of its Seaport Air Quality 2020 and Beyond Plan ("2020 and Beyond Plan"). The Port requests that the DEIR identify and analyze all air emissions reduction measures for feasibility, consistent with the 2020 and Beyond Plan (once approved by the Port Board), for the Proposed Project. The 2020 and Beyond Plan will include a requirement for periodic construction and operation emissions inventories.

13. The multi-year construction of the Proposed Project could generate air emissions that may occur at the same time as other major construction projects (e.g., 7th Street Grade Separation, residential development near the West Oakland BART station). The Port requests that a construction HRA be prepared for an analysis of cumulative construction impacts on any nearby residents present at the time of construction and that the DEIR identify appropriate mitigation measures, including the use of Tier 4 off-road equipment where feasible.

14. The DEIR should analyze and identify all feasible on-site GHG and energy usage reduction measures in compliance with all applicable standards including Assembly Bill No. 734 (2017-18 Reg. Sess.), which requires that the Proposed Project show no net additional GHG emissions, and any required Greenhouse Gas Reduction Plan.

15. Berth 68 of the Proposed Project site contains a shore power substation and vaults installed in 2013 and designed to be used by berthing vessels in lieu of running auxiliary engines to achieve emissions reductions. Grant funding conditions require emissions reductions over the ten-year project life since installation. Conversion of Howard Terminal to a mixed-use facility may reduce or eliminate the use of the shore power vaults to provide shore power. The DEIR should analyze the potential impacts of reducing use, ceasing to use, or relocating this shore power equipment on air emissions, if it is not replaced. This is also a potential Utilities impact that should be addressed in the Utilities chapter of the DEIR.

Land Use and Planning

16. The Proposed Project would introduce non-industrial land uses into an area of marine terminal and ancillary operations that is a part of an integrated warehouse and transportation industrial logistics network and geographic area. The DEIR should evaluate the compatibility of the proposed land uses with the existing land uses in an active industrial area. Proposed mitigation should include infrastructure, siting, and other design features to alleviate potential conflict between existing and future maritime operations and non-industrial uses.

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17. Continued and potential new general industrial and transportation uses, including all maritime and warehousing operations, will be essential to the continued vitality of the integrated maritime, transportation, and commercial economy in the area, especially if all or part of the Proposed Project is not realized. The General Plan amendment should allow for flexible uses and continue to permit General Industrial/Transportation uses in addition to allowing uses in the Proposed Project.

Public Services

18. The DEIR should address any impacts associated with new, expanded, or relocated facilities needed to provide the required levels of safety and emergency services for the Proposed Project. The DEIR should analyze the potential impacts from the provision of new, expanded, or relocated facilities for public services.

Aesthetics

19. Ballpark lighting and other lighting could create a new source of substantial light or glare that could affect the safety of Port operations and navigation in the federal navigable waters in the Inner Harbor (e.g., by cargo ships, San Francisco Bar Pilots, tug operators, and the Coast Guard). When standing in the house of a vessel, the Bar Pilots are about 150 feet above the water and could have sightlines impeded by light and glare from the stadium or other portions of the Proposed Project. Adjacent to Howard Terminal is the Inner Harbor Turning Basin, where safety is critical as ultra-large container vessel size (about 1,200 feet in length) reaches the width of the Inner Harbor (1,500 feet). The Proposed Project is also near flight paths to and from the Oakland International Airport or could be seen from flights above. The Port requests the DEIR evaluate the impacts of lighting on navigational safety in the Inner Harbor and for airline flight safety. The DEIR should identify mitigation measures, including design and operational restrictions relating to light and glare interference, to allow safe airline flight traffic and vessel navigation in the federal channels in compliance with all applicable standards, such as the Port of Oakland Exterior Lighting Policy.

20. The Proposed Project may alter views from public spaces along the waterfront. The DEIR should analyze these impacts. In addition, to the extent the proposed aerial tram or gondola may land at or near the intersection of Water and Washington Streets, which has a specific visual character that is an important component to this public space in Jack London Square, the Port requests that the DEIR evaluate potential aesthetic impacts.

Hazards and Hazardous Materials

1 21. The buildings must adhere to any applicable height limitations set by the Federal Aviation Administration utilizing the 7460 Process.

22. 2 The DEIR should analyze any impacts in light of the various extant and ongoing DTSC-required activities on the Proposed Project site including, without limitation, DTSC case number 01440006 entitled "Howard Marine Terminal Site" and DTSC case number 01490012 entitled "PG&E Oakland-1 MGP". Specific documents related to these two cases

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which are required to be adhered to include, without limitation, CRUPs, Operation & Maintenance Agreements, Operation and Maintenance Plans, Soil Management Plans, and Health and Safety Plans. The DEIR should analyze how these DTSC-required activities including, without limitation, ongoing groundwater monitoring, will be addressed if the Proposed Project is developed.

23. Subsurface contamination may be present at locations of proposed facilities outside of Howard Terminal. For example, subsurface contamination could be present in the possible terminus of the proposed aerial tram or gondola at the intersection of Water and Washington Streets. The geographic area of the Hazards and Hazardous Materials analysis in the DEIR should include all areas that may be impacted by the Proposed Project. The DEIR should analyze impacts associated with hazardous materials for all potential subsurface work.

Recreation

24. The increased number and concentration of waterside recreational users, such as kayakers or boaters, that may occur with the Proposed Project in and adjacent to an active navigational channel could create conflicts with ocean-going vessels, tugboats, ferries, San Francisco Bar Pilots, and Coast Guard vessels. The DEIR should analyze the potential impacts of increases in waterside recreational users on ocean-going vessels, tugboats, ferries, Bar Pilots, and Coast Guard vessels, as well as potential public safety impacts to waterside recreational users. The DEIR should identify, for mitigation, a plan for boating and recreation that does not conflict with or impede navigational uses and how the plan will be enforced. The plan may include measures such as funding for and provision of new water-based patrols to enforce rules of navigation in the shipping channel during games or events.

Hydrology and Water Quality

25. The Proposed Project could degrade water quality during construction and/or operation. The Proposed Project will need to comply with the State's Construction General Stormwater Permit during construction. The Proposed Project will need to comply with the Port's NPDES Phase II Non-Traditional Municipal Separate Sewer System Permit (Municipal Stormwater Permit) during and after construction. This includes, but is not limited to, installation of post-construction stormwater treatment controls such as bioretention basins, and compliance with Port pollution prevention requirements for onsite operations such as creating/implementing a pollution prevention plan. The Project will also have to comply with the State Trash Amendments, including installing trash capture devices and/or equivalent on-land trash control practices to effectively prevent trash from entering the Port storm drain system. Trash Amendments are not currently in place but slated to be integrated into the Municipal Stormwater Permit by December 2020.

Noise

26. Although temporary, construction noise is important due to construction duration and in combination with noise from other major construction projects expected at the same time (e.g., 7th Street Grade Separation and residential development near the West Oakland BART

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station). The DEIR should evaluate cumulative construction noise impacts and propose specific mitigation measures, such as temporary construction noise walls and restricted hours for activities with greater noise-generating potential, such as pile driving, to reduce impacts. Mitigation measures should be developed as part of an overall construction noise management plan.

27. The Proposed Project will place receptors that have greater sensitivity to the cumulative noise impacts of existing uses and uses in the Proposed Project, including noise from maritime terminal operations, Schnitzer Steel, trains, and trucks. These noise sources tend to operate day and night, on a 24-hours-a-day basis. Noise significance levels measured in Community Noise Equivalent Levels for residential use are lower than for other uses. The following mitigation measures should be considered:

- Require the Proposed Project applicant for residential development to submit a detailed noise study, prepared by a qualified acoustical consultant, to identify design measures necessary to achieve the City interior noise standard in the proposed new residences; and
- Require the Proposed Project applicant to prepare a site-specific vibration analysis for residential uses for freight and passenger trains, light rail trains, and other sources of vibration. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and human annoyance. The results of the analysis shall be incorporated into project design.

1 28. The change in land use may affect the ambient noise levels in the vicinity of the Proposed Project, especially during use of the ballpark facilities. The DEIR should identify and evaluate impacts from any change in ambient noise levels from the Proposed Project operations, including potential effects, if any, on residents and visitors, and on the local bird habitat (Middle Harbor Shoreline Park, Middle Harbor Enhancement Area, and Point Alameda).

Utilities and Service Systems

29. The DEIR should address impacts associated with any expanded utilities or service systems needed to meet service requirements, including power needs and PG&E's capacity to serve the new Ballpark. In addition, the Proposed Project shall also comply with the Port's Sanitary Sewer Ordinance.

Cultural Resources

2 30. For approximately the past 25 years, historic floating resources such as the former Presidential yacht USS Potomac and the RELIEF Lightship have been berthed at the Clay Street Terminus. The DEIR should analyze any potential impacts of the Proposed Project on these and other applicable cultural resources.

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Closing

Thank you for the opportunity to comment on the scope of the proposed DEIR. My staff and I look forward to discussing these issues soon with the City, the Proposed Project applicant, and the CEQA consultants. As a Responsible Agency under CEQA, the Port looks forward to coordinating with the City on impacts, and mitigation of them, in areas of Port jurisdiction. If you have any questions, please contact me at (510) 627-1331 or cchan@portoakland.com.

Sincerely,

Chris Chan, P.E.
Director of Engineering

CC: Danny Wan, Acting Executive Director
Michele Heffes, Acting Port Attorney
Richard Sinkoff, Director of Environmental Programs & Planning

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COMMENT

COMMENT

From: Vollmann, Peterson
To: Jillian Fish-Mingo; Crescentia Brown
Subject: FW: Final BCDC Comment letter for the NOP of Oakland Waterfront Ballpark District
Date: Monday, January 14, 2019 4:30:52 PM
Attachments: NOPOaklandWaterfrontBallpark_BCDCcomments_14January2019.pdf

Peterson Z. Vollmann, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612 | Phone: (510)238-6167 | Fax: (510) 238-4730 | Email: pvollmann@oaklandca.gov | Website: www.oaklandnet.com/planning

From: Aichele, Cody@BCDC [mailto:cody.aichele@bcdc.ca.gov]
Sent: Monday, January 14, 2019 4:27 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Scourtis, Linda@BCDC <linda.scourtis@bcdc.ca.gov>; Fain, Jessica@BCDC <jessica.fain@bcdc.ca.gov>
Subject: Final BCDC Comment letter for the NOP of Oakland Waterfront Ballpark District

Salutations, Peterson Vollmann!

Here is the final BCDC comment letter for the NOP of the Oakland Waterfront Ballpark District. This letter is coming to you both email and certified mail, please be on the lookout for it. Also, please note that the earlier version you may have received last week was sent in error, so please disregard it and accept this one in its place. I have been trying to contact you the past few days to let you know, in case you have any questions, but I was unable to get through to speak with you directly.

The staff here at BCDC looks forward to working with you more on this dynamic and exciting project.

Have a wonderful day!
Sincerely,
Cody Aichele- Rothman

++
Cody Aichele-Rothman
Coastal Planning Analyst
(415)352-3641
San Francisco Bay Conservation and Development Commission

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COMMENT

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

January 14, 2019

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

VIA REGULAR & ELECTRONIC MAIL (PVollmann@oaklandca.gov)

SUBJECT: Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District; SCH# 2018112070; City of Oakland Case File No. ER18-016; BCDC Inquiry File No. MC.MC.7415.025

Dear Mr. Vollmann:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project at the Port of Oakland's Howard Terminal, in the City of Oakland, Alameda County. The NOP is dated November 30, 2018, and was received in our office on December 8, 2018.

The Commission is a responsible agency for this project and will rely on the DEIR when it considers the project. The project is not specific enough at this time for us to comment on every issue raised with respect to the Commission's laws and policies. However, we have prepared comments outlining specific BCDC issues that should be addressed either in the DEIR or through the BCDC permitting process. The Commission itself has not reviewed the NOP, therefore the following staff comments are based on the *San Francisco Bay Plan* (Bay Plan), the *San Francisco Bay Area Seaport Plan* (Seaport Plan), the McAteer-Petris Act, and staff review of the NOP.

Jurisdiction. The NOP correctly identifies that the project would require a Major Permit from the Commission. As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods); extraction of materials; or substantial changes in use of any water, land or structure within the Commission's jurisdiction. If a project is proposed within the Commission's jurisdiction, it must be authorized by the Commission pursuant to a BCDC permit, and the Commission will use the policies of the McAteer-Petris Act, the Bay Plan, and in this location, the Seaport Plan, to evaluate the project.

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Public Trust. The McAteer-Petris Act and the Bay Plan are an exercise of authority by the Legislature over public trust lands and establish policies for meeting public trust needs. Bay Plan policies on Public Trust state: "When the Commission takes any action affecting lands subject to the public trust, it should assure that the action is consistent with the public trust needs for the area and, in case of lands subject to legislative grants, should also assure that the terms of the grant are satisfied and the project is in furtherance of statewide purposes." The DEIR should map and describe those areas of the project site that are subject to the public trust, and whether title to this public trust ownership is vested in the State Lands Commission or to a legislative grantee. The DEIR should also note that the Commission's determination regarding a project's consistency with the public trust is done independently and in consultation with the State Lands Commission.

The purpose of the public trust is to ensure that the lands to which it pertains are kept for trust uses, such as commerce, navigation, fisheries, wildlife habitat, recreation, and open space. While it is unclear from the NOP where specific land uses may be located, several of the uses listed such as residential, commercial, and office uses, are typically not considered public trust uses and may be in conflict with public trust needs.

Bay Fill. Section 66605 of the McAteer-Petris Act states that fill in San Francisco Bay should "only be authorized when": (1) the public benefits from the fill clearly exceed the public detriment from the loss of water area and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly)... or minor fill for improving shoreline appearance or public access to the Bay; (2) no upland alternative location is available for the project purpose; (3) the fill is the minimum amount necessary to achieve the purpose of the fill; (4) the nature, location and extent of any fill will minimize harmful effects to the Bay; and (5) the fill should be constructed in accordance with sound safety standards. While it is unclear from the NOP if the project would require any additional filling of San Francisco Bay, the project would occur in part on solid or pile-supported fill constructed subsequent to the establishment of the Commission on September 17, 1965. Reuse of this filled area for a different purpose than originally authorized (i.e., seaport facilities) would require the Commission to evaluate the portions of the project within the areas filled after September 17, 1965 using the criteria established in Section 66605 of the McAteer-Petris Act and related Bay Plan policies. The DEIR should therefore map and describe those areas of the project site subject to tidal action at any point since September 17, 1965 that have been subsequently filled, and describe in detail the proposed development, activity, and uses on these filled areas and consistency with the Commission's laws and policies. If any new fill is proposed as part of the project, the DEIR should also indicate the location of such fill, the proposed method of fill (e.g., solid earth, pile-supported structure, cantilevered structure), the approximate volume and surface area of the Bay to be filled, and the proposed development, activity, and uses of the newly filled area.

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Climate Change. Climate Change policies of the Bay Plan state, in part, that: "When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment." Where such assessments show vulnerability to public safety, projects "should be designed to be resilient to a mid-century sea level rise projection," and for projects that will remain in place longer than mid-century, "an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century." The best available science-based projections for sea level rise can be found in the State of California's 2018 Sea-Level Rise Guidance, available at: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

In addition, Bay Plan Safety of Fills policies state, in part, that structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by qualified engineers, and that, "[a]dequate measure should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project.... New projects on fill or near the shoreline should either be set back from the edge of the shore so that the project will not be subject to dynamic wave energy, be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity." These policies should be read in combination with Public Access Policy No. 5, which states, in part, that public access areas "should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding."

The DEIR should describe the project site's existing and future vulnerability to inundation, including during storm events. To this end, the DEIR should identify the Mean Higher High Water, the 100-year-flood elevation, mid- and end-of-century rise in sea level projections (using the 2018 State of California Sea-Level Rise Guidance), anticipated site-specific storm surge effects, and a preliminary assessment of the project's vulnerability to future flooding and sea level rise. The proposed project is an opportunity for the City of Oakland to evaluate the future of this area in light of more recent scientific data on sea level rise and to update plans to address shoreline resilience, given projected sea level rise. As a planning tool, the preparers of the EIR should refer to the Adapting to Rising Tides (ART) maps and data products developed here at BCDC including the Bay Shoreline Flood Explorer, and the Sea Level Rise and Coastal

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Flooding Impacts Viewer developed by NOAA Coastal Services Center in collaboration with a number of other agencies and organizations. The ART products are available at http://www.adaptingtorisingtides.org/maps-and-data-products/ and the viewer is available at: https://coast.noaa.gov/slr/. The DEIR should discuss the potential for inundation and its impacts on land use, transportation, hydrology, water quality, hazards, infrastructure, utilities, recreation, and public services.

The DEIR should also describe how the project has been designed to tolerate, adapt to, and/or manage shoreline flood at the site to ensure the project is resilient to mid-century sea level rise projections, and how it can adapt to conditions at the end of the century. The tools mentioned above may be of assistance when assessing this change. Finally, the DEIR should indicate whether any proposed long-term adaptation strategies would adversely affect or reduce in size proposed public access areas, and possible ways to minimize these effects, if applicable.

Public Access and Recreation. Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided."

The DEIR should consider Bay Plan policies on Public Access, which state, in part: "maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline... Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed... Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs... Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available...." Bay Plan policies on recreation state, in part, that "Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels... and Waterfront land needed for parks and beaches to meet future needs should be reserved now."

In order to evaluate the public access proposed with the project, the DEIR should include more detailed information regarding existing and proposed public access. The design public access areas should be fully described in the DEIR. The DEIR should also analyze the number of new residents, workers, customers, ballpark patrons, and other users expected at the site, their anticipated impact to existing nearby shoreline public access areas including Jack London Square, and evaluate whether and how the proposed new public access areas will

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accommodate these users and/or mitigate for these impacts. Providing this information will aid the Commission in determining whether the public access proposed with the project is the maximum feasible, consistent with the project. The location of the site is near recognized communities of concern and the proposed development should consider these communities when planning public access and site improvements, including opportunities to better connect adjacent communities to the Bay shoreline.

While not described in the NOP, news reports have shown early plans to redevelop the existing ballpark site at the Coliseum as a mixed-use development including open space and park areas. While it is unclear to us if the proposed work at the existing Coliseum site in East Oakland is intended in part to provide a public benefit for impacts associated with the project at Howard Terminal, please understand that the Commission must evaluate the two projects separately.

Bay Trail and Transportation. The Bay Plan policies on Transportation state, in part, that "Transportation projects... should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails." The DEIR should indicate if the project includes a Bay Trail segment, and if so, describe its route and alignment, and how it would connect to the network of existing trails, parks, and open space in the general vicinity of the project area. Please also provide detail on anticipated public transit use and connections to the project site and the shoreline (including, but not limited to transit types, locations, anticipated fares, and hours of operations) as well as the siting and availability of parking for those arriving by car to visit the shoreline.

Water Quality. The Bay Plan policies on water quality state that, "new projects should be sited, designed, constructed and maintained to prevent, or if prevention is infeasible, to minimize the discharge of pollutants to the Bay .... " Additionally, in order to protect the Bay from the water quality impacts of nonpoint source pollution, "new development should be sited and designed consistent with standards in municipal storm water permits and state and regional storm water management guidelines .... To offset the impacts from increased impervious areas and land disturbances, vegetated swales, permeable pavement materials, preservation of existing trees and vegetation, planting native vegetation and other appropriate measures should be evaluated and implemented where appropriate...." This site has also been the focus of groundwater issues as movement of groundwater is projected to rise at the site, and with it there is a potential to remobilize past contaminants. The NOP states that the site is listed on the Cortese List and will need to be remediated before construction can begin. BCDC staff is interested in seeing maps and data that show the areas of contamination to be remediated as well as potential groundwater movement and supplies. The draft EIR should evaluate the potential impacts of the Proposed Project on the water quality of the Bay, surrounding groundwater, and runoff, and should propose best management practices and mitigation measures to minimize adverse impacts to water quality during construction and into the future.

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Appearance, Design, and Scenic Views. The Bay Plan policies on appearance, design, and scenic views state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas... Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay... Views of the Bay from... roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water." The DEIR should discuss how the project design effects views of and to the shoreline, and how the project is designed to take maximum advantage of the shoreline setting.

Environmental Justice. While the Bay Plan does not currently include policies on Environmental Justice, on July 21, 2017, the Commission initiated a Bay Plan Amendment to address social equity and environmental justice by updating several sections of the Bay Plan, including Public Access, Shoreline Protection, and Mitigation, and by adding a new environmental justice section with new findings and policies. A public hearing is currently scheduled to occur on July 18, 2019. The DEIR may need to address such topics as these new policies are developed.

Navigation Safety. The Bay Plan contains policies related to navigational safety in the Bay, and while the proposed project is not an in-water project, there is potential for an increased number of recreational boaters in the vicinity of the project, which is along a navigation channel and immediately adjacent a ship turning basin, to interfere with ship movement, or to be injured by these activities. The DEIR should discuss how safety will be assured in the waters adjacent the proposed project.

We appreciate the opportunity to comment on the NOP for the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)352-3641 or by email at cody.aichele@bcdc.ca.gov.

Sincerely,

CODY AICHELE-ROTHMAN
Coastal Planner

CAR/gg

cc: State Clearinghouse

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January 14, 2019

Peterson Vollmann, Planner IV
City of Oakland
Bureau of Planning
250 Frank Ogawa Plaza, Suite 2214
Oakland, CA 94612
Submitted Electronically http://comment-tracker.esassoc.com/tracker/oaklandsportseir/

COMMENTS IN RESPONSE to NOTICE OF PREPARATION Case File No. ER-18-016; and,
WRITTEN REQUEST FOR NOTICE OF ADDITIONAL ACTION

Dear Mr. Vollmann,

These comments are respectfully submitted in response to the November 30, 2018 Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the "Oakland Waterfront Ballpark District Project" (Case File Number ER18-016) on behalf of the California Trucking Association, Pacific Merchant Shipping Association, Harbor Trucking Association, The American Waterways Operators, Transportation Institute, Save the Bay, Agriculture Transportation Coalition, Schnitzer Steel, and the Customs Brokers and Forwarders Association of Northern California. Each of these organizations submitting comments may also be submitting additional comments which should be considered supplemental to any comments contained herein.

Upon our full review of the NOP and available public documents, we respectfully request that the City immediately withdraw this NOP, refrain from all further work on this DEIR or in response to the Application, and direct the project Applicant to focus its request for

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environmental clearance under CEQA to the Port of Oakland, which will need to promulgate a DEIR as the proper Lead Agency for any potential project at Howard Terminal.

This request for full and immediate cessation of the City's work on the DEIR is based on numerous concerns with the NOP for the proposed Housing/Stadium Project at Howard Terminal in the Port of Oakland by the Oakland A's. These concerns include:

- the Application is Premature and from an Applicant with no rights in the Project
- the Application is incomplete and NOP project description are inadequate;
- the City is the wrong Lead Agency for this Port project;
- limitations on entitlements and approvals are insufficient; and,
- the project scope and description of project action under the Application are inconsistent with the limited purpose of the action requested of the City.

The Application for Environmental Review Submitted to the City is Premature and Incomplete As a Matter of Law and is Facially Inaccurate, Inadequate, and Ineffective Regarding Necessary Project Specifics

The most fundamental substantive component of any environmental review is a clear and effective Project Description. The Application underlying this NOP submitted by the Oakland Athletics Investment Group is inaccurate, vague, and suffers from material omissions in multiple, material respects. These defects in project description render the Application facially inadequate. The lack of a clear Project Description in both the Application and NOP, premature filing by the Applicant, and numerous discrepancies between the Application and NOP predicate that the NOP should be immediately withdrawn and recirculated only upon receipt of a complete Application and adequate Project Description.

The City has an affirmative duty to conduct a Preliminary Review of an Application for completeness within 30 days, as described in §15060 of the state's CEQA Guidelines (14 CCR §15000 et seq.), and shall only "begin the formal environmental evaluation of the *project after accepting an application as complete* and determining that the project is subject to CEQA." This clearly did not occur here, as the NOP was issued within 2 days of receipt of an Application with obvious inaccuracies and incomplete elements and the NOP itself contains numerous significant and substantive materials which were not included in, and contradict several of the provisions of, the Application.

One inaccuracy of alarming and immediate note, the Applicant represents itself as a "Developer or Project Sponsor" of a project at Howard Terminal, Port of Oakland. Yet, the Oakland A's have no rights in the public property at Howard Terminal, have reached no agreement with the Port of Oakland to acquire or develop a facility at Howard Terminal, and have no understanding with the City as to any development or project rights at any location.[1]

[1] The fact that the Oakland A's are in talks with the Port of Oakland under an ENA to potentially acquire future rights to a development at Howard Terminal does not create a cognizable right or interest in the

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The Application for Environmental Review to the City is specifically predicated upon either a Developer or Project Sponsor seeking an Environmental Review in part to ensure adequate Project Description. However, without any rights to the property, the derivative representations of expected project terms, scope, or scale are all necessarily speculative. And, the terms which are included in the Application are presently conceptual and of exceptionally dubious accuracy. This renders the Application premature and inadequate as a matter of law and fact.[2]

The Application's lack of project detail is replete. Plans are "Pending" and unattached. The entirety of the Environmental Setting is described in one page. The Proposed Land Use Program for this exceptionally intense and complex project is summarily described in a single small table with limited detail consisting only of various, random, and non-uniform single project descriptors.

The Application makes broad and dubious claims of no environmental impacts which are simply implausible for a potential project of this size and type at this location. For example, the Application is facially unbelievable in its claims that this project -- 4,000 housing units, 2 million square feet of commercial space, a major league baseball stadium, entertainment venue, and 400 room hotel over an existing urban location polluted with numerous hazardous materials -- will have **none** of the following impacts:

> "24. Significant amounts of solid waste or litter.
> 26. Change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns.
> 28. Use of disposal or [sic] potentially hazardous materials, such as toxic, flammable or explosive materials.
> 30. Substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.)
> 31. Relationship to a larger project or series of projects"

Finally, the Applicant answered "None" to the questions of whether there are any "Associated Projects" related to the Howard Terminal project in addition to the claim that this Application was not submitted in "Relationship to a larger project or series of projects." This is wholly inconsistent with the Applicant's public statements related to this project. The Applicant has insisted that the Coliseum location must be an ancillary development to support the financing of

property. Since no development agreement has been reached at this time, no rights have been conveyed (conditionally or otherwise), and no grant of privilege to apply to the City for this Environmental Review have been given to the Applicant by the Port.

[2] It is further imperative for legal and policy purposes that the City should avoid the preparation of Environmental Review documents for projects where Applicants have not yet acquired rights to a property in which they are presently negotiating for rights. Applicants who are attempting to negotiate rights to a property could leverage a premature project environmental review process by the City to alter the rights, development overhead, risks, opportunity costs, and property values of an existing property against the interests of current property owners during a negotiation process prior to any alienation of rights, title, or subdivision of properties. Specifically, with respect to Howard Terminal, it is likely that if an Agreement is reached between the Port and Applicant that could be materially impacted by issues and mitigation which would be addressed in an EIR.

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the Howard Terminal project.[3] Moreover, project components such as the Washington Street gondola are not listed as part of the project in the Application.

In the CEQA context, fundamental inaccuracies in the project description, or such facially obtuse descriptions so as to yield an unclear description, are not mere harmless error. The state's CEQA Guidelines directly address the predicate criteria necessary for making a project description effective in an EIR:

> §15124. Project Description. The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.
> (a) ***The precise location and boundaries of the proposed project*** shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
> (b) ***A statement of objectives sought by the proposed project***. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.
> ...

As noted by the Guideline, "an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA" pursuant to *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, not simply for the purposes of a check-the-box exercise but because this "section requires the EIR to describe the proposed project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers." (14 CCR §15124, Discussion)

Furthermore, "[s]ubsection (b) emphasizes the importance of a clearly written statement of objectives. Compatibility with project objectives is one of the criteria for selecting a reasonable range of project alternatives. Clear project objectives simplify the selection process by providing a standard against which to measure possible alternatives." (*Id.*) The basic Project Description and Statement of Objectives are therefore requirements of CEQA which are *predicate* to the development of an adequate DEIR and presentation of project alternatives.

The NOP acknowledges the Project Description deficiency by noting that it can only seek comments at this time based on "key initial plan elements."

That the NOP can offer only an incomplete Project Description is also apparent in the few instances in which the NOP tries to make up for these overwhelming deficiencies. For instance, despite the Application's claim that there aren't any potential associated projects with the Howard Terminal development, the NOP includes pedestrian connections over the railroad tracks, an aerial tram to downtown above Washington Street, power plant development, altered

[3] This is seemingly inconsistent with the NOP's notation of the Oakland Coliseum site as a DEIR Alternative.

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wharf configurations, and street extensions and a ramp to Middle Harbor Road and Adeline Street. These additional project components would occur outside of the description of the "precise location and boundaries of the proposed project" required under §15124(a) and are not detailed on either the map submitted in the Application or with those in the NOP itself. Moreover, it would be impossible to relate these additional project descriptions to "a statement of objectives sought by the proposed project" because none was submitted in the Application and none is included in the NOP, as required under §15124(b).

Without these basics, and in light of the numerous obvious inaccuracies, the City cannot demonstrate that it accepted the Application as complete prior to issuing the NOP. Instead, we are presented with an NOP that includes a Project Description (issued on Friday, 11/30/18) which is still incomplete but also inconsistent in many respects with the wholly inadequate and inaccurate Application (submitted on Wednesday, 11/24/18).

The Port of Oakland, Not the City of Oakland, Is the Proper Lead Agency on the DEIR for the Howard Terminal Project

CEQA defines a "Lead agency" as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." Public Resources Code §21067. With respect to the A's Application to the City, the Port remains the public agency with principal responsibility for carrying out or approving the proposed project which is envisioned at Howard Terminal, not the City.

The misdesignation of Lead Agency is not harmless error, and it can be prejudicial to a CEQA adequacy determination, result in the creation of a defective EIR, and ultimately result in a necessity for the preparation of an entirely new EIR by the proper Lead Agency. *Planning and Conservation League v. Dept. of Water Resources* (2000) 100 Cal.Rptr.2d 173.

The state's CEQA Guidelines (14 CCR §15000 et seq.) directly address the criteria for how to avoid the misdesignation of the Lead Agency amongst multiple potential Responsible Agencies and how to identify the proper Lead Agency for EIR development (emphasis added):

> § 15051. Where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:
> (a) ***If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.***
> (b) ***If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.***
> (1) ***The lead agency will normally be the agency with general governmental powers,*** such as a city or county, rather than an agency with a single or limited

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> purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.
> (2) Where a city prezones an area, the city will be the appropriate lead agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the prezoning. The local agency formation commission shall act as a responsible agency.
> (c) ***Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question shall be the lead agency.***
> (d) Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

Based on the application of these criteria in §15051, the Port is clearly the proper Lead Agency:

- Under §15051(a), any development of Howard Terminal will require an action by the Port to Lease or Convey rights to the Oakland A's. That action alone by the Port's Board would be a "Project" under CEQA, and therefore an approval by the Port of a project would require the development of an EIR. Even though it is located in the jurisdiction of the City of Oakland, this alone is affirmatively disclaimed in the Guidelines as a basis for Lead Agency status by the City over the principal public agency carrying out the project.

- Under §15051(b), the Port is clearly the public agency with the most site control of Howard Terminal and with traditional general governmental powers. This is especially true since both State Tidelands Trust law and the City Charter limit the general authority of the City on Port property. Consider the source of principal control of all of the following considerations for this Project site with respect to comparison of either the Port or the City:

	Port	City
Lessor and Recipient of Revenues Derivative of Prior, Present, and Ongoing Uses of Howard Terminal	✓	
Existing Entity with Exclusive Negotiating Agreement w/ Project Applicant regarding Howard Terminal project	✓	
Future Lessor or Conveyor of Howard Terminal Under Project Description of Project Transactional Documents	✓	
Trustee of Granted State Tidelands in the Port Area Subject to Enforcement by State Lands Commission including Howard Terminal	✓	

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Signatory to Current Department of Toxic Substances Control Deed Restrictions on Howard Terminal	✓	
Issuer of Revenue Bonds for Financing of all Existing Port Terminal Facility Infrastructure Including Howard Terminal	✓	
Issuer of Building Permits for any Waterfront Building or Structure in the Port Area Including Howard Terminal	✓	
"To have control and jurisdiction of that part of the City hereinafter defined as the 'Port Area' and enforce therein general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development." Oakland City Charter §706(4)	✓	
"No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street, or other public improvement shall be located or constructed in the 'Port Area,' by the City of Oakland, or the Council thereof, without the approval of the Board." Oakland City Charter §712	✓	
"To provide in the Port Area, subject to the provisions of Section 727, for other commercial development and for residential housing development; provided that any residential housing development shall be approved by the Board with the consent of the City Council." Oakland City Charter §706(23)	✓	✓
"The Board shall develop and use property within the Port Area for any purpose in conformity with the General Plan of the City. Any variation therefrom shall have the concurrence of the appropriate City board or commission." Oakland City Charter §727	✓	✓

- Under §15051(c), the Port would be the logical Lead Agency as it will need to take the first actions to approve this project, well prior to any necessity for the City to even consider approving a General Plan amendment. First, any development of Howard Terminal will necessarily involve an action by the Port to Lease or Convey rights to the Oakland A's under the terms of the current ENA, which is set to expire well in advance of the proposed calendar for completion of this Draft EIR. Moreover, it is illogical to conclude that the Oakland A's, as Applicant for this general planning amendment, would continue to pursue such an amendment if the ENA concludes with the Port and it still has no rights in the Howard Terminal location. Lastly, under the terms of the Oakland City Charter, if the Port seeks to build commercial or housing development in the Port Area such construction would only be authorized with the subsequent concurrence of the City to the Port's actions – not prior authorization. This analysis is likely unnecessary in any

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event, because the City would not have anything close to an equally justified claim with the Port for status based on the criteria of §15051(b).

The NOP's only stated basis for City Lead Agency status is that "[t]he City of Oakland is the public agency that would consider approval of an amendment to the Oakland General Plan required for the Proposed Project, and as such, it is the Lead Agency for the Proposed Project." As demonstrated, this is not the CEQA standard for the determination of Lead Agency status. While the City might have some land-use authority over aspects of a Howard Terminal project,[4] and is undoubtedly a Responsible Agency, it is not the proper Lead Agency.

The Port of Oakland, Not the City of Oakland, Has the Responsibility to Promulgate the EIR for the Howard Terminal Project

A full EIR will need to be prepared by the Port with respect to any agreement that affirmatively vests substantive project rights, even if partial or conditional, in the Oakland A's to the Howard Terminal location. Appropriate time for DEIR drafting is prior to when the Port would consider making an affirmative grant of rights in Howard Terminal to the Oakland A's for pursuit of this project once enough details and framing of the project have begun to emerge under the current ENA. Once there is a conceptual framework of a project, then the Port would necessarily need to consider its environmental impacts, evaluate alternatives to the project, circulate the DEIR with the public, and then only approve a project deal with the A's along with an FEIR.

[4] A municipality cannot enforce local land use regulations on state property. It is a general principle of land use planning that "[a] city may not enact ordinances which conflict with general laws on statewide matters." *Hall v. City of Taft* (1956) 47 Cal. 2d 177, 184. Similar to the other provisions which govern the relationship between various levels of state and local government, "the state, when creating municipal governments does not cede to them any control of the state's property situated within them, nor over any property which the state has authorized another body or power to control." *Id.*, at 183. The tidelands trust is such an example of reserved state authority. Even when this authority is exercised through local trustees, this is still the management of statewide interests "through the medium of other selected and more suitable instrumentalities. How can the city ever have a superior authority to the state over the latter's own property, or in its control and management? From the nature of things it cannot have." *Id.*

Even if the City makes a favorable argument for its retention of some land use authority over some portion of the project site, with respect to that portion which is granted tidelands the City would still owe specific trustee duties to the state when managing these properties, regardless of the City Charter designation of roles between the Port and City. To the extent that these trustee obligations raise conflicting interests vis-à-vis the exercise of the City's local planning laws, the specific statewide interests identified by the legislature would need to be preserved over the general authority of the municipality. To wit, if there is a "doubt whether a matter which is of concern to both municipalities and the state is of sufficient statewide concern to justify a new legislative intrusion into an area traditionally regarded as 'strictly a municipal affair.' Such doubt [ ], 'must be resolved in favor of the legislative authority of the state.' (*Abbott v. City of Los Angeles* (1960) 53 Cal.2d 674, 681 [citations omitted].)" *Baggett v. Gates* (1982) 32 Cal.3d 128.

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Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116 is precisely on point with respect to the need for the Port to specifically address the need for a CEQA determination if it looks likely to convey rights in the Howard Terminal to the Oakland A's. The principle adopted by the Supreme Court is "that before conducting CEQA review, agencies must not 'take any action' that significantly furthers a project 'in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of the public project.'" *Id.* at 139, citing 14 CCR §15004(b)(2)(B).

Because CEQA is a central component of project approval, "an agency has no discretion to define approval so as to make its commitment to a project precede the required preparation of an EIR." *Id.* at 132. In evaluating the correct timing for EIR preparation, "CEQA itself requires environmental review before a project's approval, not necessarily its *final* approval (Pub. Resources Code, §§21100, 21151), so the guideline defines 'approval' as occurring when the agency *first* exercises its discretion to execute a contract or grant financial assistance, not when the *last* such discretionary decision is made." *Id.* at 134. (emphasis in original)

Since a Project at Howard Terminal could occur as a result of the current negotiations underway subject to the ENA, the Port should already be working on numerous potential CEQA clearance issues which might inform its own negotiating positions, the value of the project, the scope of the potentially significant impacts and related mitigation, and the timing of any proposal. In this type of instance, if the ENA yields the desire to create a conditional development agreement, the Supreme Court reasoned, "postponing EIR preparation until after a binding agreement for development has been reached would tend to undermine CEQA's goal of transparency in environmental decisionmaking." *Id.* at 135. Therefore, if there is a project agreement it is the Port which must determine when "as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered, including the alternative of not going forward with the project." *Id.* at 139.

Finally, under CEQA, the Port cannot delegate away its environmental obligations. The proper designation of the Lead Agency is a requirement which is "so significant" that it "proscribes delegation" because "'[d]elegation is inconsistent with the purposes of the EIR itself.'" *Planning and Conservation League v. Dept. of Water Resources* (2000) 100 Cal.Rptr.2d 173, 185 (citing *Kleist v. City of Glendale* (1976) 56 Cal.App.3d 770, 779). With respect to Howard Terminal, this is a requirement which is parallel with the Port's duties and responsibilities as a trustee of granted state tidelands, and the prohibitions attendant to administering these properties, including the prohibition on granting control over trust property to a third party (Public Resources Code §6009.1), and a prohibition on a trustee to allow trust lands to be utilized for local municipal benefit (Public Resources Code §6009).

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 1:03:07 PM

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January 14, 2019
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Additional Constraints on Howard Terminal Development and Associated Projects EIR Unidentified In the NOP

In addition to the above, any CEQA process for Howard Terminal and its associated projects must address multiple additional legal and environmental constraints unique to the project site. These may present additional legal restrictions on the uses proposed.

1

With respect to Hazardous Materials, while the NOP notes that Howard Terminal is a Hazardous Waste site and is present on the DTSC "Cortese List," and that the DEIR will include a Hazardous Materials element, the NOP fails to mention that Howard Terminal is a contaminated site which is already subject to a Deed Restriction entered into between the Port and DTSC. The Deed Restriction affirmatively limits all future activities which might disturb the site and which depart from its use as a port-industrial marine facility, and prohibits construction of housing or other new uses unless otherwise authorized by DTSC. This Deed Restriction is not listed in the list of Discretionary Approvals required for development of this project in the NOP and is not included in the Application (which answered "No" to the question as to whether or not the project may implicate issues of use or disposal of hazardous materials), however the DTSC Deed Restriction may place significant physical and legal constraints on the project site.

With respect to site condition and constraints, neither the Application nor the NOP list Pipeline safety and transportation issues as an issue specific to the site. The site is adjacent to the Kinder Morgan jet fuel pipeline and is subject to an easement at the property line to ensure access to the pipeline and to ensure that all federally-mandated pipeline safety, security, and maintenance standards are maintained. The presence of an oil pipeline on the boundary of Howard Terminal is a condition that may place significant physical and legal constraints on the project site.

With respect to Public Trust lands, while the NOP notes that Howard Terminal is a subject to the Public Trust, it lists this as a condition which is anticipated to be addressed through "Port and State Lands Commission approval of a Trust Settlement and Exchange Agreement." However, such an Agreement requires a legal basis for its facilitation, and no such an Agreement has been authorized or authority for such Agreement specific to these parcels have been proposed or identified at this time. Barring the same, specific aspects of the proposed project are *per se* incompatible with the public trust – most notably housing and non-trust supporting commercial. Moreover, the Trustee duties of the Port of Oakland are not limited to Howard Terminal alone, and must be considered to be physical and legal constraints on the project site.

With respect to the Associated Project of the construction of an "aerial tram or gondola above Washington Street extending from downtown Oakland near 12th Street BART to Jack London Square," this would impact specifically the right-of-way over Interstate 880. However, the NOP does not list CalTrans approvals as necessary for the development of the proposed project. The approvals of CalTrans must be considered to be physical and legal constraints on the project variant including the aerial tram system.

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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/22/2021 1:03:48 PM

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COMMENT

COMMENT

From: Vollmann, Peterson
To: Jillian Feyk-Miney; Crescentia Brown
Subject: FW: PMSA Comments on NOP DEIR
Date: Monday, January 14, 2019 4:30:09 PM
Attachments: PMSA NOP DEIR letter 011419 .pdf

Peterson Z. Vollmann, Planner IV **|** City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612 | Phone: (510)238-6167 | Fax: (510) 238-4730 | Email: pvollmann@oaklandca.gov | Website: www.oaklandnet.com/planning

From: John McLaurin [mailto:jmclaurin@pmsaship.com]
Sent: Monday, January 14, 2019 4:14 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Subject: PMSA Comments on NOP DEIR

Attached you will find comments submitted by the Pacific Merchant Shipping Association on the proposed development project at Howard Terminal. Please let us know if you have any questions.

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Number: 1 Author: Date: Indeterminate

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PMSA
PACIFIC MERCHANT SHIPPING ASSOCIATION

January 14, 2019

City of Oakland
250 Frank Ogawa Plaza, Suite 2214
Oakland, CA 94612
Attn: Peterson Vollmann, Bureau of Planning
Submitted via http://comment-tracker.esassoc.com/tracer/oaklandsportseir

Comments Re: NOP DEIR for the Housing/Commercial/Stadium Project at the Port of Oakland
[Case File No. ER-18-016][Howard Terminal, One Market Street]
[Oakland Athletics Investment Group LLC]

Dear Mr. Vollmann,

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), we respectfully offer these comments on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the potential Howard Terminal Project by the Oakland A's (Applicant) at the Port of Oakland.

PMSA represents ocean carriers, marine terminal operators, and various other maritime interests which conduct business on the U.S. West Coast, including at the Port of Oakland. All of the Port of Oakland's current Marine Terminal Operator tenants, as well as the overwhelming majority of the ocean carriers calling at these terminals, are members of and represented by PMSA. As an association, PMSA is headquartered in Oakland and proud to call the Port of Oakland our home.

PMSA has reviewed the NOP for the Project and offers these substantive comments with respect to the possible significant environmental impacts subject to analysis in this process. These supplemental comments should be considered as supplemental to our positions and concerns regarding the procedural aspects of the current California Environmental Quality Act (CEQA) process as expressed in the coalition letter to which we are signatory also being submitted on Case # ER-18-016.

EIR SCOPE NECESSARILY INCLUDES ALL POSSIBLE ENVIRONMENTAL ISSUES

The Applicant is proposing a project which would create an entirely new neighborhood of intense uses within the current working industrial Port area in which our members conduct business. The project would construct a Housing/Commercial complex of 4,000 new units of housing, 2.3 million square feet of new office and retail space, and a 400 room hotel, as well as an Entertainment complex featuring a 35,000 seat ballpark and 3,500 capacity performance venue. All of this would be located next to the navigational channels, terminals, roads, railroads, and industrial warehouses of our working waterfront.

Given the intensity, scale, and location of the project, PMSA agrees with the NOP that a full EIR will be required for this project. PMSA also agrees with the NOP that the DEIR should evaluate "the full range of environmental issues contemplated for consideration under CEQA and the CEQA Guidelines."[1]

[1] Although PMSA objects to the NOP's anticipation that the project would have no impacts on agricultural resources. As noted in comments below, given the large concentration of California agricultural commodities in the flow, mix, and nature of the export cargoes shipped through the Port of Oakland, agricultural exports which are currently utilizing the Port of Oakland would be significantly and negatively impacted by the proposed project at Howard Terminal. PMSA respectfully requests that the NOP include an evaluation of the environmental impacts on California agriculture associated with the project be included in its consideration of "the full range of environmental issues contemplated for consideration under CEQA and the CEQA guidelines."

While the NOP, and therefore the public in providing comments as to the adequacy of the NOP, suffer for the lack of an Initial Study, the lack of this step may not lawfully impact the final EIR associated with this project. In a typical NOP, a discussion of the Initial Study would provide the basis upon which the Lead Agency, Responsible Agencies and the public could rely in order to make an evaluation of the scope that a DEIR will take. The Initial Study can also provide the basis upon which a Lead Agency might conclude that certain types of analyses of environmental impacts could be limited. Since there is no Initial Study upon which one could rely for comments and for any limitations on the review of project scope, the NOP's conclusion that **every conceivable environmental impact** of this project must be evaluated in the DEIR process is indisputably correct.

This means that the EIR for this Housing/Commercial/Stadium complex located within a Seaport will need to address **ALL** of the traditional range of environmental issues that face any large housing project, plus those of any large commercial and retail complex, plus those of any large hotel, plus those of any stadium venue **AND**, in addition to those numerous and varied considerations, **ALL** of the numerous comprehensive analyses of the litany of industrial environmental impacts that will likely result from the project as well. These include the potential environmental impacts resulting from such issues as Navigational Impacts, Vessel Delays, Turning Basin Impacts, Ingress and Egress of Trucking Impacts, Truck Parking Impacts, and Greenhouse Gas Emissions increases.

PMSA supports the conclusion in the NOP that there are no bases for limitations on the issues to be reviewed in this EIR process and that the entire panoply of possible environmental issues must be reviewed given the lack of Initial Study. PMSA offers its comments in this letter to ensure that these reviews include all of the many significant impacts to the maritime industry associated with the project.

EIR TIMELINE MUST REFLECT SUBSTANTIVE INCLUSION OF ALL POSSIBLE ENVIRONMENTAL ISSUES

As the DEIR must necessarily address all of the large and varied retinue of environmental issues to be explored with any large and ambitious Housing/Commercial/Stadium project in addition to all of the issues implicated when a project of significant magnitude is undertaken on the waterfront, there is absolutely no objective basis for the initial evaluation in the Staff Report for the City of Oakland Planning Commission accompanying the NOP that the completion of a DEIR could be reasonably expected by "early summer of 2019."

To the contrary, without an Initial Study to rely upon, the Applicant and the Planning staff have little basis for making assumptions about a timeline for the DEIR evaluation process other than looking generally at the project's complex components and challenging location.

In this context, it is important to note that the environmental review process for this project will be almost necessarily longer than the average timeline typically experienced by most projects. Indeed,

I-312 Richard Padovani

	COMMENT	RESPONSE
	a ball park at the Howard Terminal site is a bad idea	
I-312-1	it will add traffic, congestion, noise and impact Port Operations	I-312-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
	there is no public transit serving the area or easy freeway access	
	the best location is the current site	
I-312-2	it has parking, public access and easy freeway access	I-312-2 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative.*
	a ball park at the Howard is a bad idea!	

I-313 Andrea Bocanegra

COMMENT

I-313-1 I am a resident of East Oakland and I have serious concerns about the Draft Environmental Impact Report for the A's proposed project at Howard Terminal. The Draft EIR fails to address the most pressing issues and impacts for East Oakland and the community that has been home to the A's and the Coliseum for decades. While the DEIR provides the Coliseum site as an alternative location for the A's new stadium, it does not analyze this alternative. Thorough analysis would demonstrate that the Coliseum site is a better location in terms of the environment, transportation and access, public safety, and minimizing gentrification. The DEIR also fails to address the economic vacuum the A's will leave behind

I-313-2 in East Oakland if they move to Howard Terminal. This proposed move would abandon the community that has supported the team since 1968, despite empty promises to invest in and revitalize the community surrounding the Coliseum. The Coliseum is already approved for a ballpark development, does not require environmental remediation, has an adjacent BART station, and won't require pedestrians to cross busy railroad and trucking corridors. All of these factors make it the better choice

I-313-3 for a new ballpark. The Coliseum also already has the necessary transportation infrastructure to handle a world-class ballpark, offices, and affordable housing. That is because our community has made sacrifices and investments over the years to create that infrastructure–including having our streets widened through eminent domain to provide better access–with the expectation of community and economic benefits for East Oakland. Replacing the stadium with luxury condos and a tech campus that

I-313-4 won't create jobs for current East Oakland residents is an insult to our community. It is unacceptable

I-313-5 that the A's are attempting to buy the Coliseum at a discount, asking Oakland to give up valuable taxpayer-owned land for less than it's worth–and without any promise to stay and invest in East Oakland by building their new ballpark there. The city should not allow the A's to strong-arm them into providing a public subsidy, without enforceable conditions, under threat of leaving town. This is about self-determination. East Oakland neighborhoods have suffered under cycles of neglect, broken promises, gentrification, and displacement. Having the Oakland A's remain at the current site with additional housing and commercial activity will create economic opportunities in a community that needs and deserves the benefits that a redeveloped world-class stadium would bring. As a resident of East Oakland

I-313-6 I expect an EIR process that is transparent and which thoroughly examines all impacts, in all impacted parts of the city. I especially expect the city to give serious consideration to the DEIR alternatives and make the right choice: rebuild the stadium at the Coliseum. Please address this serious gap in the DEIR's analysis before this project is allowed to move forward. Thank you, Andrea Luna Bocanegra Resident of East Oakland Alameda County Democratic Central Committee – elected Toler Heights Neighborhood Council

RESPONSE

I-313-1 The Draft EIR provides an in-depth analysis of the Project sponsor's proposal to redevelop the Howard Terminal site, and for this reason, the body of the Draft EIR appropriately focuses on potential impacts at that site. The Coliseum site is analyzed in terms of its potential for "urban decay" should the A's relocate, and as a potential alternative site. See Consolidated Response 4.15, *Urban Decay*, and Consolidated Response 4.10*, Alternative 2: The Off-Site (Coliseum Area) Alternative.*

I-313-2 See Consolidated Response 4.15, *Urban Decay*.

I-313-3 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative.*

I-313-4 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-313-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-313-6 See Response to Comment I-310-2. See also Consolidated Response 4.10, *Alternative 2*: *The Off-Site (Coliseum Area) Alternative.*

I-314 Hiroko Kurihara

COMMENT

April 27, 2021

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612
VIA EMAIL
PVollmann@oaklandca.gov

Re: Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016)

Dear Mr. Vollmann,

Thank you for receiving these comments and sharing them with the Planning Commission. I have submitted more detailed comments within the Oakland Chinatown Coalition's letter and am here providing additional thoughts and emphases, as an active member of Oakland's cultural enterprise community and as a long time artist and activist in Oakland.

I am writing to express deep concerns about the Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project (ER18-016).

I-314-1
1. This proposed project and the DEIR does not adequately incorporate viable equity outcomes as consistent mitigation measures throughout the entire document.
2. The DEIR does not calculate the loss of industrial zoning and its impact on the Creative Economy in Oakland. As you know, if we don't include the Port, Oakland has only 3%-4% industrial zoned lands having converted thousands of square feet to residential uses. The comparison between sustainable advanced and traditional manufacturing jobs and the primarily office and service industry jobs is inadequate.

I-314-2
The DEIR states:

Pg. 4.10-p27: "To date, City's zoning regulations have not been enforced, nor has the Port developed any zoning regulations, for the approximately 50-acre portion of the Project site located with the Port Area." ***Where is the accountability on this lack of enforcement? How will communities be assured of any future accountability?***

I-314-3
3. The DEIR does not include any provisions or alternative reparation or restitution for the Rancho Uplands portion of the Howard Terminal area. Can the City honestly say that they have included Indigenous Peoples' groups in this planning effort to discuss this 3rd round of lands takings for private profit? ***This is PUBLIC land and original stewards MUST BE INVOLVED.***

RESPONSE

I-314-1 See Consolidated Response 4.14, *Environmental Justice*.

I-314-2 The Port is a department of the City with the exclusive authority to control and manage certain lands of the City, referred to as the Port Area, in conformity with the City's General Plan. The Port's land use regulations and the City's General Plan both apply to the Project site (Draft EIR p. 3-11). A Port Building or Development Permit is issued for alteration of property within the Port Area, and the Port Building Permit is issued in lieu of the City Planning and Zoning Permit for properties within the Port Area.

I-314-3 Although there have been no formal requests for consultation from any tribes according to the provisions of Public Resources Code Section 21080.3(b), the City sent letters to Native American tribes and individuals. No responses were received from the eight Native American tribes and individuals contacted.

I-314 Hiroko Kurihara

COMMENT

I-314-4

I-314-5

I-314-6

I-314-7

4. Affordable Housing: The DEIR does not only not specify if or how much affordable housing will be built nor does it specify the percentage AMI requirements that should be met. ***Lack of truly affordable housing and houselessness is a public health issue.***
   a. The DEIR does not outline any ownership or pathways to ownership of any of the residential units allowing highly profitable rentals to continue to flood the market and spread gentrification even further.
   b. The DEIR says that the program may involve paying impact fees. There needs to be analysis that compares the Affordable Housing Impact Fees collected to date and see if the mitigating housing units have been built and if not re-apportion additional requirements to this project. There is simply not enough data on the proposed residential units.
   c. The DEIR absolutely does not adequately address the proposed projects' impact of toxic contamination or pollution impact and how community serious of a public health concern this is on a community in West Oakland that has already borne the brunt of toxicity due to Port activities.
5. The DEIR has not adequately publicized the Community Benefits Agreements to allow for more input from community and to determine if they adequately mitigate the negative impacts of this project.

The City of Oakland cannot make an informed decision on whether to proceed with this project and should not until the DEIR is revised and then, and only then, ***recirculate a revised DEIR that will provide members of the public, Indigenous Communities and decision makers with accurate and transparent analysis and clear, community driven mitigation measures.***

Thank you for considering these comments.

Sincerely,

Hiroko Kurihara
Arts + Garage District,
CAST Cultural Arts Strategist,
OACC Advisory Board
Chinatown Community Coalition

RESPONSE

I-314-4 See Consolidated Response 4.12, *Affordable Housing*.

I-314-5 These topics are discussed in Section 4.2, *Air Quality*, and Section 4.8, *Hazards and Hazardous Materials*, of the Draft EIR. In particular, the cumulative health risk analysis takes into account the cumulative contribution of localized health risks to sensitive receptors from sources included in the Bay Area Air Quality Management District's (BAAQMD's) health risk modeling for the West Oakland Community Action Plan (WOCAP) plus the Project's sources (Draft EIR p. 4.2-60, also see Impact AIR-2.CU).

I-314-6 The Draft EIR identifies mitigation measures necessary to avoid or lessen significant environmental impacts of the proposed Project. The Community Benefits Agreement is a matter of negotiation between the City and the Project sponsor that has benefited from extensive community input. The Community Benefits Agreement would address community benefits rather than required environmental analysis and mitigation, and its final contents are not required to complete the EIR.

I-314-7 See Response to Comment I-310-2. As explained in Consolidated Response 4.3, *Recirculation of the Draft EIR,* although information has been added to the Draft EIR, no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR. Consequently, the Draft EIR need not be recirculated.

I-315 Grant Chen

	COMMENT		RESPONSE
I-315-1	I strongly support this project. I have been a long time A's fan and I believe this project would be mutually beneficial for Oakland and the A's. This project would bring a world class stadium to Jack London Square, which has long languished as an underachieving entertainment district. This ballpark could help this area reach it's full potential to be a bustling neighborhood with restaurants, entertainment, and more. Howard Terminal is currently not being utilized and there is no plan for it to be utilized in the near future. The port still can function well without HT. Why leave this site empty for a small chance that it could be used by port operations. The A's are willing to pay for the environmental remediation of the site and the entire ballpark. This is a huge construction project that will bring jobs and much needed additional housing to Oakland. Yes, we need to be careful about paying for infrastructure costs, but if the true benefits of the ballpark significantly outweigh the costs, this is a no-brainer.	I-315-1	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-316 Coleman Rosenberg

	COMMENT	RESPONSE
	This is a horrible idea, not only will it slow down port operations which are a major portion of Oakland's economy, including thousands of well-paying middle class union jobs, and could lead to shipping companies moving operations to Los Angeles, Long Beach, or Seattle, but there are several other reasons this will negatively impact the port and Oakland at large, well not delivering on all of its promises.	
I-316-1	Operations in the port will be slowed down due to losing the staging area that the Howard Terminal is currently used for, this will generate a lot of container truck traffic, making attendance to games much more difficult and impacting the residents of this already impoverished neighborhood - both in new and existing housing. The stadium will attract traffic of its own further slowing the port and again hurting Oakland's economy.	I-316-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
I-316-2	On safety issues, stadium lights will have a major effect on the turning basin for container ships and have the potential to cause a grounding or other incident which could lead to serious environmental and economic impact. In the likely event that this new stadium attracts kayakers and other boaters - similar to McCovey cove in San Francisco - there is a high chance, in the narrow waters of the estuary, that incidents will occur where ships will be in a position to accidentally injure or kill	I-316-2 See Consolidated Response 4.18, *Effects of Light and Glare on Maritime Operations and Safety.*
I-316-3	recreational boaters, which may not even be visible from the ship. If boaters are spotted from the ship, the only likely option to save the inattentive boater, would have a high probability of causing environmental impact including but not limited to oil spills or a repeat of the recent events at the Suez Canal, which cost more than Oakland's entire annual economy per day	I-316-3 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
I-316-4	Additionally port operations are incredibly loud and would impact the enjoyability of anyone attending a baseball game and anyone lives in the newly built housing, ask residents of West Oakland who live near the port how noisy the neighborhood already is. The noise from the port will greatly reduce the perceived value of this plan. Retail operations may also be affected, but likely less so.	I-316-4 As stated on Draft EIR p. 4-11-60, development of the proposed Project could expose future occupants of the Project site to existing sources of noise. However, CEQA does not require that potential effects of the environment on the Project be analyzed or mitigated, except where the Project impacts would exacerbate the existing conditions. Because the Project's impacts would exacerbate some existing noise conditions, an analysis of existing noise effects on the Project is included on Draft EIR pp. 4-11-60 through 4.11-63 to provide information to the public and decision-makers. Long-term monitoring locations adjacent to operations of the Union Pacific Railroad (UPRR) tracks recorded noise levels of 72 A-weighted decibels (dBA) day/night average sound level (DNL), which would be within the "normally unacceptable" noise exposure category for residential uses. The City of Oakland General Plan indicates that residential development should only proceed in such an area if a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. Because Mitigation Measure NOI-3 would ensure acceptable interior noise levels within the interior spaces of residential buildings, the noise exposure of proposed residential uses on Blocks 17 through 21, along the northern property line adjacent to the UPRR tracks, could be compatible with the land use noise environment guidelines. As a result, the noise exposure impacts on occupants of proposed residential uses would be less than significant with mitigation. With respect to impacts of existing noise on the proposed ballpark use, as shown in Table 4.11-7 on Draft EIR p. 4.11-18, the City of Oakland noise exposure standard for outdoor spectator sport land uses indicates acceptability in environments of 75 dBA DNL or less. Table 4.11-2 on Draft EIR p. 4.11-8 shows that existing monitored noise levels exceed this 75 dBA DNL standard at locations within approximately 300 feet of the UPRR tracks and at-grade crossings. The proposed ballpark would be approximately 300 feet from the rail line and would be buffered from the rail line by multiple buildings in
I-316-5	Lastly, well the A's current stadium is not perfect, it is right by a BART station, right off of a freeway, and has ample parking, none of the these apply to Howard Terminal and none would be possible to implement with out displacing a large portion of the neighborhood, many of whom are impoverished, and would be ruined by the eminent domain move.	
I-316-6	If you are unfamiliar, I urge you to drive by the port on Maritime Blvd. and see just how many trucks are often waiting there, without taking away the staging area at Howard.	
	For these reasons and more, opening a new stadium at Howard terminal will hurt Oakland and the A's far more than it will help anyone.	

I-316 Coleman Rosenberg

	COMMENT	RESPONSE
		the proposed Phase 1 Project development. Baseball events themselves also generate noise, as discussed starting on Draft EIR p. 4.11-45. For these reasons, exposure of ballpark patrons to noise from Port operations is not expected to interfere with their ability to enjoy events.
	I-316-5	No use of eminent domain is proposed at the Howard Terminal site, nor are there existing residents on the site who would be displaced. See Draft EIR Chapter 3, *Project Description*, for a description of existing uses on the Howard Terminal site and approval actions that would be required for the proposed Project. See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.
	I-316-6	See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-317 Kathleen DiGiovanni

	COMMENT	RESPONSE
I-317-1	I am writing to ask the City of Oakland to reject the Howard Terminal ballpark proposal along with its associated housing and commercial developments. Howard Terminal is a singularly bad location for a new baseball stadium. It is absolutely inevitable that the stadium and the residential and commercial development that make it attractive to A's ownership will have a detrimental impact on the operations of the Port of Oakland and its own related activities. The proposed site is adjacent to the three new supercontainer cranes. That set of berths will be busier as time passes. The Port means so much for to the City's, and the region's, economic health than a baseball diamond. Once housing and commercial space is developed, residents and business users will complain ceaselessly about the Port's noise, lights, trucks, and trains. The site has transportation access flaws that can't be ameliorated no matter how many parking spaces are written into the plan, nor will the silly plan to build a gondola from 12th Street BART improve things. Railroad tracks separate the proposed site from sources of parking. How many people will take a chance on crossing in front of a train in order to get to a ball game or a restaurant?	I-317-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. Mitigation Measure LUP-1c would impose siting limitations on physically separate sensitive land uses and strategies (including solid barriers and vegetated buffers) to buffer sensitive Project uses from nearby Port, rail, and industrial operations. As discussed in the Draft EIR, based on the Port's experience with nearby users and residents, complaints from new uses regarding Port operations would be likely to occur. To address this issue, the Exclusive Negotiation Term Sheet with the Project sponsor, approved by the Board of Port Commissioners, states that the future users, owners, lessees, and residents of and in the Project site shall be notified of potential impacts of Port maritime and marine operations on their use, and shall waive rights to claims arising from such operations. While not required to address an impact under CEQA, Improvement Measure LUP-1: Statement of Disclosure is included in the Draft EIR and would be included as a condition of approval for the Project. Any other actions to address these complaints and any physical impacts of the complaints are not reasonably foreseeable but rather speculative, and so any environmental impacts of any resulting actions are outside the scope of the Draft EIR (Draft EIR pp. 4.10-50 and 4.10-51). The remainder of the comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision makers for their consideration during deliberations on the proposed Project.
I-317-2		I-317-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
I-317-3	A perfect site for a new ballpark already exists in Oakland: the present Coliseum. It has ideal access to BART, freeways, and the airport. There are acres of vacant land on which to build housing and commercial buildings. The Coliseum site gives the City the opportunity to build an exciting new go-to neighborhood, lifting the fortunes of a great swath of East Oakland. Just think of a new ballpark, looking out toward our beautiful hills (Mount Davis, gone!). I urge the city to reject Howard Terminal and direct the A's to the Coliseum site for a new ballpark.	I-317-3 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative.*

I-318 Sherrie Rosenberg

	COMMENT		RESPONSE
I-318-1	I am completely opposed to this proposal. It is a dangerous project which could cause deaths and environmental damage. The current ballpark has excellent public access both for people coming by car and public transit. Putting a stadium in a congested shipping area makes no sense. An active port is essential to our economy. The port is already busy with ships coming and going at all hours, seven days a week. Having a ballpark nearby with bright lights for night games and events, can impair the safe arrivals and departures of ships. There are times when there are scores of huge trucks lined up to drop off and pick up up containers from the ships. The ships and trucks bring the food and supplies to keep us fed and clothed. Ninety percent of everything is carried on ships. Adding thousands of cars to the area will impair the supply chain. If a new ballpark attracts kayakers and other small boaters, people could get killed because they may not be visible from huge ships that cannot maneuver in the shallow waters without risking running aground, causing massive environmental damage, including oil spills. The people who would move into housing near there would have to deal with the loud noises and bright lights from an active port and stadium. I love the Oakland A's and I want them to thrive in Oakland. This is not the way to make it happen. Please realize that the environment will be grossly negatively impacted by adding a ballpark, housing, and businesses to this area. Thank you.	I-318-1	See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. See also Response to Comment I-317-1.

I-319 Peter Clark

	COMMENT	RESPONSE
I-319-1	To insure that the property owners in the region will not be assessed heavily to support the infrastructure that is needed and the benefits defined by the CBAs: 1) There should be only ONE Benefit District created, and that District must be allowed to expand with an expanding transit system that is needed, which should eventually extend beyond Oakland. 2) The projects that are required, including the Community Benefits defined by the CBA Cohort Groups; the transit system that the Alameda County Transportation Authority agrees is needed to connect Lake Merritt BART to West Oakland BART, and the rail system that takes freight containers from the PORT to satellite truck loading facilities, must be rolled into the development as the same project; and be amended into the current EIR, so that the costs are reduced to a manageable level by a Design-Build process (NOT the RFP process that creates so many boondoggles). This is also required so the projects are coordinated-- for example, so that the transit system is not forced to tear down part of the first phase work in order to retrofit in a transit system at 5X the cost; and so the needed infrastructure is not delayed for the critical decade that will determine the success or failure not just of the HT stadium and 3 million s.f.? of ancillary development, but of the businesses in the region, if not the City itself. 3A) The City and the HT Developer should contribute their respective parking structures to the benefits district that is proposed, thus providing income to the district to help support the infrastructure and services. 3B- If the district owns the freight rail line to the satellite truck container loading facilities at the Army Base, in Richmond, and in Tracy, the district will have the ability to get it built, and enjoy the abundance resulting from the freight fees (as well as this segment of "America's Answer to High Speed Rail, that, from Tracy, can be a money MAKER.	I-319-1 See Consolidated Response 4.22, *General Non-CEQA*.

I-320 Warren Wells

	COMMENT		RESPONSE
I-320-1	I am writing to strongly suggest that the project include planning and an easement for a bridge spanning the estuary between Oakland and Alameda. Additionally, I have several comments on the bike facilities. From West Oakland: I support the new bike lanes on 7th Street in West Oakland, although it should be the protected bike lanes called for in the Oakland Bicycle Plan.	I-320-1	A bicycle and pedestrian bridge connecting Oakland and Alameda is not part of the proposed Project or required as a mitigation measure for the Project. See also Response to Comment A-10-5. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
I-320-2	From Downtown Oakland: there are three potential options here, according to the Oakland Bicycle Plan and Downtown Specific Plan: 1) Franklin St/Broadway, 2) Clay/Washington and 3) MLK Jr. Way. All three of these bikeways connect at their north end to a planned east-west bikeway on 14th Street. Whichever of these three potential bikeway connections is built to support ballpark access, the bike lanes should be separated and protected and connect to 14th Street, which obviously is the needed access point to and from 12th St/City Center BART Station and from parts of West Oakland.	I-320-2	The City of Oakland was recently awarded an Active Transportation Program grant that would construct protected bike lanes on 7th Street between the West Oakland BART station and Martin Luther King Jr. Way. Mitigation Measure TRANS-2b would construct protected bike lanes on Martin Luther King Jr. Way from the Project site to 7th Street, connecting with the 7th Street protected bike lanes. North of 7th Street and extending to San Pablo Avenue, the City has a grant to construct buffered bike lanes on Martin Luther King Jr. Way. Mitigation Measure TRANS-2c would construct striped bike lanes on Washington Street between Embarcadero and 10th Street. Each of these facilities is consistent with the Bike Plan. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
I-320-3	Lastly, the project *should not* provide one parking space per housing unit. That results in far too much parking. This is a highly transit accessible area and thus should encourage people to bike, walk, and take the bus/BART to destinations be providing less off-street parking.	I-320-3	The parking rate of 1.0 parking spaces per residential unit is a proposed maximum, which may eventually be set lower pending City rezoning of the Howard Terminal site for the Project. Section 4.15.3, *Project Transportation Characteristics*, in the section *Parking* beginning on p. 4.15-80, explains how the proposed parking maximum for the Project's residential component was informed by an analysis of automobile ownership rates and demographics of households living near the Project site. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-321 Durrain Ansari-Yan

	COMMENT	RESPONSE
I-321-1	As a long time Oakland A's fan, someone who has called the East Bay home for the last 30 years and a public health professional and educator who cares deeply about social justice I believe the ballpark on the waterfront must be built in Oakland. Oakland has been neglected for far too long and it's important that this stadium be able to be built to fix the environmental issues in the area, to invest in jobs and create economic opportunity in Oakland that is not limited to those who work in Big Tech and allow for the creation of spaces where families can be together. Oakland deserves this stadium and the immense benefits that come from it.	I-321-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-322 Joe Fairfield

COMMENT

I-322-1 Dear Mr. Vollmann, I have been employed on the Port of Oakland for 33 years. I am disappointed that the City of Oakland is considering the current proposed construction plan for Oakland Waterfront Ballpark District at Howard Terminal. I have read the pro arguments for the construction that include the addition of new jobs. However, the arguments are flawed. To start, there is no consideration of the jobs lost and the difference in the jobs gained through this project and lost.

I-322-2 There does not appear to be any consideration of disruption of traffic to the port or consideration of safety for those traveling to the ballpark. I also do not see consideration of the environmental impact.

I-322-3 The current jobs at the Port of Oakland pay a living wage with medical and other benefits that allow for the thriving of families in the increasingly expense Bay Area. Jobs at the ballpark will not pay the same level of wages, provide equal benefits or the quality of life opportunities the current jobs provide.

I-322-4 There is also the consideration of traffic impact. You are not proposing to add a ballpark in a low traffic area or even a similar vehicle traffic area. The Port of Oakland is the third busiest port on the west coast which requires a substantial amount of truck traffic. The decision to mingle a high flow of automobiles with these semi-trucks is irresponsible and unsafe. You must also consider the availability of public transportation. The number of riders to games and other events that are held at stadiums has shown to be substantial. Investments were made to bring Bart access to the current A's stadium and with this proposal we will dispose of that investment. We will construct a ballpark in an area that does not have such public transportation access.

I-322-5 In review of just these three obvious issues, there are certainly more, one has to question the values of the decision makers. We are watching people leave the bay area in droves because they cannot afford to live here. You are considering the proposal that will eliminate very important good paying jobs. We are attempting to make Oakland a safer area and reduce road accidents. You are considering a proposal that will put lives in danger. We are striving to reverse climate change and reduce pollution. You are considering a proposal that requires putting more automobiles on the road rather than use public transportation that has already been invested in. I respectfully request you review your values and the values of Oakland and the Bay Area, and review them beyond the appeal of having the prestige of a team associated with our city and the consideration of a few wealthy who will afford the elite condos. We are facing a time that requires serious leaders who want to see families thriving and staying in the bay area. Living wages, safe roads and care of the environment are foundational for that goal.
Respectfully, Joe Fairfield Port of Oakland employee

RESPONSE

I-322-1 Existing tenants at Howard Terminal employ about 40 on-site employees and 58 contractors and drivers who may use the site (see Draft EIR p. 3-3). Howard Terminal is currently leased by the Port to short-term tenants for maritime support uses including truck parking/container depot, longshoreperson training, drayage truck yards, truck repair and offices. As indicated on Draft EIR p. 3-61, the existing tenants and users of Howard Terminal and associated employees are assumed to move to other locations within the Seaport, the city, or the region where their uses are permitted. See Draft EIR pp. 3-61 through 3-63, which present the basis for this assumption (e.g., short- and long-term need for and availability of truck parking for the Seaport). See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Consolidated Response 4.5, *Truck Relocation*.

I-322-2 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-322-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-322-4 Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3.

While not required for CEQA, the City prepared for informational purposes a detailed intersection operation analysis of the proposed Project (see Draft EIR Appendix TRA.3). The City also required a sensitivity analysis of Port intersections (see Draft EIR Appendix TRA.7) to determine the implications of traffic congestion along the Adeline Street access to the Seaport caused by unforeseen traffic congestion caused by the Project. The analyses in these documents concluded that with the transportation improvements described in Draft EIR Section 4.15.4, *Transportation Improvements*, the Project would not adversely affect Seaport operations, a discussion of which is provided in Draft EIR Section 4.15.5, *Port Operations*.

With respect to transit and other strategies to minimize driving, see Response to Comment I-309-1.

I-322-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-323 Andrea Dunlap

	COMMENT		RESPONSE
I-323-1	I love to move around without a car! Please add a bike and pedestrian bridge from Alameda!!	I-323-1	See Response to Comment I-320-1.

I-324 Stanley Onyimba

	COMMENT		RESPONSE
I-324-1	As a homeowner in Jack London and a board member for the Bond HOA, I strongly support the Oakland Waterfront Ballpark District Project and the proposal to secure the remaining 3 intersections beyond Broadway (Franklin, Webster, and Oak). Securing the additional intersections and extending the Quiet Zone beyond Broadway will improve safety and the quality of life in the Jack London Square community, benefitting ballpark patrons for years to come.	I-324-1	See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-325 Damon Musha

	COMMENT		RESPONSE
I-325-1	I'm glad that the city of Oakland is accepting public comments. This is a bold project that will bring jobs, revitalize JLS and provide a multitude of housing that's desperately needed. The A's are the East Bay's team, and I implore the City Council to strive for all parties to work together and support this amazing project. Ask the right questions, demand results that benefit the city and see this project as part of a massive once in a lifetime opportunity for our community.	I-325-1	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-326 Peter Breunig

	COMMENT		RESPONSE
I-326-1	Please prioritize the bike/pedestrian bridge plans from Alameda. This hub is going to need all the help it could get to make it easy to get to and that's one great way to tie the communities together.	I-326-1	See Response to Comment I-320-1.

I-327 H. E. Christian (Chris) Peeples

COMMENT

H. E. Christian (Chris) Peeples

3121 Fruitvale Avenue, No. 39B Oakland, California 94602-2112	27 April 2021	510-851-0968 chris_peeples@yahoo.com

SUBMITTED ELECTRONICALY

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning,
250 Frank H. Ogawa Plaza, Suite 2214,
Oakland, California 94612

Re.: Howard Terminal – Unreasonable From A Transportation View

Dear Mr. Vollmann:

I-327-1 The proposed A's stadium at the Howard Terminal site is completely unreasonable from a transportation point of view and the EIR does not properly address the transportation issues. Also, the EIR does not properly address the sea level rise issues that will put the stadium and the streets that access it under water before the end of the stadium's useful life.

I-327-2 I do not have expertise in sports economics or in the economics of real estate development. I do have expertise in transportation. I have been involved in transportation issues for over 40 years. I have served on the board of AC Transit (the Alameda-Contra Costa Transit District), the agency that provides bus service to Oakland and surrounding cities, for 23 years (although these comments are my own and may not represent the position of AC Transit). I regularly attend (and sometimes speak at) transportation conferences such as TRB (the Transportation Research Board), APTA (the American Public Transportation Association), UITP (Union International de Transport Public), CTA (California Transit Association), Rail~Volution, and various university sponsored transportation conferences.

There is no reasonable way to get the 30,000 people that the As hope will come to their baseball games at the Howard Terminal site to the site with either public or private transportation.

Our regional heavy rail system – BART – is not within a reasonable distance of the Howard Terminal site. The "rule of thumb" in transportation is that people will walk 1/4 of a mile to a bus stop and ½ mile to a rail stop. The West Oakland BART station is 1.4 miles from the Howard Terminal site, and it is not an inviting route to traverse. The Lake Merritt BART station is 1 mile away, again not the

RESPONSE

I-327-1 See Draft EIR Section 4.15, *Transportation and Circulation*, which describes the potential transportation-related impacts of the proposed Project and identifies mitigation measures to reduce Project-related impacts to the extent feasible. Draft EIR Section 4.9, *Hydrology and Water Quality*, addresses potential sea level rise–related impacts and identifies Mitigation Measure HYD-3: Sea Level Rise Final Adaptive Management and Contingency Plan. With implementation of Mitigation Measure HYD-3, the proposed Project would have a less-than-significant effect due to exposing people or structures to a substantial risk of loss, injury, or death due to sea level rise–related flooding under the medium-high risk aversion scenario through 2100 (Draft EIR pp. 4.9-35 and 4.9-36). Text changes to Mitigation Measure HYD-3 have been included in Response to Comment A-7-8 and in Chapter 7, *City-Initiated Updates and Errata in the Draft EIR.*

I-327-2 There are three BART stations within about 1 mile of the Project site and Mitigation Measure TRANS-1e would construct pedestrian improvements connecting the Project site to the three BART stations. There are 12 AC Transit bus routes within a 15-minute walk of the Project site and Mitigation Measure TRANS-1c would construct a transportation hub adjacent to the Project site that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project. The hub could be expanded on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour. Mitigation Measure TRANS-1d would construct bus-only lanes on Broadway between Embarcadero and 11th Street where they would connect to existing bus-only lanes extending to 20th Street that would be used by the buses serving the transportation hub.

Draft EIR Table 4.15-31 on p. 4.15-168 outlines the expected mode share for ballpark attendees with TMP measures. It is anticipated that 1,200 attendees would access the ballpark using AC transit. Under Mitigation Measure TRANS-1c, the transportation hub would be designed to serve routes 72, 72M, and 72R, which currently lay over on 2nd Street between Clay and Washington Streets. This action would bring about 12 buses per hour to the Project site each day to support the non-ballpark development. These buses would provide seating capacity for 864 riders during the weekday p.m. peak hour. Because not all ballpark attendees would arrive within a single hour and attendees would be spread across 12 bus lines within a 10- to 15-minute walk of the Project site, it is expected that AC Transit would have sufficient capacity to provide service to the ballpark.

I-327 H. E. Christian (Chris) Peeples

COMMENT

Peterson Vollmann, Planner IV 27 April 2021 Page 2

best walk. The 12th Street BART station is 0.8 miles away. If the station and the associated development is built at the Howard Terminal site, I assume that will be a pleasant walk, but it is still more than ½ a mile.

AC Transit has some service close to the Howard Terminal site. The 72s (72, 72M and 72R) provide 7 and a ½ minute service on San Pablo Avenue up through Richmond. That service is already heavily used and would only carry a fraction of the 30,000 people the As anticipate hosting at this stadium. The 12 and the Broadway Shuttle could provide some capacity, but, again, a small fraction of the anticipated attendance. AC Transit does not maintain substantial extra buses and personnel to serve 81 home baseball games a year at the Howard Terminal site. I-327-2

The C. L. Dellums Oakland Amtrak station is also 0.8 miles away and has limited service. There is limited ferry service.

There is limited freeway access and quite limited parking at the Howard Terminal site, so getting a substantial portion of 30,000 people there by car is not a reasonable option.

To get to Howard Terminal it is necessary to cross an active train line (unless you come on a ferry). The passenger trains are not a huge problem – they are only 5 or 6 cars long – the freight trains can be 100 cars long. The California PUC is not going to allow 30,000 people to cross an active train line at grade. It will insist on substantial infrastructure so that pedestrians can get to the stadium without crossing an active train line. I-327-3

The gondola proposal is unrealistic. Talk to anyone who owns a ski resort, or even has worked at one. Cable gondolas have very limited capacity and are a maintenance nightmare. I doubt that the As are going to commit to operating and maintaining a gondola system for the life of the stadium. Even if they do, it will only accommodate a small fraction of the 30,000 spectators the As expect. There would also be problems with the geometry of getting the gondolas high enough to get over the downtown buildings and back down close to the stadium. I-327-4

The transportation situation at the Coliseum, in sharp contrast to Howard Terminal, is far superior. The Coliseum has a BART station with crossover tracks so that extra trains can be stationed to handle the crowds at the end of games. (A full BART train can carry 2,000 people.) There is also an Amtrak station and robust AC Transit bus service. There is already a bridge over San Leandro street to get from BART, AC Transit or Amtrak to the Coliseum. For those who insist on I-327-5

RESPONSE

I-327-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-327-4 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-327-5 See Consolidated Response 4.10, *The Off-Site (Coliseum Area) Alternative.*

I-327 H. E. Christian (Chris) Peeples

COMMENT

I-327-5 driving a personal vehicle there are three freeway off ramps and 10,000 parking spaces.

I-327-6 I follow sea level rise issues because it has a substantial impact on transportation give the location of some of our freeways and railroad rights of way. If you look at page 15 of the report titled "SEA-LEVEL RISE AND THE SAN FRANCISCO BAY SHORELINE"[1] you can see that Howard Terminal and its surrounding streets up to the 880 freeway are in the risk zone – in other words, they will be under water. That conclusion is confirmed by the LAO[2] and the California Ocean Protection Council.[3] Sea level rise makes Howard Terminal an inadvisable location for a baseball stadium with a capacity of 30,000 spectators.

Thank you for your consideration of my comments.

Very truly yours,

/S/

H. E. Christian Peeples

HECP/del

[1] https://www.oaklandcityattorney.org/PDFS/Climate%20Change%20Lawsuit/Sea-Level%20Rise%20and%20the%20SF%20Bay%20Shoreline.pdf

[2] https://lao.ca.gov/Publications/Report/4261

[3] https://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf

RESPONSE

I-327-6 See Response to Comment A-7-8 regarding sea level rise adaptation and Mitigation Measure HYD-3.

I-328 David Zinniker

COMMENT

I write to point out an (easily addressed) concern which I do not believe is discussed in the Draft EIR. Specifically that the park will attract western and california gulls from their breeding grounds at alcatraz and south bay wetlands, change their transit routes, and endanger nesting birds (including federally listed and species of conservation concern) they are known to predate along those routes. In particular, at Alameda Point.

While this impact is indirect and not in immediate proximity to Howard Terminal, it is not insignificant. Recently there were as many as 50,000 gulls nesting in the south bay between Palo Alto and San Jose and some of their primary food sources are discarded food in transfer stations, landfills, cities, and sports stadiums. They travel the shoreline all the way to Oakland over nesting habitat of a many threatened shorebirds. Gulls stop and rest in the nesting habitat of these shore birds and in nesting season are a threat.

A short article on the topic here:

I-328-1 https://www.kalw.org/health-science-environment/2019-08-15/a-chain-reaction-brought-gu

Specialists who work with nesting birds at Alameda Point, Eden Landing, MLK shoreline, Hayward shoreline, Don Edwards, etc. can fill you in on the details, but gulls can be responsible for as much as 50% of nest predation – eggs and fledglings – in some species. Often many miles from the food scraps that support their travel budget.

The solution?

Take special care to make covered trash cans available to fans and encourage their use via information campaigns. It's a win win, as you'll have fewer pest gulls at the stadium and nesting birds will have fewer predating gulls flying by. If people are more careful with food scraps after they leave the ball park the solution will have further payoffs.

If the Oakland A's want to help out further they can coordinate with FWS specialists who monitor these nesting sites. They often need volunteers and, from time to time, funding.

RESPONSE

I-328-1 The Draft EIR identifies regulatory requirements to provide covered waste containers at the Project site, which would reduce available food for gull species. Potential indirect impacts on the least tern nesting colony (and other nesting birds in the Project vicinity) from gull predation are considered speculative, particularly with the active program to reduce waste inside the ballpark. The Project's ballpark would comply with the relevant City of Oakland ordinance for waste containment in a commercial setting as follows:

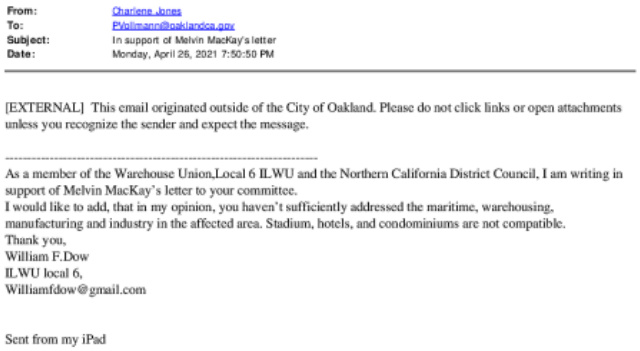
> Section 8.28.140 - Required provision of approved containers and minimum service and container capacity; container placement; residential occupants' access to services.
>
> A. All mixed material, and organic material created or produced in the City shall be deposited in a container or containers approved by the Director, equipped with suitable handles and a tight-fitting cover, and watertight. Every person in possession, charge, or control of any single-family dwelling, multi-family dwelling or commercial premises shall provide a sufficient number of such containers of sufficient capacity to hold all mixed materials, recyclable materials, and organic materials which are created, produced, or accumulated on such premises between the time of successive collections by the collector or removal under self-haul permit, to meet the minimum SFD and MFD service and container capacity requirements of this section, and to meet county and/or state requirements for organic materials capacity and/or recyclable materials capacity.

I-329 Helen Duffy

	COMMENT		RESPONSE
I-329-1	A thirty-year resident of West Oakland, I oppose the proposal for the Howard Terminal ballpark and development. EVEN WITH NO CITY INVESTMENT this development would be a bad deal for residents of the affected communities and Oakland overall. The congestion and disruption caused by the new ballpark and residents would make our neighborhood less and less friendly and liveable. The land has important uses already and we don't need or want the additional activity, noise and traffic. It would be unsafe. But if the City is even thinking of spending money helping to finance the deal---that would be terrible betrayal of every Oaklander because we have other critical uses for the money and the additional tax revenues you are hoping for will not offset the harm done.	I-329-1	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-330 William F. Dow

COMMENT



From: Charlene Jones
To: PVollmann@oaklandca.gov
Subject: In support of Melvin MacKay's letter
Date: Monday, April 26, 2021 7:50:50 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I-330-1 As a member of the Warehouse Union,Local 6 ILWU and the Northern California District Council, I am writing in support of Melvin MacKay's letter to your committee.
I would like to add, that in my opinion, you haven't sufficiently addressed the maritime, warehousing, manufacturing and industry in the affected area. Stadium, hotels, and condominiums are not compatible.
Thank you,
William F.Dow
ILWU local 6,
Williamfdow@gmail.com

Sent from my iPad

RESPONSE

I-330-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-331 Isis Feral

COMMENT

RESPONSE

From: isis feral
To: gvpilmann@oaklandca.gov
Subject: (Case File # ER18-016) Comments on Waterfront Ballpark DEIR
Date: Tuesday, April 27, 2021 12:17:31 PM
Attachments: Howard Terminal Ballpark DEIR Comments 042721.pdf

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Attached please find my public comment on the Draft Environmental Impact Report for the Waterfront Ballpark District Project proposed at Oakland's Howard Terminal (Case File # ER18-016).

Please confirm receipt and inclusion in the Final EIR.

Thank you.

Isis Feral

I-331 Isis Feral

COMMENT

Public Comments on the Draft Environmental Impact Report for the Waterfront Ballpark District Project at Oakland's Howard Terminal (Case File # ER18-016)

Isis Feral
April 27, 2021

The following is an expansion of my verbal comments provided at the public hearing hosted by the Oakland Planning Commission at its April 21, 2021 meeting.

At that meeting, City of Oakland Planner Peterson Vollmann, the liaison between the city and the community, instructed speakers to focus only on the details in the Draft EIR, not on feelings about the project overall. I did not have time in my two allotted minutes to protest this attempt to limit the scope of public comment, but must do so now:

I-331-1

CEQA does not limit public comment to agreements to compromise, but allows for broad opposition to proposed projects. In fact, the CEQA mandated 'No Project Alternative' facilitates such total opposition, and community members must never be discouraged, least of all by city staff, from exercising their right to voice their preference for this option.

I oppose building a new ballpark at the waterfront, or anywhere in Oakland.

I support the **NO PROJECT ALTERNATIVE**.

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As a longtime downtown resident, I have been watching in horror as out of control development evicts working class neighbors out of Oakland, and blocks more and more of the sunlight outside our windows.

I have already experienced years of noise and toxic pollution from constant construction, idling cement trucks shaking the building, and inappropriate planning in so called 'mixed use' areas where the rights of residents to quiet enjoyment of their homes is not considered when issuing permits to noisy late night venues.

I-331-2

The city administration knows we live here, but many of us never received a single notice of hearings about such plans, not about demolitions, excavations, construction, or even environmental review processes under CEQA.

RESPONSE

I-331-1 See Consolidated Response 4.22, *General Non-CEQA*.

I-331-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-331 Isis Feral

COMMENT

I was alerted to this EIR about the ballpark proposal, which would have yet more negative impacts on my living environment, only because I'm a retired longshoreman's daughter, and what happens on the waterfront is near and dear to the hearts of my family and community.

As a person with a pulmonary disease, who was injured and disabled by pesticide poisoning, I am among the vulnerable population at greatest risk from exposure to pollution, which is already very bad here. I live in a high asthma zip code, and toxic emissions from many years of proposed construction, and the resulting increase in traffic both during construction and eventual land use, would have dramatic, negative impacts on public health and safety for all who live, work, and play in Oakland, especially in the areas surrounding the plan site.

I-331-2 This proposal threatens our neighborhoods with disturbances from noise and air pollution from massive construction, increased traffic both from trucks evicted from Howard Terminal and the thousands expected to visit the ballpark on a regular basis, not to mention fireworks that re-traumatize many who have experienced wars.

The image of the imagined ballpark displayed in the EIR shows planes in formation overhead, suggesting that perhaps the Navy's Blue Angels might do their dangerous and polluting flight maneuvers over Oakland.

Another troublesome fantasy in the EIR is the introduction of a gondola into this scenario. It's as if the authors of this EIR don't understand we live on earthquake faults around here. It's irresponsible to build a mass gathering place, where dense crowds, combined with traffic and parking congestion, and busy railroad tracks, would interfere with emergency evacuations and first responders, not to mention physical distancing during a pandemic.

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The proposal is also a threat to our non-human neighbors, to the marine ecology and wildlife, to birds of prey who utilize the area for hunting and gathering, as well as nesting birds, including protected species, which the Draft EIR acknowledges have been observed there.

I-331-3 The Draft EIR suggests that the project area is already too urban to be habitat for wildlife, but limiting the concept of 'habitat' only to established habitat maps, that represent where the bulk of any particular species is known to congregate is a policy that misrepresents wildlife habitat as being static, as if only humans have the need for free movement, and contributes to the extinction of species by putting bureaucratic limits on non-human habitat.

RESPONSE

I-331-3 A thorough analysis of potential impacts from Project construction and operation on terrestrial and marine biological resources (including marine ecology and wildlife, birds of prey, and nesting birds) is presented on Draft EIR pp. 4.3-33 through 4.3-67. The analysis on Draft EIR pp. 4.3-1 and 4.3-2 clearly characterizes biological resources of the marine and terrestrial study areas based on available information from scientific databases, published studies, plans, and standard biological literature, and first-hand accounts of Project site conditions by qualified biologists. The biologists characterized on-site habitat and evaluated its quality for ability to support special-status plant and wildlife species, and whether the study areas contained any sensitive natural communities.

Draft EIR Section 4.3.1, *Environmental Setting*, presents an accurate description of biological resources, including habitat, within the Project site and the adjacent Oakland-Alameda Estuary. The characterization therein of plant and animal species identified as native to California or non-native (introduced) presents the consensus of experts in the scientific communities specializing in this topic.

I-331 Isis Feral

COMMENT

Wherever a species is observed, that is their habitat. It is their presence in an area that determines whether it's habitat. It depends on the movement of species all on their own, not on human definitions and the preferences of developers who wish to further encroach on wildlife habitats.

The DEIR also perpetuates the increasingly challenged false dichotomy of native vs. non-native species, that projects xenophobic value judgments on the rights of species to inhabit an area on the basis of their origin, which is then used to justify destruction of habitat to accommodate development.

I-331-3

As our planetary climate is rapidly and catastrophically changing, and landscapes and habitat along with it, many species are necessarily adjusting by going on the move, refugees in search of more suitable habitat, after their previous homes have been rendered uninhabitable.

The San Francisco Bay is celebrated as one of the most biodiverse in the world, which is *not in spite of* the many species who have moved here from elsewhere, but *because* of them. In fact, the DEIR acknowledges that the 'marine resource study area' considered in the DEIR consists of 'ecologically productive habitats'. As such, it must be protected.

****

As our communities' economic struggles have gotten much worse since the beginning of the pandemic, this proposal is insulting in its decadence. While all this development may look like an economic boon for the city, practically it only contributes to displacement of longtime residents who live in poverty, including people who are disabled or aging, and living on fixed incomes.

I-331-4

Not so incidentally, many of the poor or disabled people who would be especially impacted by this project have been effectively excluded from the public process, because they do not have internet or long distance access, and the city has steadfastly ignored requests to follow the example of the City of Berkeley to procure a toll free number for its Zoom meetings.

The only one who would benefit from this real estate land grab is Billionaire A's owner John Fisher, whose family legacy includes child labor for the Gap, and union busting charter schools. His previous attempt to build this ballpark targeted Laney, one of the last working class colleges that offers occupational training. Now his latest scheme to destroy and privatize Howard Terminal threatens maritime jobs with the strongest union in the region.

I-331-5

I also oppose building another stadium in East Oakland, where I grew up in my teens, in walking distance of the Coliseum. That existing ballpark never lifted up the neighborhood,

I-331-6

RESPONSE

I-331-4 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-331-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-331-6 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative.*

I-331 Isis Feral

COMMENT

I-331-6 and there is no reason to believe starting from scratch with a new one in the same location would do so now. Demolition of the old structure and construction of a new one would bring yet more traffic, noise, and pollution to a neighborhood already suffering environmental injustices, and no benefit from a ballpark many residents cannot even afford to visit.

I-331-7 Many people have expressed hope that affordable apartments would be included in the plan, but there is no indication that this is the case. 'Affordable' is legal terminology that means very little to those of us on fixed or very low incomes. People with disabilities make up a large percentage of the homeless population. SSI disability benefits are below $1,000 a month, while the average rent in Oakland is more than twice our total income, and Section 8 vouchers have not been made available in Oakland for years. What is considered 'affordable' is fundamentally discriminatory.

The luxury housing proposed in this DEIR is intended to be part of yet more mixed-use areas around either or both developments, which largely eliminate residential protections for people who live there, such as noise ordinances, and construction projects that would never be considered in a neighborhood zoned for only residential use.

****

I-331-8 We don't need a shiny new stadium to enjoy baseball. Instead of unnecessary demolition and construction pollution, fix the Coliseum to make it more functional for the sport, make sure sewage problems are resolved, and make sure that all workers are paid fair union wages.

What we need is *actually* affordable housing. No more overpriced luxury condos until all who are unsheltered or housing insecure have a stable home. Not one more penny or one more inch for development, until all who are poor, who live on fixed incomes, who are disabled and aging, are housed!

RESPONSE

I-331-7 The proposed Project would not eliminate the noise ordinance. See Section 4.11 of the Draft EIR regarding noise regulations and noise impacts. See Consolidated Response 4.12, *Affordable Housing*.

I-331-8 See Consolidated Response 4.22, *General Non-CEQA.*

I-332 Peters and Henderson

COMMENT

RESPONSE

4.16 Utilities and Service Systems

This section presents a summary of existing public utilities and service systems available in the Project vicinity and evaluates the potential for the proposed Project to result in significant impacts related to wastewater, stormwater drainage, water supply, and solid waste. This section relies in part on technical reports and memos prepared by BKF Engineers in support of the Project, all of which were independently peer reviewed by ESA. These sources include the *Civil Narrative – CEQA Support, Oakland Athletics Proposed Development* (BKF, 2020); *Preliminary Sanitary Sewer Analysis* (BKF, 2019a); and *Preliminary Storm Drainage Study* (BKF, 2019b). Comments received on utilities and service systems in response to the Notice of Preparation (NOP) for this Draft EIR included concerns on the capacities of the wastewater and stormwater systems serving the Project site. These topics are addressed in this section. No comments in response to the NOP were received on other utility and service system topics. Analysis of energy utilities and service systems (e.g., gas, electricity) is provided in Section 4.5, *Energy*, of this Draft EIR.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts, and mitigation measures that are different from those identified for the proposed Project.

4.16.1 Environmental Setting

Wastewater and Stormwater Drainage

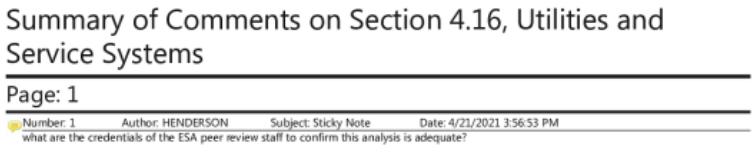
Regional Setting

East Bay Municipal Utilities District (EBMUD) provides sanitary sewer treatment services to the City of Oakland and the six other communities that comprise the EBMUD Special District No. 1 service area. Capacity for the EBMUD system is provided by: (1) the interceptor system, (2) pump stations, and (3) Wet Weather Facilities (WWFs). WWFs provide a way to convey flows through EBMUD's system during system overload from stormwater entering the wastewater conveyance system requiring discharging wastewater into the East Bay (see **Figure 4.16-1**).

EBMUD's main wastewater treatment plant (MWWTP) is located southwest of the I-580/I-80 interchange in Oakland. Wastewater is collected by 29 miles of interceptor lines that move wastewater from local sewer collection systems to the MWWTP. The interceptor system has a total capacity of 760 million gallons per day (mgd) and includes 15 pump stations, over 8 miles of pressure pipeline, five emergency overflow structures, and storage facilities located at one of the pump stations and two of EBMUD's WWFs. The interceptors parallel the bay-shore between Oakland and Alameda and range in size from 12 inches to 9 feet in diameter. The pump stations, which range in capacity from 1.5 to 60 mgd, lift wastewater throughout the collection system as it flows to the MWWTP for treatment (EBMUD, 2016).

The wastewater system serves approximately 685,000 people within an 83 square-mile area along the east shore of San Francisco Bay, which includes the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and Stege Sanitary District, which includes El Cerrito, Kensington, and part of Richmond.

I-332 Peters and Henderson

COMMENT	RESPONSE
I-332-1 	I-332-1 See Response to Comment I311-3-20.

I-332 Peters and Henderson

COMMENT

RESPONSE

Plans); **HAZ-1b** (Compliance with Approved RAW, LUCs and Associated Plans); **HAZ-1c** (Health and Safety Plan); **HAZ-1d** (Hazardous Building Materials); **HYD-1a** (Creek Protection Plan); **NOI-1a** (Construction Days/Hours); **NOI-1b** (Construction Noise Reduction); **NOI-1c** (Extreme Construction Noise Measures); **NOI-1d** (Project-Specific Construction Noise Reduction Measures); **NOI-1e** (Construction Noise Complaints); **NOI-1f** (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors); and **TRANS-4** (Construction Management Plan).

Wastewater

Criterion 4 is analyzed herein for impacts on the capacity of existing wastewater treatment by EBMUD's MWWTP and need for new Project-related wastewater infrastructure. The City would be assigned all responsibilities and jurisdiction regarding stormwater and wastewater facilities on the Project site, and that these would be covered under the City's current NPDES permits discussed in Section 4.9, *Hydrology and Water Quality*, of this Draft EIR.

Analysis of the effects on the capacity of the wastewater collection systems is based on the calculations and modeling presented in **Table 4.16-1** for wastewater demands.

TABLE 4.16-1
PROPOSED PROJECT BUILDOUT SEWER DEMAND

Total Plumbing Demands	Square Footage	Units or Capacity	Sewer Demand/SF	Demand /Unit	Demand (gpd)	Sewer	
						I/I is 0 gallons	Sewer Totals (gpd)
Residential	3,300,000	3,000	N/A	250	750,000	-	750,000
Office	1,500,000	N/A	0.2	N/A	300,000	-	300,000
Retail/Cultural/Civic	270,000	N/A	0.15	N/A	40,500	-	40,500
Hotel	280,000	400	N/A	150	60,000	-	60,000
Hotel Conference Room	50,000	3,333	N/A	5	16,667	-	16,667
Performance Center	50,000	3,500	N/A	5	17,500	-	17,500
Ballpark	1,200,000	35,000	N/A	8	280,000	-	280,000
						Avg Day	**1,464,667**
						Peaking Factor	3.75[a]
						Peak Hour	**5,492,500**

NOTES:
a. Based on maximum peak factors in the City of Oakland's design specifications. Overall sewer demand excludes wet weather infiltration to avoid overstated potable water demand for certain uses, per EBMUD's WSA (September 24, 2019).

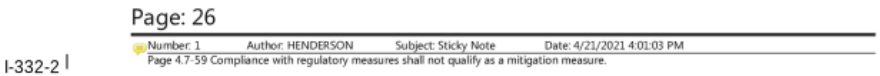
SOURCE: BKF, May 2019a.

The analysis of impacts on wastewater conveyance is based on the buildout of the proposed Project with replacement of the existing wastewater conveyance system with a completely new impervious conveyance system to prevent I/I and as depicted in **Figure 4.16-4**.

I-332 Peters and Henderson

COMMENT

I-332-2



RESPONSE

I-332-2 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-332 Peters and Henderson

COMMENT

RESPONSE

Stormwater

The analysis of impacts on stormwater conveyance is based on buildout of the proposed Project in each of the stormwater collection areas as shown in **Figures 4.16-5a** and **4.16-5b**. Analysis of stormwater runoff collection and capacity is based on the BKF Technical Memorandum (BKF, 2019b) that reports stormwater flows for the 10-year storm event for the two proposed stormwater drainage collection areas depicted in Figure 4.16-5b and Table 4.16-2 as follows:

- Stormwater Drainage Collection Area #1 pre-Project flow of 81.42 cubic feet per second (cfs) and post-Project flow of 74.68 cfs, and
- Stormwater Drainage Collection Area #2 pre-Project flow of 33.96 cfs and post-Project flow of 31.49 cfs

The modeling calculates a reduction of approximately 8-percent in on-site stormwater flows with further reductions expected through on-site landscaping (BKF, 2019b).

In addition to flows during the 10-year storm event upon which the impact analysis is based, **Table 4.16-2** also shows flows based during 15-year, 25-year and 100-year storm events for informational purposes.

TABLE 4.16-2
EXISTING AND PROPOSED STORMWATER COLLECTION AREA RUNOFF RATES BY PHASE

Surface	Area (acre (ac))	10-year (cubic feet per second (cfs))	15-year (cfs)	25-year (cfs)	100-year (cfs)
EXISTING					
Collection Area #1					
Impervious Area	40.03	81.42	88.98	97.99	121.41
Pervious Area	0	0	0	0	0
Total	**40.03**	**81.42**	**88.98**	**97.99**	**121.41**
Collection Area #2					
Impervious Area	16.70	33.96	37.11	40.87	50.64
Pervious Area	**0**	**0**	**0**	**0**	**0**
Total	**16.70**	**33.96**	**37.11**	**40.87**	**50.64**
POST-PROJECT					
Collection Area #1					
Impervious Area	34.49	70.15	76.67	84.43	104.51
Pervious Area	5.54	3.76	4.10	4.52	5.60
Total	**40.03**	**73.91**	**80.78**	**88.95**	**110.21**
Collection Area #2					
Impervious Area	14.66	29.83	32.60	35.90	44.47
Pervious Area	2.03	1.38	1.51	1.66	2.05
Total	**16.70**	**31.20**	**34.10**	**37.55**	**46.53**

SOURCE: BKF, 2019b.

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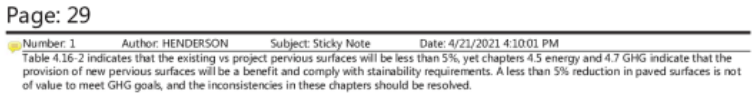
COMMENT

I-332-3



RESPONSE

I-332-3 Draft EIR Table 4.16-2 on p. 4.16-29 shows an approximately 13 percent reduction in impervious surfaces compared to existing 100 percent impervious surface conditions. See Response to Comment I307-2-11 regarding total reduction of stormwater runoff. Neither Draft EIR Section 4.5, *Energy*, nor Section 4.7, *Greenhouse Gas Emissions*, references specific landscape area criteria or information on the amount of pre- or post-Project impervious surfaces related to reductions in energy use or greenhouse gas emissions.

I-332 Peters and Henderson

COMMENT

RESPONSE

TABLE 4.16-11
PRELIMINARY EBMUD BASELINE SUPPLY AND DEMAND ANALYSIS

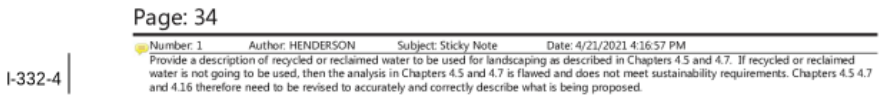
		2015	2020	2025	2030	2035	2040
Supply and Demand Comparison – Normal Year (mgd)							
	Mokelumne System Supply	>190	>217	>218	>222	>229	>230
	Demand Totals	*190*	*217*	*218*	*222*	*229*	*230*
	Difference	*0*	*0*	*0*	*0*	*0*	*0*
Dry Year Results from EBMUDSIM (mgd)							
Single Dry Year or First Year of Multi-Year Drought	Mokelumne System	145	169	170	173	179	179
	CVP Supplies[b]	36	35	35	35	35	35
	Bayside[c]	0	0	0	0	0	0
	Supply Totals	*181*	*204*	*205*	*209*	*214*	*215*
	Planning Level Demand[a]	190	217	218	222	229	230
	Rationing[d]	5%	6%	6%	6%	7%	7%
	Demand Totals	*180*	*203*	*204*	*208*	*213*	*214*
	Need for Water (TAF)[e]	*0*	*0*	*0*	*0*	*0*	*0*
Second Year	Mokelumne System	81	103	103	107	112	113
	CVP Supplies[b]	71	71	71	71	71	71
	Bayside[c]	0	0	0	0	0	0
	Supply Totals	*152*	*174*	*174*	*178*	*183*	*184*
	Planning Level Demand[a]	190	217	218	222	229	230
	Rationing[d]	20%	20%	20%	20%	20%	20%
	Demand Totals	152	174	175	178	184	185
	Need for Water (TAF)[e]	0	0	0	0	0	0
Third Year	Mokelumne System	111	132	132	125	120	104
	CVP Supplies[b]	40	40	40	40	40	40
	Bayside[c]	1	1	1	1	1	1
	Supply Totals	*152*	*174*	*173*	*166*	*162*	*145*
	Planning Level Demand[a]	190	217	218	222	229	230
	Rationing[d]	20%	20%	20%	20%	20%	20%
	Demand Totals	*152*	*174*	*174*	*178*	*183*	*184*
	Need for Water (TAF)[e]	*0*	*0*	*2*	*13*	*24*	*48*

NOTES:
a Planning Level of Demand accounts for projected savings from water recycling and conservation programs as discussed in Chapters 6 and 7, respectively. Customer demand value are based on the Mid Cycle Demand Assessment, October 2014.
b Projected available CVP supplies are taken according to the Drought Management Program Guidelines discussed in Chapter 3.
c For the purposes of this modelling effort, it is assumed that the Bayside Groundwater Project would be brought online in the third year of a drought.
d Rationing reduction goals are determined according to projected system storage levels in the Drought Management Program Guidelines discussed in Chapter 3.
e Need for Water includes unmet customer demand as well as shortages on the Lower Mokelumne River.

I-332 Peters and Henderson

COMMENT

I-332-4



RESPONSE

I-332-4 See Response to Comment A-5-11.

I-332 Peters and Henderson

COMMENT

RESPONSE

Although regulatory and permitting review by the City and EBMUD would ensure that wastewater conveyance system would be designed to not exceed capacities, design of Project wastewater design features has not been completed. Therefore, implementation of the following mitigation measure would ensure that the Project's wastewater design features would meet the City's and EBMUD's design standards to ensure the Project would not result in exceeding the available conveyance and treatment capacity of the MWWTP, and would not result in I/I discharged to the MWWTP during wet weather conditions. Implementation of the mitigation measure would reduce potential impacts on wastewater conveyance and treatment capacities to less than significant. 1

Mitigation Measure UTIL-1: Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis.

Prior to approval of any construction related permits, the Project sponsor shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the Project sponsor shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer syste 2

Significance After Mitigation: Less than significant.

Stormwater Conveyance

Impact UTIL-2: The Project could exceed the capacity of the City's stormwater drainage system. (Criterion 2) (*Less than Significant with Mitigation*)

Construction and Operation Impacts

Phase 1 and Buildout – Construction and Operation

Construction of the Project site would include removal of existing impervious surfaces and importation of fill to raise the elevation of the Project site for adaptation to future sea level rise. Installation of a new stormwater drainage system would occur prior to, during, and after importation of fill and final grading. Design and final grading of the Project site would result in capture of all site runoff into the newly installed stormwater drainage systems once the site has been resurfaced and structures begin construction. Construction activities would overlap with operation of the proposed Project. Operation of the Project would include the capture of stormwater runoff in two different stormwater collection areas as shown in Figure 4.16-5b at buildout of the Project that would discharge into two separate discharge locations, one of which (the Martin Luther King Jr. Way on-site pipeline and discharge) would be newly constructed.

During construction, portions of the Project site could remain in the current impervious condition with stormwater runoff from those areas isolated from the stormwater runoff in the active construction zone(s). As a result, runoff from the Project site during the construction phase would

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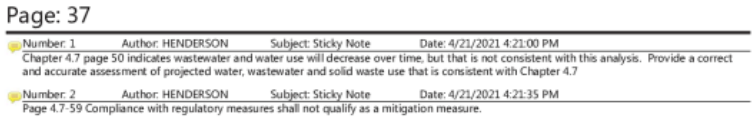
COMMENT

I-332-5

I-332-6



RESPONSE

I-332-5 Draft EIR p. 4.7-50 in Section 4.7, *Greenhouse Gas Emissions,* does not state that wastewater and water use would decrease over time. The analysis of projected water, wastewater, and solid waste for the proposed Project is provided in Draft EIR Section 4.16, *Utilities and Service Systems.*

I-332-6 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

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COMMENT

RESPONSE

be similar to or reduced compared to volumes under existing conditions because the construction activities would replace the existing stormwater pipelines and prevent runoff from entering the new collection system until it is completed for each of the stormwater collection areas. Further, implementation of the Regional Water Board's NPDES Construction General Permit BMPs and monitoring enforcement by the Regional Water Board and the City would ensure potential impacts from stormwater runoff velocities and volumes from the site during construction activities would result in less-than-significant impacts.

Specific control measures required for stormwater treatment from impervious runoff from the Project site would be located within the streets, parks, and developed areas near the catch basins or inlets and would also provide reduction of stormwater runoff velocities and volume compared with pre-project conditions. The ballpark and surrounding walkways, landscape, and support services would be designed to meet the City's NPDES Permit conditions through either capture and re-use, landscape based treatment, bio-retention or flow through planters, such as stormwater gardens, pursuant to applicable NPDES Permit requirements and ordinances, other water quality regulations, and **Mitigation Measure HYD-1** (NPDES Stormwater Requirements) as referenced in Impacts HYD-1 and HYD-2 in Section 4.9, *Hydrology and Water Quality*. The grass field of the ballpark is anticipated to meet the standard for a self-treating area for water quality because it would be a permeable surface on grade and would filter sediment and other particulates before stormwater percolates into a collection system under the ballpark that would discharge to the newly constructed on-site stormwater system. The parks and open spaces within the Project site would provide landscape-based treatment areas within, or adjacent to, the footprint of each park and open space. The streets within the Project site would also include landscape-based treatment in the adjacent streetscape and open space areas (see Figure 3-22, *Preliminary Stormwater Treatment Plan*, in Chapter 3, *Project Description*).

Permeable materials may be utilized in some areas to offset stormwater treatment requirements. Although regulatory and permitting review by the City, and **Mitigation Measure HYD-1a** (Creek Protection Plan) and HYD-1b would ensure that the City's NPDES permit would meet water quality criteria for stormwater runoff, including the requirements of Provision C.3, and provide reduction of stormwater runoff velocities and volume, final design of Project stormwater treatment design features to meet the City's Storm Drainage Design Standards and Guidelines has not been completed. Therefore, implementation of Mitigation Measure UTIL-2: Preparation and Approval of Storm Drainage System. would ensure that the Project's stormwater treatment design features would meet the City's Storm Drainage Design Standards and Guidelines and would ensure a reduction in the velocity and volume of stormwater runoff compared to existing conditions entering the City's drainage system would result in a less-than-significant impact with mitigation.

Mitigation Measure UTIL-2: Preparation and Approval of Final Design Storm Drainage System Plans

Prior to approval of any construction related permits, the Project sponsor shall design and submit Project Storm Drainage System plans to the City for review and approval in accordance with the City of Oakland's Drainage Design Standards and Guidelines. To the

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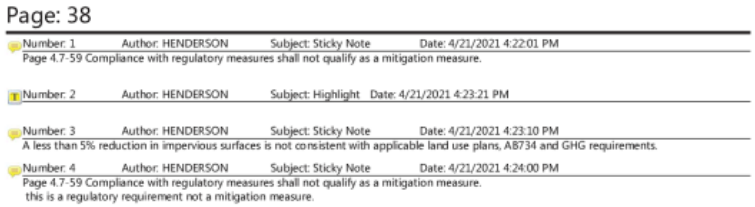
COMMENT

I-332-7


Page: 38

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:22:01 PM
Page 4.7-59 Compliance with regulatory measures shall not qualify as a mitigation measure.

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/21/2021 4:23:21 PM

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:23:10 PM
A less than 5% reduction in impervious surfaces is not consistent with applicable land use plans, AB734 and GHG requirements.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:24:00 PM
Page 4.7-59 Compliance with regulatory measures shall not qualify as a mitigation measure.
this is a regulatory requirement not a mitigation measure.

RESPONSE

I-332-7 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. Draft EIR Section 4.7, *Greenhouse Gas Emissions*, on p. 4.7-59 does not state anything regarding reduction in impervious surfaces to reduce greenhouse gas emissions. See Response to Comment I-332-3 regarding the change in impervious surface area from existing conditions to proposed conditions.

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COMMENT

RESPONSE

maximum extent practicable, peak stormwater runoff from the Project site shall be reduced by at least 25 percent compared to the pre-Project condition.

Mitigation Measure HYD-1a: Creek Protection Plan (See Section 4.9, *Hydrology and Water Quality*)

Mitigation Measure HYD-1b: NPDES Stormwater Requirements (See Section 4.9, *Hydrology and Water Quality*)

Significance After Mitigation: Less than significant.

Water Supply

Impact UTIL-3: The Project would not increase the demand for treated water and conveyance systems that could exceed existing entitlements or capacities. (Criterion 3) (*Less than Significant*)

Construction Impacts

Phase 1 and Buildout - Construction

Construction activities would involve the use of non-potable water for dust suppression when available using water tank trucks, when required and on an intermittent basis. Potable water for construction workers would be provided by the construction contractors, as needed based on the number of construction workers each day. Because of the limited amount of water required for dust suppression and limited number of construction employees on the site during work hours, the demand for water supply would be approximately the same as existing demand as calculated by EBMUD at 7,200 gpd, and impacts would be less than significant, since construction activities would not increase the demand for treated water and conveyance systems that could exceed existing entitlements or capacities.

Mitigation: None required.

Operational Impacts

Phase 1 Operations

The water demand for the Project is accounted for in EBMUD's water demand projections, as published in EBMUD's 2015 Urban Water Management Plan (UWMP). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns.

The historical water use in the Project area is approximately 7,200 gpd. Given EBMUD's demands approach for multi-family residential, retail, hotel, office space, and ballpark land-use, system capacity charge studies on similar projects, and various reference data, EBMUD's estimated increase in water demands is 1,029,400 gpd for the Project at buildout, as confirmed in its amended WSA dated September 24, 2019. Further, data from EBMUD indicates that existing pressure in the mains the Project would connect to have sufficient fire flow pressure (BKF, 2019c).

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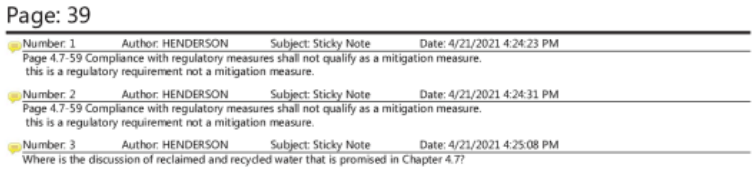
COMMENT

I-332-8
I-332-9


Page: 39

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:24:23 PM
Page 4.7-59 Compliance with regulatory measures shall not qualify as a mitigation measure.
this is a regulatory requirement not a mitigation measure.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:24:31 PM
Page 4.7-59 Compliance with regulatory measures shall not qualify as a mitigation measure.
this is a regulatory requirement not a mitigation measure.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:25:08 PM
Where is the discussion of reclaimed and recycled water that is promised in Chapter 4.7?

RESPONSE

I-332-8 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-332-9 See Response to Comment A-5-11.

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COMMENT

RESPONSE

EBMUD has calculated that future demand would increase based on an increase in development and increased water use to pre-recession levels (i.e., recession that began in 2008). Although EBMUD has predicted no deficit of available water supplies to serve customers during normal water years and the first and second year of a multi-year drought, a deficit in water supply is predicted in the third year of a multi-year drought starting in year 2025, as presented in Table 4.16-4. Although there are predicted deficits in water supplies to meet demand in the third year of a multi-year drought, EBMUD will implement its Drought Management Program including water use restrictions within its service area. Furthermore, EBMUD is actively planning and implementing additional sources of water supplies from multiple sources, including development of the Bayside Groundwater Project to bank excess water in wet years and withdraw water in drought years, increasing the production and delivery of recycled water in its service area, use of the Freeport Regional Water Facility Long Term Renewal Contract with the U.S. Bureau of Reclamation, and developing water transfers and contracts with other water agencies, including access to water from Contra Costa Water District's Los Vaqueros Reservoir.

In addition, CALGreen standards, the City of Oakland Green Building Ordinance, Sustainable Green Building Requirements for Private Development and Water Efficient Landscape Requirements found in Chapter 18.02 of the Oakland Municipal Code would further reduce water demand from the proposed Project. Considering all of this information, EBMUD has determined that the additional water demand from the proposed Project would be within the forecasted planning horizon and that water demands would be met with existing and future water rights and entitlements.

The water system for the proposed Project would connect to the existing EBMUD water main in 2nd Street via extension of new Project water pipelines in Market Street and Martin Luther King Jr. Way. An additional new water pipeline would extend from the Project site east to connect with an existing EBMUD water pipeline in Water Street. Additional water lines are proposed within the streets of the proposed Project and around the stadium. All of the above water lines are within or adjacent to the Project site, except for the length of pipelines to connect with the EBMUD mains. The sizes and locations of on-site water pipelines are identified in Figure 4.16-7 and would be subject to review by the City and EBMUD to ensure that design standards have been met. Under development review procedures for individual projects, the City would determine the actual fire flow and water system design requirements for the Project. The Project would connect to multiple water mains to provide redundant water supply flows and maintain constant pressures in the on-site water supply system. According to EBMUD data, water pressures at the connection points are adequate for meeting fire flows. Should the City determine that fire flows are not adequate, then the Project would install on-site booster pumps within the on-site buildings (BKF, 2019c).

The need for any improvements to the existing water supply infrastructure would be determined in consultation with EBMUD upon application for water service, with all costs to be paid by the Project sponsor. However, through EBMUD's water demand planning, including the 2015 UWMP current work being done on its 2050 Water Demand Study and its Capital Improvement Program studies of its infrastructure, the Orinda Water Treatment Plant would continue to be improved to meet current and future treatment capacity needed for the service area. Each individual future development project would be required to pay applicable City development and connection fees, pay its fair share toward necessary water system facilities to support the

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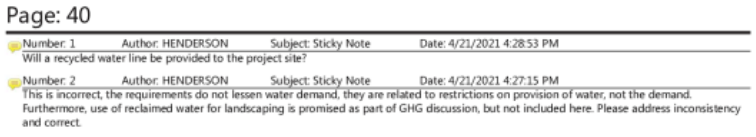
COMMENT

I-332-10

I-332-11


Page: 40

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:28:53 PM
Will a recycled water line be provided to the project site?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:27:15 PM
This is incorrect, the requirements do not lessen water demand, they are related to restrictions on provision of water, not the demand. Furthermore, use of reclaimed water for landscaping is promised as part of GHG discussion, but not included here. Please address inconsistency and correct.

RESPONSE

I-332-10 See Response to Comment A-5-11.

I-332-11 The regulatory requirements described on Draft EIR p. 4.16-40 in Section 4.16, *Utilities and Service Systems*, are intended to reduce the use of water by requiring demand reductions during droughts and requiring the implementation and design of efficient water use, thus decreasing demand for water supply. These regulations have no jurisdiction on East Bay Municipal Utility District's authority to provide water to the proposed Project. See Response to Comment A-5-11 regarding recycled water.

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COMMENT

RESPONSE

proposed development's water infrastructure needs, and submit final project water system design specifications and construction modifications for approval by the Public Works Department. Final approvals by City staff would be necessary prior to delivery of water to the Project site.

As previously discussed in the *Approach to Analysis* in this section, any impacts associated with the installation of water supply infrastructure on-site are addressed with mitigation measures that reduce construction-related impacts to air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. These impacts are evaluated as part of the construction-related impacts analyzed in the other technical sections of this Draft EIR, listed in the *Approach to Analysis* section, and therefore are not discussed further in this section. Overall, because there is adequate water supply reasonably likely to be available to meet Project water demands during normal, dry and multiple dry years (as confirmed in EBMUD's WSA) and existing water treatment and conveyance infrastructure would have existing capacity to serve the Project with treated water for fire flow pressure, impacts on water supply, treatment, and conveyance would be less than significant. No mitigation is required.

Solid Waste

Impact UTIL-4: Development of the Project could violate applicable federal, State, and local statutes or regulations related to solid waste, but it would not generate solid waste that would exceed the permitted capacity of the landfills serving the area. (Criteria 5 and 6) (*Less than Significant with Mitigation*)

Construction Impacts

Phase 1 and Buildout - Construction

Future development within the Project site will be served by landfills described previously with the capacity to handle solid wastes generated by the demolition, construction and operational phases of the Project. Demolition activities associated with the removal of the existing buildings, paved asphalt areas and utilities would be subject to City of Oakland waste reduction and recycling requirements. Compliance with the City's Recycling Space Allocation Ordinance and the City's Waste Reduction and Recycling Standards, and OMC Chapter 15.34 (which requires implementation of a recycling and waste reduction plan for construction and demolition activities) and Port of Oakland construction waste diversion ordinance would reduce construction debris diverted to landfills. Construction-related impacts associated with on-site crushing and recycling of concrete and asphalt from demolition activities are analyzed in the other technical sections of this Draft EIR, as appropriate (e.g., air quality and noise impacts from trenching for pipeline routes, grading, use of construction equipment) and are not discussed further in this section. Reuse of concrete and asphalt (either on-site or off-site) would substantially reduce the amount of construction waste otherwise needing landfill disposal. The Project would also be required to comply with existing solid waste reduction requirements, including applicable federal, State and local solid waste statutes and regulations. Therefore, construction of the Project would result in less-than-significant impacts. No mitigation is required.

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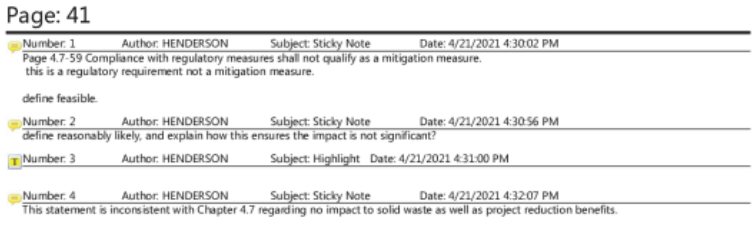
COMMENT

I-332-12

I-332-13



Page: 41

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:30:02 PM
Page 4.7-59 Compliance with regulatory measures shall not qualify as a mitigation measure.
this is a regulatory requirement not a mitigation measure.

define feasible.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:30:56 PM
define reasonably likely, and explain how this ensures the impact is not significant?

Number: 3 Author: HENDERSON Subject: Highlight Date: 4/21/2021 4:31:00 PM

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 4:32:07 PM
This statement is inconsistent with Chapter 4.7 regarding no impact to solid waste as well as project reduction benefits.

RESPONSE

I-332-12 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-332-13 See the analysis of impacts regarding solid waste and compliance with the City's and Port's solid waste reduction ordinances on Draft EIR pp. 4.16-41 through 4.16-43. Impacts on solid waste collection and disposal after implementation of Mitigation Measure UTIL-3 would be less than significant. The comment makes no specific connection with how the impact analysis on pp. 4.16-41 through 4.16-43 is inconsistent with Section 4.7, *Greenhouse Gas Emissions.*

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COMMENT

RESPONSE

Prior to the approval of a construction-related permit, the Project sponsor shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

Significance after Mitigation: Less than Significant.

Maritime Reservation Scenario

As discussed in Chapter 3, *Project Description*, Section 3.5.1, *Major Project Components,* the proposed Project includes a Maritime Reservation Scenario. Under this scenario, the Port of Oakland may retain up to approximately ten acres of the site to accommodate future expansion of a turning basin that is used to turn large vessels accessing berths in Oakland's Inner Harbor. If this option is exercised, that portion of the proposed Project site would not be developed.

The impacts identified above for the proposed Project would be the same or slightly less under this scenario. The impacts and required mitigation measures of the Maritime Reservation Scenario for wastewater would be the same as for the Project because the amount of development and associated wastewater demand would be the same. However, stormwater impacts would be slightly less than the proposed Project because there would be a reduction in the amount of impervious surfaces in the Project site, however the impact conclusions would be the same and no additional analysis is required.

Regarding water supply, while the reconfigured Project site would become smaller, the amount of development (i.e., the ballpark and other land uses) would remain the same, and therefore impacts of the Project relative to water supplies would be the same as those discussed above for the proposed Project because the water demand is based on the amount of development and land uses.

Lastly, regarding solid waste, while the reconfigured Project site would become smaller, the impacts of the Project relative to solid waste would be the as those discussed above for the proposed Project solid waste would be based on the same amount of development and land uses.

Overall, no additional analysis of this impact is required for the Maritime Reservation Option. The impacts from the construction of an expanded turning basin would be analyzed by the Port of Oakland under a separate CEQA document if that project goes forward.

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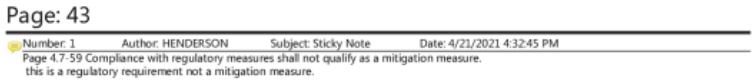
COMMENT

I-332-14



RESPONSE

I-332-14 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-332 Peters and Henderson

COMMENT

RESPONSE

CHAPTER 7
Impact Overview and Growth Inducement

In accordance with Public Resources Code Section 21100(b)(2) and State CEQA Guidelines Section 15126.2, this chapter identifies significant impacts on the environment that cannot be avoided if the Project is implemented and significant effects on the environment that would be irreversible if the Project is implemented. In addition, this chapter analyzes the issues of "growth inducement" and "urban decay," as defined below.[1] Effects found not to be significant are discussed in Section 4.17 of Chapter

7.1 Significant and Unavoidable Environmental Impacts

A significant and unavoidable impact would result if a project were to reach or exceed the defined threshold of significance and no feasible mitigation measures are available to reduce the impact to a less-than-significant level. Thresholds of significance and potential impacts of the proposed Project are identified along with feasible mitigation measures in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, and Chapter 5, *Project Variants*.

For each topic in Chapter 4, the analysis also identifies cumulative impacts, which Section 15355 of the State CEQA Guidelines defines as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." This section of the State CEQA Guidelines goes on to state that "the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects."

As discussed in the introduction to Chapter 4, this EIR analyzes the potential cumulative effects of the proposed Project by considering the Project in the context of projections of future growth and a list of past, present, and reasonably foreseeable future projects. If a cumulative effect is identified, the analysis then evaluates whether the proposed Project's contribution to the cumulative effect is *cumulatively considerable*, which is considered a significant impact.

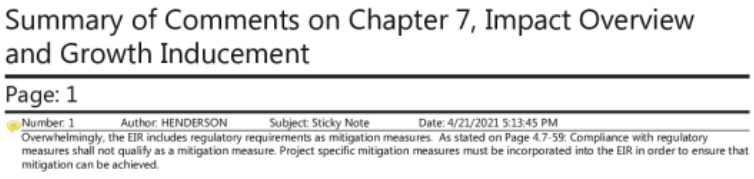
Approval of the proposed Project would result in the following significant and unavoidable Project-level or cumulative impacts under CEQA, as identified in Chapter 4 of this EIR. These impacts would be the same under the Maritime Reserve Scenario.

[1] The analysis of "urban decay" in this chapter is based in part on information about Oakland–Coliseum vendors, and a survey of local businesses (Environmental Science Associates, 2019).

I-332 Peters and Henderson

COMMENT

I-332-15


Summary of Comments on Chapter 7, Impact Overview and Growth Inducement

Page: 1

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:13:45 PM

Overwhelmingly, the EIR includes regulatory requirements as mitigation measures. As stated on Page 4.7-59: Compliance with regulatory measures shall not qualify as a mitigation measure. Project specific mitigation measures must be incorporated into the EIR in order to ensure that mitigation can be achieved.

RESPONSE

I-332-15 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-332 Peters and Henderson

COMMENT

RESPONSE

7.1.1 Hazardous Wind Speeds

Impact AES-5: Wind Hazards – The Project would create winds that exceed 36 miles per hour for more than one hour during daylight hours during the year. This significant and unavoidable impact would occur both during Phase 1 and at buildout. The impact would be addressed with implementation of Mitigation Measure AES-1, which would require a wind impact analysis before building permits are issued for buildings 100 feet or greater in height, but the effectiveness of this measure cannot be determined with certainty.

Impact AES-1.CU: Cumulative Wind Hazards – The Project would also contribute to a significant cumulative exceedance of the wind hazard criterion when combined with cumulative development in the Project vicinity. The Project's contribution would be addressed with implementation of Mitigation Measure AES-1, which would require a wind impact analysis before building permits are issued for buildings 100 feet or greater in height, but the effectiveness of this measure cannot be determined with certainty.

7.1.2 Air Quality

Impact AIR-1: Criteria Pollutant Emissions from Construction – Demolition and construction associated with the Project would result in average daily emissions of criteria pollutants that would exceed the City's construction significance thresholds of 54 pounds per day of reactive organic gases (ROG), oxides of nitrogen (NO_X), and particulate matter with a diameter of less than 2.5 micrometers ($PM_{2.5}$), or 82 pounds per day of and particulate matter with a diameter of less than 10 micrometers (PM_{10}). Mitigation Measures AIR-1a, AIR-1b, AIR-1c, and AIR-1d would reduce these emissions, but not to a less-than-significant level for NO_X emissions.

Impact AIR-2: Criteria Pollutant Emissions from Operation of the Project and Overlapping Construction and Operations – Operation of the Project (and combined construction and operation) would result in average daily emissions of criteria pollutants that would exceed the City's thresholds of 54 pounds per day of ROG, NO_X, or $PM_{2.5}$ or 82 pounds per day of PM_{10}; or would result in maximum annual emissions exceeding 10 tons per year of ROG, NO_X, or $PM_{2.5}$ or 15 tons per year of PM_{10}. Mitigation Measures AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, as well as Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b, would reduce these emissions, but not to a less-than-significant level for these pollutants.

Impact AIR-1.CU: Cumulative Regional Criteria Pollutants – The Project, combined with cumulative sources in the Project vicinity and citywide, would contribute to cumulative regional air quality impacts associated with criteria pollutants. Project mitigation in addition to Mitigation Measure AIR-1.CU would reduce but not avoid this significant impact.

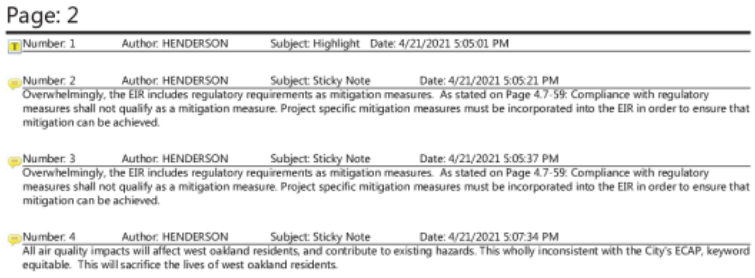
Impact AIR-2.CU: Cumulative Health Risk Impacts – The Project, combined with cumulative sources would contribute to cumulative health risk impacts on sensitive receptors. Project mitigation in addition to Mitigation Measure AIR-2.CU would reduce but not avoid this significant impact.

I-332 Peters and Henderson

COMMENT

I-332-16

I-332-17



Page: 2

Number: 1 Author: HENDERSON Subject: Highlight Date: 4/21/2021 5:05:01 PM

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:05:21 PM
Overwhelmingly, the EIR includes regulatory requirements as mitigation measures. As stated on Page 4.7-59: Compliance with regulatory measures shall not qualify as a mitigation measure. Project specific mitigation measures must be incorporated into the EIR in order to ensure that mitigation can be achieved.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:05:37 PM
Overwhelmingly, the EIR includes regulatory requirements as mitigation measures. As stated on Page 4.7-59: Compliance with regulatory measures shall not qualify as a mitigation measure. Project specific mitigation measures must be incorporated into the EIR in order to ensure that mitigation can be achieved.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:07:34 PM
All air quality impacts will affect west oakland residents, and contribute to existing hazards. This wholly inconsistent with the City's ECAP, keyword equitable. This will sacrifice the lives of west oakland residents.

RESPONSE

I-332-16 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-332-17 The proposed Project's air quality impacts as they relate to existing air quality hazards are thoroughly evaluated in Draft EIR Section 4.2, *Air Quality*, under Impact AIR-2.CU.

As discussed in Response to Comment I311-5-19, the 2030 Equitable and Climate Action Plan (ECAP) does not include specific goals to reduce health risk due to exposure to toxic air contaminant (TAC) emissions for frontline communities, although that would likely be one of many co-benefits of several ECAP measures and actions. The 2030 ECAP is a greenhouse gas (GHG) reduction plan, not a TAC emission or health risk reduction plan. The consistency of the Project with all relevant 2030 ECAP goals is detailed in Table 4.7-8 under Impact GHG-2 (Draft EIR pp. 4.7-68 through 4.7-73).

As presented in Impact AIR-4, the maximum lifetime excess cancer risk at the existing off-site Maximally Exposed Individual Receptor (MEIR) location (Phoenix Lofts, 737 2nd Street) would be 6.5 per million (see Table 4.2-11, p. 4.2-107). This represents the *risk* of contracting cancer per million individuals (see Draft EIR p. 4.2-51). In other words, if one million people were exposed to the Project's TAC emissions concentrations at Phoenix Lofts for 30 years, approximately 6.5 of them would develop cancer. This value is less than the City's adopted threshold of significance of 10 per million (which is the same threshold of significance adopted by the Bay Area Air Quality Management District in its CEQA Guidelines).

See Responses to Comments O-62-40, O-62-41, and O-62-43 for a discussion of air quality mitigation measures within the context of existing background health risks. See also Responses to Comments A-11-1, A-11-3, A-11-11, A-17-1, A-17-12, O-30-3, and O-51-19 for a discussion of the relationship between the West Oakland Community Action Plan and the Draft EIR.

I-332 Peters and Henderson

COMMENT

RESPONSE

7.1.3 Cultural Resources

Impact CUL-4: Crane X-422 Removal – The Project may result in removal of Crane X-422. Two studies examined the potential significance of this crane and reached different conclusions. Out of an abundance of caution, this EIR treats Crane X-422 as a historic resource for CEQA purposes. As such, removal of Crane X-422 from the site would result in the loss of a historical resource and would be considered a significant and unavoidable impact. Mitigation Measures CUL-3a, CUL-3b, and CUL-3c would reduce but not avoid this significant impact. 1

Impact CUL-1.CU: Cumulative Loss of Historic Fabric – As noted above, the Project may include removal of Crane X-422, and out of an abundance of caution, this EIR treats Crane X-422 as a historic resource. As such, the proposed Project, in combination with development anticipated under the Downtown Oakland Specific Plan (DOSP) and citywide, would contribute to cumulative adverse impacts on historic resources. Project mitigation would reduce but not avoid this significant impact.

7.1.4 Noise and Vibration 2

Impact NOI-1: Construction Noise – Construction of the proposed Project would result in substantial temporary or periodic increases in ambient noise levels in the area in excess of standards established in the general plan or noise ordinance or applicable standards of other agencies. Mitigation Measures NOI-1a, NOI-1b, NOI-1c, NOI-1d, and NOI-1e would reduce noise levels, but not to a less-than-significant level for daytime and nighttime Phase 1 construction activities. 3

Impact NOI-2: Construction Vibration — Construction of the proposed Project would expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration. Mitigation Measure NOI-1e would reduce vibration, but not to a less-than-significant level for human exposure.

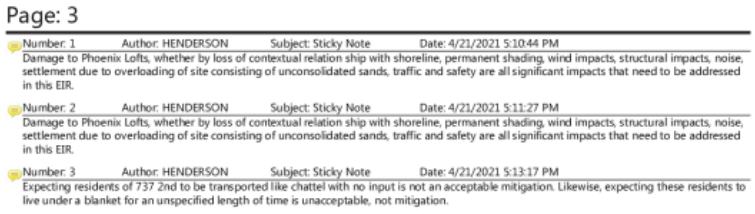
Impact NOI-3: Operational Noise Impacts — Operation of the proposed Project would result in generation of noise resulting in a 5-dBA permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, or generate noise in violation of City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise. Mitigation Measures NOI-2a, NOI-2b, TRANS-1a, and TRANS-1b would reduce noise levels from concert events, increased roadway traffic, and crowds leaving the proposed ballpark, but would not reduce the impact to a less-than-significant level.

Impact NOI-1.CU: Cumulative Impact/Construction Noise – Construction activities for the proposed Project combined with cumulative construction noise in the Project area could cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity during construction. Project mitigation would reduce but not avoid this significant impact.

Impact NOI-2.CU: Cumulative Impact/Operational Noise – Operation of the proposed Project when considered with other cumulative development would cause a substantial permanent increase in ambient noise levels in the Project vicinity. Mitigation Measures TRANS-1a and TRANS-1b would reduce but not avoid this significant impact.

I-332 Peters and Henderson

COMMENT



Page: 3

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:10:44 PM
Damage to Phoenix Lofts, whether by loss of contextual relation ship with shoreline, permanent shading, wind impacts, structural impacts, noise, settlement due to overloading of site consisting of unconsolidated sands, traffic and safety are all significant impacts that need to be addressed in this EIR.

I-332-18

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:11:27 PM
Damage to Phoenix Lofts, whether by loss of contextual relation ship with shoreline, permanent shading, wind impacts, structural impacts, noise, settlement due to overloading of site consisting of unconsolidated sands, traffic and safety are all significant impacts that need to be addressed in this EIR.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:13:17 PM
Expecting residents of 737 2nd to be transported like chattel with no input is not an acceptable mitigation. Likewise, expecting these residents to live under a blanket for an unspecified length of time is unacceptable, not mitigation.

I-332-19

RESPONSE

I-332-18 See related Responses to Comments I307-3-5 (aesthetics and shadow), I307-3-6 (wind), I311-3-1 (geology and soils), I-307-4 (noise), and I311-1-18 (transportation).

I-332-19 The Draft EIR identifies five mitigation measures on pp. 4.11-38 through 4.11-41 that address construction-related noise impacts (see Impact NOI-1):

- Mitigation Measure NOI-1a: Construction Days/Hours
- Mitigation Measure NOI-1b: Construction Noise Reduction
- Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures
- Mitigation Measure NOI-1d: Construction Noise Complaints.
- Mitigation Measure NOI-1e: Structural Improvements or Off-site Accommodations for Substantially Affected Receptors

As stated on Draft EIR p. 4.11-33, the Project sponsor has prepared a Draft construction noise reduction plan (CNRP) addressing noise from construction of the ballpark and initial infrastructure, which is included as an appendix to the EIR. The CNRP that would be implemented by the Project sponsor and enforced by the City and is required pursuant to Mitigation Measure NOI-1c.

With respect to mitigation measures specific to residents of the Phoenix Lofts at 737 2nd Street, Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors is identified on Draft EIR p. 4.11-41 to provide physical improvements or temporary accommodations for residents of the Phoenix Lofts during impact or vibratory pile driving activities when it occurs within 300 feet with a direct line of sight for the duration of the pile driving activity.

The duration of pile driving activity within the indicated distance to the Phoenix Lofts would reasonably be expected to occur for approximately several weeks. Off-site accommodations would be provided at the discretion of the occupants and would not be a requirement. Physical improvements such as installation of storm windows in specific out-facing residences and/or temporary installation of acoustical blankets are only proposed for the south side of the building, which would face the Project site. Similar to the provision of off-site accommodations, these improvements would only be in place while pile driving activities occur within 300 feet with a direct line of sight, which would reasonably be expected to occur for a matter of weeks.

I-332 Peters and Henderson

COMMENT

RESPONSE

7.1.5 Transportation and Circulation

Impact TRANS-3: Consistency with Adopted Policies/Multimodal Traffic at At-Grade Railroad Crossings – Operation of the Project (during Phase 1 and at buildout) would generate additional multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. Mitigation Measures TRANS-3a and TRANS-3b would reduce the hazard, but not to a less-than-significant level.

Impact TRANS-6: Congestion Management Program (CMP) Roadway Segments – Operation of the Project would increase congestion on regional roadways included in the Alameda County Congestion Management Plan (CMP). Specifically, conditions would degrade from Level of Service (LOS) E or better to LOS F or increase the volume to capacity (v/c) ratio by 0.03 or more for segments already projected to operate at LOS F in 2020. Two segments would be affected:

- Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland
- Webster Tube in the westbound direction between the City of Oakland and the City of Alameda

Mitigation Measures TRANS-1a and TRANS-1b would reduce but not avoid this significant impact.

Impact TRANS-3.CU: Cumulative Impact/Multimodal Traffic at At-Grade Railroad Crossings – Operation of the Project (during Phase 1 and at buildout) would generate additional multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would contribute to a cumulative transportation hazard. Mitigation Measures TRANS-3a and TRANS-3b would reduce this significant impact, but not to a less-than-significant lev[1]

Impact TRANS-6.CU: Cumulative Impact/CMP Roadway Segments – The Project in combination with other planned development would contribute to increased congestion on regional roadways included in the Alameda County CMP. Specifically, conditions would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 for segments already projected to operate at LOS F in 2040. The following six segments would be affected:

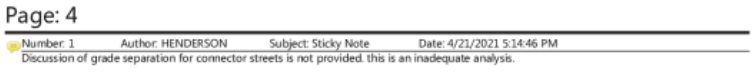
- I-880 in the northbound direction between 23rd Avenue and Embarcadero
- SR 24 in the eastbound direction between Broadway and State Route 13
- Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland
- Webster Tube in the westbound direction between the City of Oakland and the City of Alameda
- Market Street in the northbound direction between 12th Street and 14th Street
- Market Street in the southbound direction between Grand Avenue and 18th Street

No mitigation measures identified.

I-332 Peters and Henderson

COMMENT

I-332-20



RESPONSE

I-332-20 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-332 Peters and Henderson

COMMENT

RESPONSE

- The project would involve a large commitment of nonrenewable resources or the proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy); or
- The primary and secondary impacts would generally commit future generations to similar uses.

Each of these three categories is discussed below.

7.2.1 Irreversible Damage from Environmental Accidents

The proposed Project would require the use and disposal of hazardous materials during construction and operation. No significant irreversible environmental damage, such as what might occur as a result of an accidental spill, is anticipated; however, whenever hazardous materials are present, the potential always exists for accidents that may damage the environment. The presence and use of hazardous materials and remediation of existing hazardous materials on-site anticipated with the Project are described in Section 4.8, *Hazards and Hazardous Materials*, along with existing regulations and mitigation measures that would reduce the possibility of significant environmental damage to less than significant. Based on this conclusion, any potential damage would not be irreversibl[1]

7.2.2 Consumption of Nonrenewable Resources

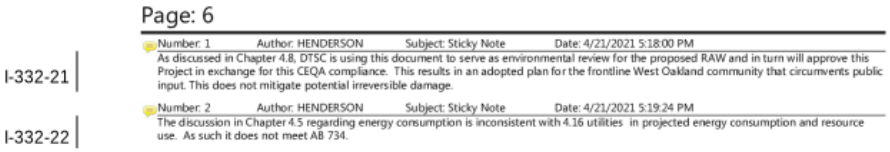
In an urban context where there are no agricultural or forest lands or minerals and mines, consumption of nonrenewable resources involves the use of nonrenewable building materials and energy sources, including fossil fuels, natural gas, and electricity. The proposed Project would use building materials for construction of buildings and infrastructure on-site and would use energy resources for construction, transportation, building heating and lighting, food preparation, and other activities, as described in Section 4.5, *Energy*.

As discussed in Section 4.5, the proposed Project would not result in wasteful, inefficient, and/or unnecessary use of energy and would not conflict with adopted energy conservation plans or violate energy standards. Among other things, the Project would comply with the City's Green Building Ordinance; would meet the Leadership in Energy and Environmental Design (i.e., LEED) Gold (or equivalent) requirement identified in Assembly Bill AB 734; and would include measures to reduce vehicle trips by at least 20 percent below what would otherwise be expected for the Project without such measures. These and other Project features would limit consumption of nonrenewable energy; therefore, consumption of nonrenewable energy resources would be less than significan[2]

The proposed Project's consumption of building materials would involve uses that are common and accepted, enabling the construction of infrastructure and buildings that would be designed to last for many years. In addition, the City's Construction and Demolition Ordinance (Municipal Code Title 15, Chapter 15.34) requires that projects prepare waste reduction and recycling plans as part of the building permit application process. Such a plan must detail how the project will salvage and recycle debris generated in the course of building construction, alteration, and demolition. These requirements would address the use of nonrenewable building materials, resulting in a less-than-significant impact.

I-332 Peters and Henderson

COMMENT



I-332-21

I-332-22

RESPONSE

I-332-21 As explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment,* the Project sponsor has elected to prepare a remedial action plan (RAP) to implement a more conservative approach.

The RAP would be prepared by the consultant for the Project sponsor and submitted to the California Department of Toxic Substances Control (DTSC) for review, comment, and approval. DTSC would evaluate the RAP based on its own merits, specifically to ensure that the remedial activities described in the RAP would result in the site conditions being protective of human health and the environment. As explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment,* the Draft RAP is scheduled to be submitted to DTSC in early 2022 for its review and comment. The consultant for the Project sponsor would then address DTSC comments to the satisfaction of DTSC and submit a Final RAP. DTSC would provide its approval after certification of the EIR; if the EIR is not certified, the Project would not move forward. DTSC would not approve the RAP without knowing that the Project would move forward.

See Response to Comment I311-3-18 regarding public input.

I-332-22 Energy consumption is not analyzed in Draft EIR Section 4.16, *Utilities and Service Systems*. As stated at the end of the first paragraph of Section 4.16, analysis of energy utilities and service systems (e.g., gas, electricity) is provided in Section 4.5, *Energy* (Draft EIR p. 4.16-1). Therefore, there is no inconsistency between Draft EIR Sections 4.5 and 4.16 regarding energy consumption and use, and the analysis is consistent with AB 734.

I-332 Peters and Henderson

COMMENT

RESPONSE

housing and services to support the new employment demand. Similarly, under CEQA, a project could indirectly induce growth if it were to expand roadway capacity or remove an obstacle to additional growth and development, such as removing a constraint on required public services or utilities, such as by adding a sewage treatment plant that has capacity to serve demand beyond the associated project.

The Project is located within the "Oakland Downtown & Jack London Square" Priority Development Area (PDA). PDAs, as identified in *Plan Bay Area 2040*, call for an increasing percentage of Bay Area growth to occur as infill development in areas located near transit and where services necessary to daily living are provided near housing and jobs.[2] With its abundant transit service and mixed-use neighborhoods, Oakland is expected to accommodate an increasing share of future regional growth.

As stated in Section 4.12, *Population and Housing*, Impact POP-2, adding up to 3,000 new market-rate and affordable residential units would increase the residential population on the site by approximately 6,000 persons. The number of residents in Oakland is projected to increase from 428,827 in 2018 to 650,630 by 2040 (see Table 4.12-1), or 221,803 more residents than in 2018. The estimated residential population introduced under the proposed Project (6,000) would constitute less than 3.0 percent of this population increase; therefore, the population increase associated with the proposed Project is accounted for and well within the planned growth for Oakland.

As also described in Impact POP-3 (see Table 4.12-8), the employment-generating uses on the Project site would result in total employment of about 9,499 employees under full buildout (or 7,988 net new employees if existing A's staff at the Oakland Coliseum are subtracted), a substantial increase in on-site employment compared to the existing approximately 98 Howard Terminal employees and up to 12 fire personnel.[3] Construction would also employ approximately 1,200–1,300 workers in the near term. Most employees would already have housing in Oakland or elsewhere in the region, and some would be new residents and seek housing either on the Project site (which would provide up to 3,000 new units), or elsewhere in Oakland or the region. The total number of jobs in Oakland is projected to increase from 220,792 in 2018 to 272,760 by 2040 (see Table 4.12-3, or 51,968 more than in 2018. The estimated increase in full-time employment (i.e., not construction workers) under the Project would constitute approximately 18 percent of this increase in jobs, well within the planned growth for Oakland.

As addressed under Impact POP-3, and in the discussions of other topics in this EIR, the Project would include infrastructure improvements necessary to serve the Project site, and would not extend services to other adjacent areas that could be redeveloped. Project-related growth would be adequately served by existing utility and public services providers and would require no additional public facilities that would have significant environmental effects. In summary, the increase in the residential and employment population on the Project site would not result in an

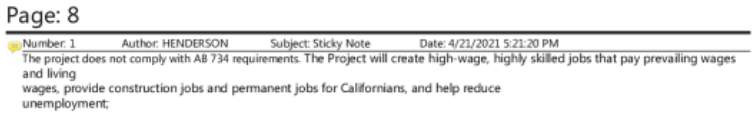
2 Association of Bay Area Governments, Plan Bay Area, Priority Development Area Showcase. Available: http://gis.abag.ca.gov/website/PDAShowcase/. Accessed May 1, 2018.

3 Existing businesses and tenants on the Project site provide a total of 40 on-site employees and 58 contractors/drivers, as well as up to 12 fire personnel at Fire Station 2. This number does not include independent owner-operator truck drivers who park their trucks at the Howard Terminal site.

I-332 Peters and Henderson

COMMENT

I-332-23


Page: 8

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:21:20 PM

The project does not comply with AB 734 requirements. The Project will create high-wage, highly skilled jobs that pay prevailing wages and living
wages, provide construction jobs and permanent jobs for Californians, and help reduce
unemployment;

RESPONSE

I-332-23 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-332 Peters and Henderson

COMMENT

CHAPTER 6
Alternatives

CEQA Guidelines Section 15126.6 requires that an EIR include an analysis of "a range of reasonable alternatives to the project, or to the location of the project," and indicates that alternatives should be crafted to accomplish most of the basic objectives of the project while avoiding or substantially lessening significant impacts of the project. Importantly, Section 15126.6(a) states that "an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." Therefore, alternatives must be "potentially feasible" as the term is broadly defined under CEQA. Whether an alternative is "actually feasible" is a different question for the decision makers at the time of approval.

Consistent with these requirements, this chapter reiterates the Project objectives outlined in Chapter 3, *Project Description;* summarizes significant impacts of the Project identified in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, and Chapter 5, *Project Variants*; and presents other factors considered in the selection of alternatives. The chapter then goes on to describe the following alternatives:

- Alternative 1: The No Project Alternative
- Alternative 2: The Off-Site (Coliseum Area) Alternative
- Alternative 3: The Proposed Project with Grade Separation Alternative
- Alternative 4: The Reduced Project Alternative

The impacts of each alternative are described and compared to impacts of the proposed Project presented in Chapter 4 and Chapter 5, and then a comparison of the alternatives describes the relative impacts/merits of each.

Following the comparative analysis, this chapter describes a number of alternatives that were considered but were not selected for in-depth analysis, explaining the reasons for this decision, and identifies the environmentally superior alternative.

6.1 Factors Considered in Selection of Alternatives

In selecting the alternatives for analysis in this chapter, the City of Oakland considered: (a) the Project objectives articulated in Chapter 3, *Project Description*, (b) the significant impacts identified in Chapter 4 and Chapter 5, and (c) the potential feasibility of alternatives based on factors in in CEQA Guidelines Section 15126.6(f)(1).

COMMENT

6. Construct high-quality housing with enough density to contribute to year-round active uses on the project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents and to assist Oakland in meeting its housing demand.
7. Develop a financially feasible project that is responsive to market demands; has the ability to attract sources of public and private investment in an amount sufficient to fund all costs of the proposed project, including the construction and long term maintenance of required infrastructure; provide a market rate return on investment; and supports a comprehensive package of benefits, which may include local employment and job training programs, local business and small business policies, public access and open space, affordable housing, transportation infrastructure, increased frequency of public transit and transit accessibility, and sustainable and healthy development measures for the surrounding community.
8. Design a project that minimizes interference with the Port of Oakland's existing or reasonably anticipated use, operation and development of Port facilities, or the health and safety of Port tenants and workers, and is consistent with the continued operation and future growth of the Port of Oakland.
9. Increase public use and enjoyment of the waterfront by opening the south and southwestern shores of the project site to the public with a major new waterfront park and inviting waterfront promenade featuring multiple public open spaces that are usable and welcoming in all seasons, extending access to the Oakland waterfront from Jack London Square, West Oakland and Downtown Oakland through design of a bicycle, pedestrian, and transit-oriented community with well-designed parks, pedestrian-friendly streets, walkable blocks, and links to open spaces, taking advantage of the project site's unique proximity to Jack London Square, the waterfront and downtown.
10. Construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited green building design and construction practices, walkability features, and sea level rise adaptability standards.
11. Optimize opportunities for sustainable transportation by encouraging walking, bicycling, and transit use, and discouraging automobile use.

6.1.2 Impacts of the Project

As presented in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, supplemented in Chapter 5, *Project Variants*, and summarized in Chapter 2, *Summary*, and Chapter 7, *Impact Overview and Growth Inducement*, the proposed Project would result in a variety of significant impacts, most of which could be reduced to less than significant with adoption of identified mitigation measures. The following impacts of the Project would remain significant despite the implementation of identified feasible mitigation measures and would also occur under the Maritime Reservation Scenari

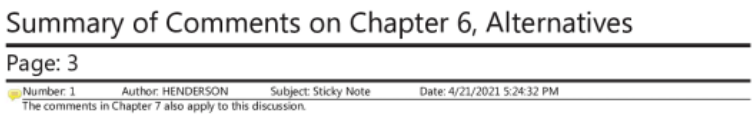
Impact AES-5: Wind Hazards – The Project would create winds that exceed 36 miles per hour (mph) for more than one hour during daylight hours during the year. This significant and unavoidable impact would occur with Phase 1 and buildout. The impact would be addressed with implementation of Mitigation Measure AES-1, which would require a wind impact analysis prior to building permit issuance for buildings 100 feet or greater in height, although the effectiveness of this measure cannot be determined with certainty.

Impact AES-1.CU: Cumulative Wind Hazards – The Project would also contribute to a significant cumulative exceedance of the wind hazard criterion when combined with

I-332 Peters and Henderson

COMMENT

I-332-24


Summary of Comments on Chapter 6, Alternatives

Page: 3

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:24:32 PM

The comments in Chapter 7 also apply to this discussion.

RESPONSE

I-332-24 See Responses to Comments I-332-15 through I-332-23 for responses to specific issues raised in the commenter's Chapter 7 comments.

I-332 Peters and Henderson

COMMENT

RESPONSE

TABLE 6-2
COMPARISON OF VEHICLE MILES TRAVELED (VMT) PER ATTENDEE AT THE COLISEUM AND PER ATTENDEE AT THE BALLPARK PROPOSED WITH THE PROPOSED PROJECT

Event Type	Existing VMT per Attendee at the Coliseum (based on 2017 data)	Projected VMT per Ballpark Attendee in the Off-Site Alternative (with trip reduction measures)	Projected VMT per Ballpark Attendee with the Proposed Project at Howard Terminal (without trip reduction measures)	Projected VMT per Ballpark Attendee with the Proposed Project at Howard Terminal (with trip reduction measures)
Weekday Evening Game	10.6	8.5	10.2	8.3
Weekday Midday Game	11.4	9.1	10.3	8.3
Weekend Game	11.6	9.3	11.4	9.2
Large Concerts	10.5	8.4	9.0	7.3

NOTE: Does not include VMT from development other than the ballpark. See Section 4.15, *Transportation and Circulation*, for more information.
SOURCE: Fehr & Peers, 2020 (Appendix TRA)

The CASP EIR also concluded that there would be a significant and unavoidable impact associated with increased traffic (all modes) across at-grade railroad crossings (Trans-85), because of the lack of certainty that grade separations or other improvements identified in SCA-5 would be feasible. This suggests that Alternative 2 would have similar significant and unavoidable impacts as the proposed Project: **Impact TRANS-3**, additional multimodal traffic across at-grade railroad crossings that would expose users to a permanent or substantial hazard; and **Impact TRANS-3.CU**, contribution to a cumulative transportation hazard at at-grade rail crossings.

6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative

Alternative 3 would construct the proposed Project at the Project site and include the construction of a grade-separated crossing over the railroad tracks for vehicles accessing the site. This alternative would also include the pedestrian and bicycle overcrossing and other off-site improvements required as mitigation in Section 4.15, *Transportation and Circulation*, to address safety of at-grade railroad crossings.

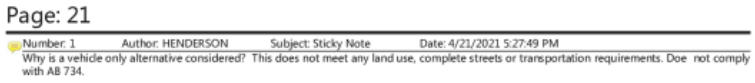
There are two potential locations for the grade-separated vehicular overcrossing under this alternative, one at Market Street and one at Brush Street. In both options, this alternative assumes that the grade crossing would be for vehicles only (i.e., no pedestrian or bicycle use) and would utilize a 9 percent vertical profile (slope), a 250-foot horizontal radius for the roadway curve, and 4-foot-wide shoulders. With these features, variances would be required as follows:

- A design variance on the vertical profile grade may be required to permit use of the American Association of State Highway and Transportation Officials (AASHTO) standard of a 9 percent grade rather than the City standard (based on the California Department of Transportation [Caltrans] standard) of 8 percent grade.
- A design variance would be required for outside shoulder widths needed for sight distance along the curve.

I-332 Peters and Henderson

COMMENT

I-332-25



RESPONSE

I-332-25 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-332 Peters and Henderson

COMMENT

RESPONSE

Air Quality, would reduce these impacts, but not to a level of less than significant and impacts could be greater with inclusion of one or both of the Project Variants analyzed in Chapter 5, *Variants*.

TAC emissions would also be higher under Alternative 3 compared to the proposed Project because of the increased construction, and the resulting health risks would be higher due to these increased TAC emissions and the proximity of off-site receptors to the proposed alignments. Alternative 3 would result in mitigated cancer risks of approximately 30 per million with the Brush Street alignment, which is the closest grade-separation alignment to an existing off-site sensitive receptor. The resulting significant unavoidable impact (**Impact AIR-4**) would occur with Alternative 3 with both the Brush Street overpass alignment and the Market Street alignment, but would not occur with the Project or any other alternative. Cancer risks at the existing off-site sensitive receptor location would be 22 per million with the Market Street alignment. Mitigation measures would reduce these significant health risks, as outlined for **Impact AIR-2.CU,** but their ability to reduce the impact below the threshold is not assured. In the Maritime Reservation Scenario and if Alternative 3 were combined with one or both of the Project Variants, emissions and resulting health risks would be greater.

Like the proposed Project, health risks under Alternative 3 would exceed the Project threshold for cumulative health risks, resulting in a significant and unavoidable cumulative impact (**Impact AIR-2.CU**). The mitigation measures identified for the proposed Project would apply, but would not reduce the impact to less than significant.

Biological Resources

Alternative 3 would include the same types and amount of development as the proposed Project and would introduce alternative means of access to the site. The new overcrossing would be located in a fully developed area, with no natural vegetation. For this reason, less-than-significant impacts of Alternative 3 would be similar to those with the proposed Project, with similar mitigation. Measures that would be relevant to the grade-separated crossing itself include those related to tree removal during nesting bird season (**Mitigation Measure BIO-1a**) and bird collision reduction measures related to lighting (within **Mitigation Measure BIO-1b**).

Cultural and Tribal Resources

Alternative 3 would include the same types and amount of development as the proposed Project and would introduce alternative means of access to the site, involving additional excavation for utility relocation and construction. The new overcrossing would be located in a fully developed area, meaning that it is a disturbed site with multiple underground utilities. For this reason, impacts related to archaeological resources would be reduced to less than significant with the same mitigation measures identified for the proposed Project.

The introduction of a grade-separated crossing on the Market Street or Brush Street alignment would alter the context of the Southern Pacific Railroad API, which is a historic resource and comprised of relatively low scale (one- to four-story) buildings along the rail corridor, stretching from Chestnut Street east to Castro Street (see Figure 4.4-1). The API is a grouping of industrial buildings within a railroad setting with character-defining features including: simplicity of design,

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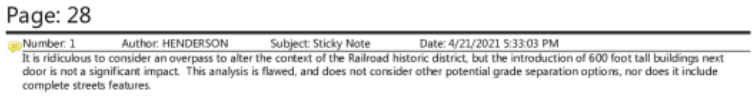
COMMENT

I-332-26



RESPONSE

I-332-26 See Response to Comment I311-2-2 regarding Project impacts on the Southern Pacific Railroad Industrial Landscape Area of Primary Importance. See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-332 Peters and Henderson

COMMENT

RESPONSE

industrial character of the buildings, the large scale of the buildings and their orientation to the railroad tracks, concrete railroad track platforms, and a concentration of buildings with enough open space to allow for a long line of sight/high visibility as a grouping.

With an overcrossing passing through the API either at Market Street or Brush Street, the API could no longer be easily appreciated as a grouping, and the line of sight along the railroad tracks would be impeded. While this impact could be reduced with a sensitive design for the overcrossing that is both industrial in character and as transparent as possible, the impact of Alternative 3 on the historic resource would be significant and unavoidable. For this reason, with mitigation measures included in Chapters 4 and 5, impacts of Alternative 3 would be similar to those with the proposed Project, except that it could result in a significant and unavoidable impact on the Southern Pacific Railroad API.

Energy

The new ballpark and new development that would occur under Alternative 3 would be similar to the proposed Project, except with additional excavation and construction for the grade-separated crossing, which would involve additional energy use. The resulting impact would remain less than significant.

As discussed further under the *Transportation* heading below, traffic patterns could change on the site and in the vicinity with the introduction of a grade-separated crossing; however, the changes would be localized and there would be no shift in modes (i.e., no more or less people driving) or substantial lessening of congestion because the railroad crossings are not the primary capacity constraint for drivers accessing the site.[7] For these reasons, because it is similar to the proposed Project, and because Alternative 3 would include vehicle trip reduction measures, transportation-related energy use would not appreciably differ from energy use associated with the proposed Project.

Like the proposed Project, Alternative 3 would also include a requirement for Leadership in Energy and Environmental Design (LEED) Gold or equivalent sustainability measures, as well as mitigation measures to address significant and unavoidable impacts related to criteria air pollutants. These measures, in combination with building code requirements, would reduce the potential for Alternative 3 to result in wasteful, inefficient, or unnecessary consumption of fuel or energy, or to fail to incorporate renewable energy or energy efficiency measures into building design, equipment use, transportation, or other Project features, and would result in less-than-significant impacts, similar to the proposed Project.

[7] There could be less congestion when a freight train passes through, since vehicles would no longer have to wait for the train to pass; however, freight trains occur an average of five times per day between 11 a.m. and 11 p.m. As described in Section 4.15, passenger trains are much more frequent; however, gate down times associated with them are generally no more than a traffic signal phase.

I-332 Peters and Henderson

COMMENT

I-332-27

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 5:34:38 PM
The project as proposed will result in a significant and unavoidable impact, for the reasons described. Delete the work "except" from this statement.

RESPONSE

I-332-27 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

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COMMENT

RESPONSE

feet and 130 feet respectively. This would make the site less visible from many viewpoints than the proposed Project.

Because all buildings other than the ballpark and hotel(s) would be less than 100 feet, Alternative 4 would likely result in fewer wind hazards; however, the site's waterfront location and the height of the hotel(s) and ballpark would result in a significant and unavoidable impact similar to the Project: **Impact AES-5**, exceedance of the 36 mph criterion for more than one hour during daylight hours annually, and **Impact AES-1.CU**, contributions to a significant cumulative exceedance of the wind hazard criterion. The ballpark and hotel(s) would be subject to **Mitigation Measure AES-1**, which would require a wind impact analysis once a more detailed design is available. Because it is unknown whether the designs could eliminate all wind hazards, the impact would remain significant and unavoidabl

Air Quality

Under Alternative 4, the ballpark, hotel(s), and performance venue would be constructed in Phase 1, along with 126 dwelling units, 58,333 square feet of office space, and 7,000 square feet of retail. Full buildout would include an additional 574 dwelling units, approximately 291,667, square feet of office space, and 56,000 square feet of retail for a total of 700 dwelling units, 350,000 square feet of office space, and 63,000 square feet of retail.

With the reduced construction and less traffic and energy use due to fewer dwellings and less commercial space, operational criteria pollutant emissions would be below the thresholds of significance. Specifically, as shown in Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Impacts, net new construction plus operational-related NO_X emissions would be up to 53.7 lbs/day with mitigation (less than significant) compared to the proposed Project's 84–180 lbs/day with mitigation (significant and unavoidable). Similarly, operational emissions of ROG and PM_{10} would be less than the significance threshold and less than the Project with mitigation, for both Phase 1 operations and full buildout operations.

Construction emissions of NO_X would still remain above the thresholds of significance in Year 2 (same as the Project), due to the extensive site preparation and grading needed for the Phase 1 ballpark, hotel(s), and performance venue. As such, one of the significant and unavoidable impacts of the proposed Project associated with criteria pollutant emissions would be reduced. Because **Impact AIR-2** assesses operation plus construction-related emissions of ROG, NO_X, and PM_{10}, the overall impact would not be reduced to less than significant. The other two significant and unavoidable impacts of the proposed Project would remain significant and unavoidable for Alternative 4, including: **Impact AIR-1**, construction-related emissions of NO_X; and **Impact AIR-1.CU**, construction- and operational-related contributions to cumulative regional air quality impacts associated with criteria pollutants. (See Appendix AIR.)

Regarding health risks, Alternative 4 would generate fewer construction and operational emissions and fewer TAC emissions, resulting in lower health risks. Like the proposed Project, the health risk at off- and on-site receptors under Alternative 4 would be less than significant; however, it would contribute to the cumulative health risk identified as significant and unavoidable for the Project.

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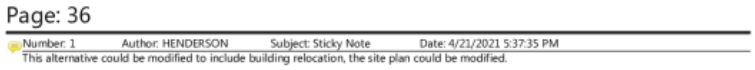
COMMENT

I-332-28



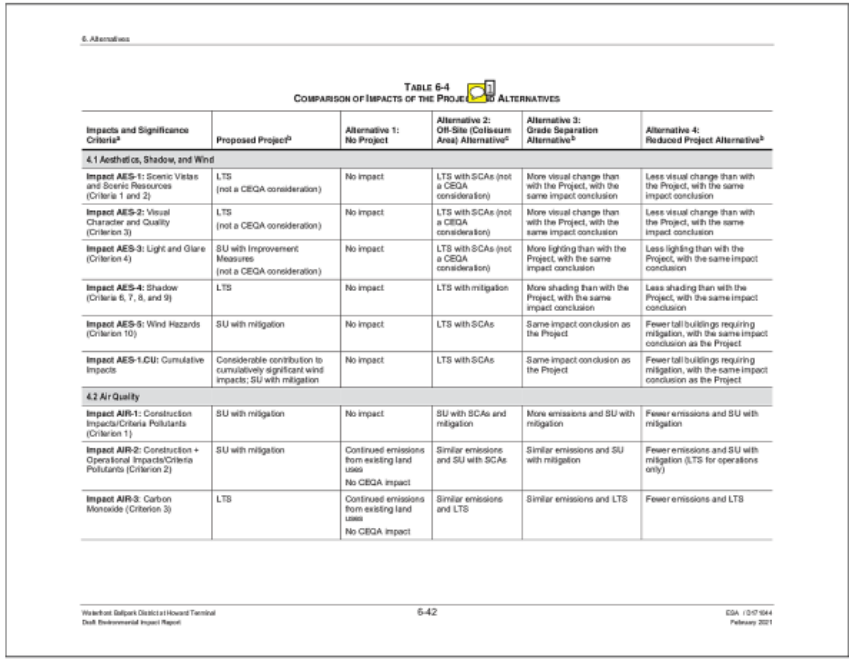
RESPONSE

I-332-28 The Reduced Development Alternative is described starting on Draft EIR p. 6-34 and includes the same site plan as the proposed Project in response to the State CEQA Guidelines' requirement that alternatives "feasibly attain most of the basic objectives of the project" (Section 15126.6(a)) and to facilitate comparison between impacts of the alternative and impacts of the Project. In this case, the potential for significant wind impacts would be reduced in the Reduced Development Alternative because of lower building heights, but the ballpark and hotel would still be subject to mitigation.

I-332 Peters and Henderson

COMMENT

RESPONSE



6. Alternatives

TABLE 6-4
COMPARISON OF IMPACTS OF THE PROJECT TO ALTERNATIVES

Impacts and Significance Criteria[a]	Proposed Project[b]	Alternative 1: No Project	Alternative 2: Off-Site (Coliseum Area) Alternative[c]	Alternative 3: Grade Separation Alternative[b]	Alternative 4: Reduced Project Alternative[b]
4.1 Aesthetics, Shadow, and Wind					
Impact AES-1: Scenic Vistas and Scenic Resources (Criteria 1 and 2)	LTS (not a CEQA consideration)	No impact	LTS with SCAs (not a CEQA consideration)	More visual change than with the Project, with the same impact conclusion	Less visual change than with the Project, with the same impact conclusion
Impact AES-2: Visual Character and Quality (Criterion 3)	LTS (not a CEQA consideration)	No impact	LTS with SCAs (not a CEQA consideration)	More visual change than with the Project, with the same impact conclusion	Less visual change than with the Project, with the same impact conclusion
Impact AES-3: Light and Glare (Criterion 4)	SU with Improvement Measures (not a CEQA consideration)	No impact	LTS with SCAs (not a CEQA consideration)	More lighting than with the Project, with the same impact conclusion	Less lighting than with the Project, with the same impact conclusion
Impact AES-4: Shadow (Criteria 6, 7, 8, and 9)	LTS	No impact	LTS with mitigation	More shading than with the Project, with the same impact conclusion	Less shading than with the Project, with the same impact conclusion
Impact AES-5: Wind Hazards (Criterion 10)	SU with mitigation	No impact	LTS with SCAs	Same impact conclusion as the Project	Fewer tall buildings requiring mitigation, with the same impact conclusion as the Project
Impact AES-1.CU: Cumulative Impacts	Considerable contribution to cumulatively significant wind impacts; SU with mitigation	No impact	LTS with SCAs	Same impact conclusion as the Project	Fewer tall buildings requiring mitigation, with the same impact conclusion as the Project
4.2 Air Quality					
Impact AIR-1: Construction Impacts/Criteria Pollutants (Criterion 1)	SU with mitigation	No impact	SU with SCAs and mitigation	More emissions and SU with mitigation	Fewer emissions and SU with mitigation
Impact AIR-2: Construction + Operational Impacts/Criteria Pollutants (Criterion 2)	SU with mitigation	Continued emissions from existing land uses No CEQA impact	Similar emissions and SU with SCAs	Similar emissions and SU with mitigation	Fewer emissions and SU with mitigation (LTS for operations only)
Impact AIR-3: Carbon Monoxide (Criterion 3)	LTS	Continued emissions from existing land uses No CEQA impact	Similar emissions and LTS	Similar emissions and LTS	Fewer emissions and LTS

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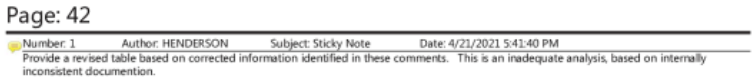
I-332 Peters and Henderson

COMMENT

I-332-29



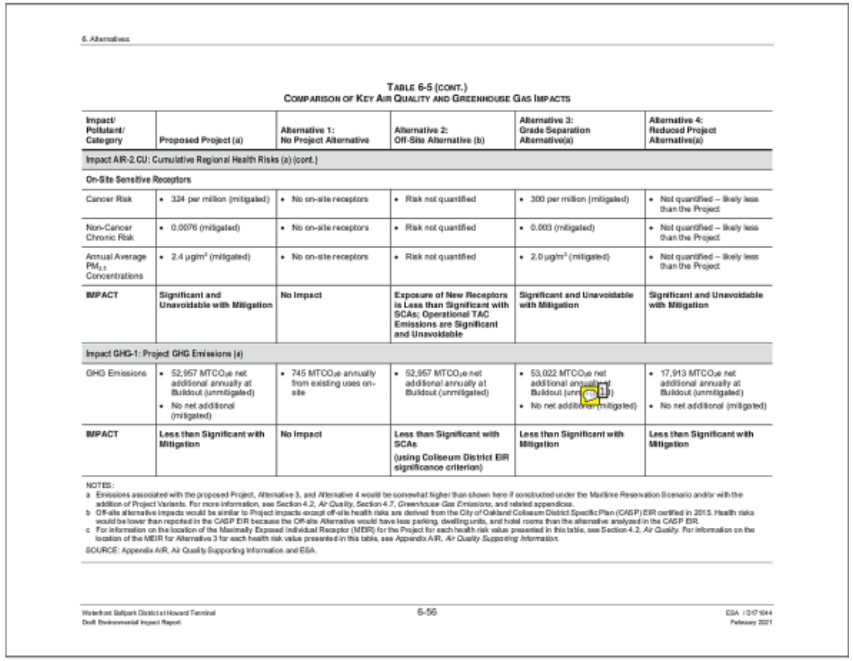
RESPONSE

I-332-29 Draft EIR Table 6-4 on p. 6-42 presents a comparison of impacts of the proposed Project to those of the alternatives. Specific comments in letter I-332 have been responded to individually.

I-332 Peters and Henderson

COMMENT

RESPONSE



6. Alternatives

TABLE 6-5 (CONT.)
COMPARISON OF KEY AIR QUALITY AND GREENHOUSE GAS IMPACTS

Impact/ Pollutant/ Category	Proposed Project (a)	Alternative 1: No Project Alternative	Alternative 2: Off-Site Alternative (b)	Alternative 3: Grade Separation Alternative(a)	Alternative 4: Reduced Project Alternative(a)
Impact AIR-2.CU: Cumulative Regional Health Risks (a) (cont.)					
On-Site Sensitive Receptors					
Cancer Risk	• 324 per million (mitigated)	• No on-site receptors	• Risk not quantified	• 300 per million (mitigated)	• Not quantified – likely less than the Project
Non-Cancer Chronic Risk	• 0.0076 (mitigated)	• No on-site receptors	• Risk not quantified	• 0.003 (mitigated)	• Not quantified – likely less than the Project
Annual Average $PM_{2.5}$ Concentrations	• 2.4 $\mu g/m^3$ (mitigated)	• No on-site receptors	• Risk not quantified	• 2.0 $\mu g/m^3$ (mitigated)	• Not quantified – likely less than the Project
IMPACT	**Significant and Unavoidable with Mitigation**	**No Impact**	**Exposure of New Receptors is Less than Significant with SCAs; Operational TAC Emissions are Significant and Unavoidable**	**Significant and Unavoidable with Mitigation**	**Significant and Unavoidable with Mitigation**
Impact GHG-1: Project GHG Emissions (a)					
GHG Emissions	• 52,957 $MTCO_2e$ net additional annually at Buildout (unmitigated) • No net additional (mitigated)	• 745 $MTCO_2e$ annually from existing uses on-site	• 52,957 $MTCO_2e$ net additional annually at Buildout (unmitigated)	• 53,022 $MTCO_2e$ net additional annually at Buildout (unmitigated) • No net additional (mitigated)	• 17,913 $MTCO_2e$ net additional annually at Buildout (unmitigated) • No net additional (mitigated)
IMPACT	**Less than Significant with Mitigation**	**No Impact**	**Less than Significant with SCAs (using Coliseum District EIR significance criterion)**	**Less than Significant with Mitigation**	**Less than Significant with Mitigation**

NOTES:
a Emissions associated with the proposed Project, Alternative 3, and Alternative 4 would be somewhat higher than shown here if constructed under the Mainline Reservation Scenario and/or with the addition of Project Variants. For more information, see Section 4.2, *Air Quality*, Section 4.7, *Greenhouse Gas Emissions*, and related appendices.
b Off-site alternative impacts would be similar to Project impacts except off-site health risks are derived from the City of Oakland Coliseum District Specific Plan (CASP) EIR certified in 2015. Health risks would be lower than reported in the CASP EIR because the Off-site Alternative would have less parking, dwelling units, and hotel rooms than the alternative analyzed in the CASP EIR.
c For information on the location of the Maximally Exposed Individual Receptor (MEIR) for the Project for each health risk value presented in this table, see Section 4.2, *Air Quality*. For information on the location of the MEIR for Alternative 3 for each health risk value presented in this table, see Appendix AIR, *Air Quality Supporting Information*.

SOURCE: Appendix AIR, Air Quality Supporting Information and ESA.

Waterfront Ballpark District at Howard Terminal
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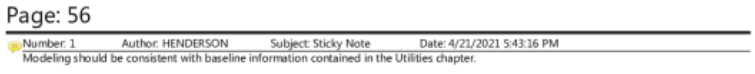
I-332 Peters and Henderson

COMMENT

I-332-30



RESPONSE

I-332-30 The greenhouse gas emissions modeling for the Project and alternatives is consistent with the Draft EIR Utilities section and baseline information (see Section 4.16, *Utilities and Service Systems*; Section 4.7, *Greenhouse Gas Emissions*; and Appendix AIR).

I-332 Peters and Henderson

COMMENT

RESPONSE

This Draft EIR does not analyze an alternative that eliminates both existing at-grade crossings serving the site at MLK Jr. Way and at Market Street, or an alternative that would provide a grade-separated crossing to the site for construction. The elimination of both existing at-grade crossings serving the site was deemed infeasible, given the need to accommodate access to the site and the constraints associated with constructing grade separations at both Market (or Brush) Street *and* MLK Jr. Way. Specifically:

- Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would impact access to additional parcels north of the railroad tracks, affecting eight additional driveways, and would eliminate access to MLK Jr. Way from 2nd Stre
- Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would impact proposed utility service to the site because both Market Street and MLK Jr. Way are utility corridors, providing sanitary sewer, domestic water, and other utility service to the site, and grade separations would limit the capacity of the right-of-way to accommodate utilities. These streets also accommodate significant City storm drain infrastructur
- MLK Jr. Way is planned as one of the primary entrances to the site, and construction of a grade-separated crossing could eliminate pedestrian/bicycle access at that location and affect the proposed Bay Trail extensio
- Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would require changing the grades of on-site streets and the ramps required to get both grade separations back to grade would limit the developable acreage of the Project site, reducing the economic viability of the Proje

Even if it were possible to provide two grade-separated crossings to serve the site (one at Market Street and one at MLK Jr. Way), many pedestrians would continue to use the Water Street pedestrian access to the Project site, resulting in increased pedestrian and bicycle traffic at existing off-site at-grade crossings at Washington and Clay Streets as well as Broadwa thus, any alternative with grade-separated crossings serving the site, even if feasible, would have to maintain one or more existing at-grade crossings. This means that such an alternative, if feasible, would substantially reduce but would not eliminate the associated significant and unavoidable impact of the Project.

Provision of a grade-separated crossing prior to commencement of Project construction was deemed infeasible given the length of time it would take to design, get approval for, and construct a new grade-separated crossing and the stated Project objective to complete construction of the new ballpark, together with any infrastructure required within a desirable timeframe and to maintain the Oakland Athletics' competitive position within ML

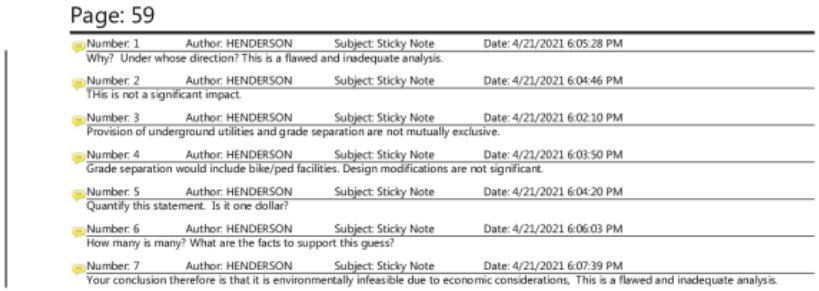
6.4.3 Grade Separation Alternative with an Undercrossing

Provision of a grade-separated crossing of the railroad corridor using an undercrossing rather than an overcrossing was considered on either the Market Street or the Brush Street alignments described in Alternative 3. Ultimately, the undercrossing design option was deemed infeasible for a number of reasons, including potential conflicts with the 105-inch EBMUD interceptor line located underground in portions of Second and Third Streets, the additional dewatering and air pollutant emissions associated with excavation on the scale required (56,000 to 59,000 cubic

I-332 Peters and Henderson

COMMENT

I-332-31



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:05:28 PM
Why? Under whose direction? This is a flawed and inadequate analysis.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:04:46 PM
This is not a significant impact.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:02:10 PM
Provision of underground utilities and grade separation are not mutually exclusive.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:03:50 PM
Grade separation would include bike/ped facilities. Design modifications are not significant.

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:04:20 PM
Quantify this statement. Is it one dollar?

Number: 6 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:06:03 PM
How many is many? What are the facts to support this guess?

Number: 7 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 6:07:39 PM
Your conclusion therefore is that it is environmentally infeasible due to economic considerations, This is a flawed and inadequate analysis.

RESPONSE

I-332-31 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I332-1 Peters and Henderson (Part 2)

COMMENT

4.11 Noise and Vibration

This section assesses the potential for the Project to result in significant adverse noise impacts, or exposing people or structures to vibration impacts, and identifies feasible mitigation measures to avoid or reduce potential adverse impacts. Potential impacts are discussed and evaluated, and appropriate mitigation measures are identified, as necessary. Project-related noise and vibration effects on biological resources are discussed in Section 4.3, *Biological Resources*, while potential vibration-related impacts to historic structures are also considered in Section 4.4, *Cultural and Tribal Cultural Resources*. While Section 4.10, *Land Use, Plans, and Policies*, addresses noise-related impacts in the context of land use compatibility in Impact LUP-2, the discussion refers to assessments made within this section in Impact NOI-4.

CEQA requires the analysis of potential adverse effects of a project on the environment. The potential effects of the environment on the project are not legally required to be analyzed or mitigated under CEQA, except where the project impacts exacerbate the existing conditions. As discussed in this section, Project impacts will exacerbate existing noise and vibration conditions. Therefore, this section analyzes potential effects of noise and vibration conditions on the Project (as well as other users) as set forth in the City of Oakland's CEQA Guidelines and Thresholds. As such, the potential adverse effect of existing risk levels for noise and vibration exposure to proposed residential uses of the Project is analyzed in this section.

This section also analyzes the Maritime Reservation Scenario, focused on environmental conditions, regulations, impacts and mitigation measures that are different from those identified for the Project.

Comments on the Notice of Preparation (NOP) for this EIR identified topics of concern that included potential increases in train horn activity due to the increase in pedestrians near the existing rail line, locating new noise-sensitive land uses within an area with multiple 24-hour noise sources, the introduction of noise from ball park and concert events and fireworks, the generation of construction-related noise, and the loss of buffer areas between industrial and residential land uses.

4.11.1 Environmental Setting

Technical Background

Sound is mechanical energy transmitted by pressure waves through a medium such as air. Noise is defined as unwanted sound. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level has become the most common descriptor used to characterize the "loudness" of an ambient sound level. Sound pressure level is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but

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DNL, while along arterial streets, noise levels typically range from 65 to 70 DNL. However, noise levels on roadways, like all areas, can be affected by intervening development, topography, or landscaping. Industrial and commercial equipment and operations also contribute to the ambient noise environment in their vicinities. Primary noise sources in the Project site vicinity include locomotive and railcar activity along the Union Pacific railroad (UPRR) tracks inclusive of horn soundings at the two at-grade crossings in the vicinity of the northern Project site boundary; heavy-duty container truck traffic within the Project site and along the Embarcadero West along the north Project site boundary; the heavy metal recycling center (Schnitzer Steel) along the west Project site boundary; and heavy-duty container truck traffic on other Port lands to the west. The Project site is approximately 1,300 feet south of Interstate 880 (I-880). Observations during a site reconnaissance indicated that local truck noise is prominent and traffic along I-880 corridor is only audible during the quietest periods due to the presence of intervening structures and the distance.

To characterize the noise environment within the Project site and surrounding area, both long-term (48 hours or more) and short-term (20 minute) noise monitoring was conducted and resulting data are presented in **Appendix NOI**). Long-term noise monitoring was conducted at three locations on the Project site that were selected on the basis of their proximity to existing receptors and one location at the nearest sensitive receptor (which also borders the existing UPRR tracks), while short-term noise monitoring was conducted at multiple off-site locations near sensitive land uses and primary roadways that would be used to access the Project site. **Table 4.11-2** presents a summary of the noise data collected during the noise monitoring effort. Long-term noise monitoring locations were selected based on proximity of potential locations of residential use to different noise sources: UPRR rail tracks, Schnitzer Steel, and vessel operation within Oakland-Alameda Estuary (Estuary) and are indicated in **Figure 4.11-2**. A quantitative assessment of each long-term and short-term noise monitoring location is provided below. For short-term measurements some locations were monitored in the nighttime hours to establish a baseline relative to nighttime construction noise impacts and during evening hours to establish a baseline relative to pedestrian egress impacts along likely egress corridors.

Noise Monitoring Location LT-1: This on-site noise monitoring location is on the wharf at the south site boundary along the Estuary, and was selected for monitoring due to its potential to have the public trust designation removed and potentially be developed with other noise-sensitive land uses as part of the Project, and to characterize the noise contributions from marine vessels or other harbor activity. Noise levels at this location would also be reflective of those at the Jack London Square Public Marina which approximately the same distance from the Oakland Ferry Terminal. Observations during deployment and collection of noise monitoring equipment indicated that existing daytime noise contributions at this location were generated by existing heavy-duty container truck operations on the Project site. As discussed in Chapter 3, *Project Description*, with development of the proposed Project, the existing tenants and users of Howard Terminal are assumed to move to other locations within the region in which their uses are permitted under applicable zoning and other regulations. Noise monitoring data indicate a consistent average noise level during both daytime and nighttime hours of 58 to 59 dBA.

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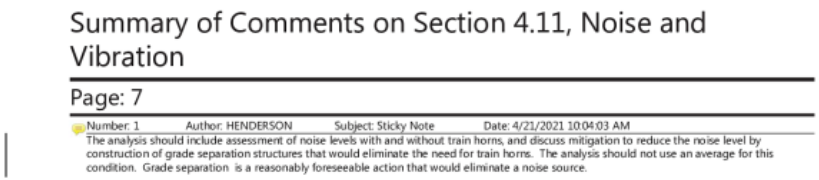
Summary of Comments on Section 4.11, Noise and Vibration

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:04:03 AM

The analysis should include assessment of noise levels with and without train horns, and discuss mitigation to reduce the noise level by construction of grade separation structures that would eliminate the need for train horns. The analysis should not use an average for this condition. Grade separation is a reasonably foreseeable action that would eliminate a noise source.

RESPONSE

I332-1-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*; Consolidated Response 4.11, *Quiet Zone*; and Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*. As discussed in Consolidated Response 4.9, grade separation options have been studied in the area; however, no grade-separation project has been subject to environmental review or funded, and therefore none is "reasonably foreseeable." As a result, and in response to comments received in response to the City's Notice of Preparation (NOP), Chapter 6 of the Draft EIR includes a Project with Vehicular Grade Separation Alternative.

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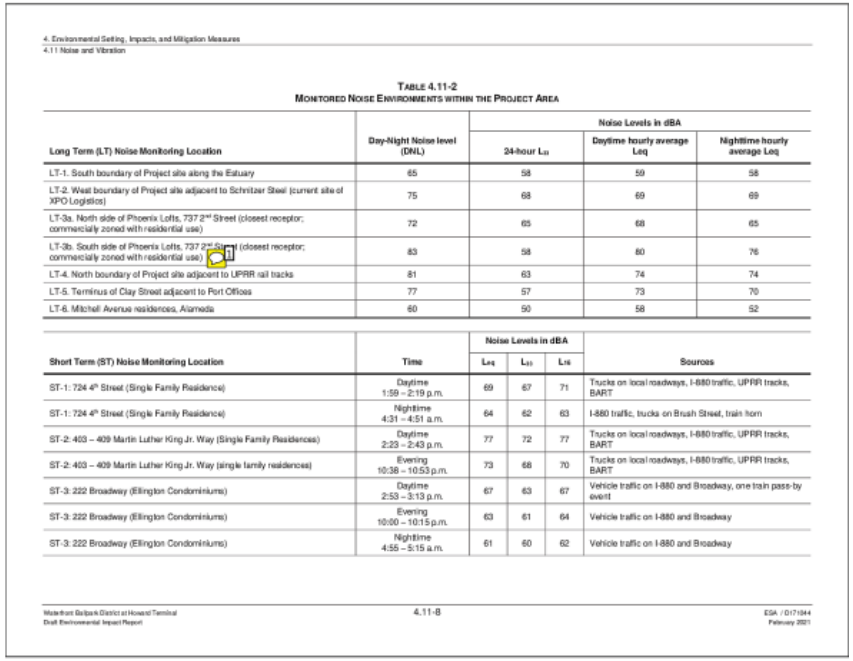
RESPONSE



4. Environmental Setting, Impacts, and Mitigation Measures
4.11 Noise and Vibration

TABLE 4.11-2
MONITORED NOISE ENVIRONMENTS WITHIN THE PROJECT AREA

Long Term (LT) Noise Monitoring Location	Day-Night Noise level (DNL)	Noise Levels in dBA		
		24-hour L_{eq}	Daytime hourly average Leq	Nighttime hourly average Leq
LT-1. South boundary of Project site along the Estuary	65	58	59	58
LT-2. West boundary of Project site adjacent to Schnitzer Steel (current site of XPO Logistics)	75	68	69	69
LT-3a. North side of Phoenix Lofts, 737 2nd Street (closest receptor; commercially zoned with residential use)	72	65	68	65
LT-3b. South side of Phoenix Lofts, 737 2nd Street (closest receptor; commercially zoned with residential use)	83	58	80	76
LT-4. North boundary of Project site adjacent to UPRR rail tracks	81	63	74	74
LT-5. Terminus of Clay Street adjacent to Port Offices	77	57	73	70
LT-6. Mitchell Avenue residences, Alameda	60	50	58	52

Short Term (ST) Noise Monitoring Location	Time	Noise Levels in dBA			Sources
		L_{eq}	L_{50}	L_{16}	
ST-1: 724 4th Street (Single Family Residence)	Daytime 1:59 – 2:19 p.m.	69	67	71	Trucks on local roadways, I-880 traffic, UPRR tracks, BART
ST-1: 724 4th Street (Single Family Residence)	Nighttime 4:31 – 4:51 a.m.	64	62	63	I-880 traffic, trucks on Brush Street, train horn
ST-2: 403 – 409 Martin Luther King Jr. Way (Single Family Residences)	Daytime 2:23 – 2:43 p.m.	77	72	77	Trucks on local roadways, I-880 traffic, UPRR tracks, BART
ST-2: 403 – 409 Martin Luther King Jr. Way (single family residences)	Evening 10:38 – 10:53 p.m.	73	68	70	Trucks on local roadways, I-880 traffic, UPRR tracks, BART
ST-3: 222 Broadway (Ellington Condominiums)	Daytime 2:53 – 3:13 p.m.	67	63	67	Vehicle traffic on I-880 and Broadway, one train pass-by event
ST-3: 222 Broadway (Ellington Condominiums)	Evening 10:00 – 10:15 p.m.	63	61	64	Vehicle traffic on I-880 and Broadway
ST-3: 222 Broadway (Ellington Condominiums)	Nighttime 4:55 – 5:15 a.m.	61	60	62	Vehicle traffic on I-880 and Broadway

Waterfront Ballpark District at Howard Terminal
Draft Environmental Impact Report
4.11-8
ESA / D171044
February 2021

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:05:14 AM
Provide noise analysis that splits out high and ambient noise, not an average.

RESPONSE

I332-1-2 The significance criteria for construction-related noise impacts are presented on p. 4.11-25 of the Draft EIR. Specifically, the criteria for construction noise are codified in Section 17.120.050 of the City of Oakland Planning Code and presented in Table 4.11-9 of the Draft EIR. The maximum allowable receiving noise standards for temporary construction or demolition activities are the contribution of the construction activity only. The predicted noise levels at the Phoenix Lofts from construction activities presented in Table 4.11-13 of the Draft EIR are solely compared to the applicable standards in Table 4.11-9 (65 A-weighted decibels [dBA] for residential uses). These predicted values represent hourly average noise levels generated by multiple pieces of equipment operating simultaneously. Because predicted construction noise levels at the Phoenix Lofts from the operation of equipment (and neglecting the existing elevated noise levels) would exceed the applicable 65 dBA standard, a significant construction noise impact and mitigation measures were identified.

With respect to ambient noise levels, the *State of California General Plan Guidelines* define *ambient noise* as "the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location".[19] Therefore, the state planning agency recognizes that ambient noise should be inclusive of all sources which, in the case of the Phoenix Loft also includes rail operations. The construction noise analysis only considers ambient noise in its assessment of nighttime construction noise because, as stated on p. 4.11-35, the City of Oakland noise ordinance states that if the ambient noise level exceeds the applicable standards, the standard shall be adjusted to equal the ambient noise level.

Similarly, the operational noise analysis from baseball and concert events presented in Tables 4.11-18 and 4.11-29 of the Draft EIR are solely compared to the applicable standards in Table 4.11-8 and reflect the contribution of the event activity only.

[19] California Governor's Office of Planning and Research (OPR), 2017. *State of California General Plan Guidelines,* July 2017.

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Noise Monitoring Location LT-2: This on-site noise monitoring location is at the west site boundary, along the property line with adjacent Schnitzer Steel heavy metal recycling operation, and was selected due to its potential to be developed for residential or other noise sensitive land use as part of the Project, and to assess the noise contributions from the neighboring recycling activities. This location is currently occupied by XPO logistics which operates a truck transport business at 1 Market Street. Observations during deployment and collection of monitoring equipment indicated that existing daytime noise contributions at this location were generated by multiple mobile cranes sorting incoming metals and operations within the easternmost shed of the adjacent Schnitzer Steel site. Trucking operations within the XPO logistics trucking facility site where the noise monitor was located were infrequent. Noise monitoring data indicate that operations at the Schnitzer Steel site occur 24 hours a day, with average noise level during both daytime and nighttime hours of 66 to 70 dBA. Based on the noise monitoring data, the only downtime in activity for Schnitzer Steel operations occurred between Sunday 3:00 a.m. and Monday 4:00 a.m.

Noise Monitoring Location LT-3: This off-site noise monitoring location is at the Phoenix Lofts at 737 2nd Street, approximately 150 feet north of, and across the UPRR tracks from, the northern Project site boundary. The four-story Phoenix Lofts which, while technically zoned as a commercial use, has units with permitted full-time occupancy and are therefore conservatively considered as the closest noise-sensitive land use to the Project site. This location is also approximately 150 feet from a Project-proposed 250-foot tower near the northern Project site boundary, and approximately 400 feet from the proposed ballpar[1]

The noise environment of the Phoenix Lofts varies between the south side of the building which faces the UPRR tracks and the north side of the building, along 2nd Street, which is shielded from the tracks. Noise monitoring was conducted on both the south side of the building with direct exposure to the UPRR tracks as well as the northern side of the building, which is shielded from UPRR operation[2]

Observations during deployment and collection of noise monitoring equipment indicated that existing daytime noise contributions at this location were generated by UPRR operations, vehicle traffic on local roadways and on-going construction activity by East Bay Municipal Utility District to the west of the lofts. Noise monitoring data indicate average hourly noise levels of 76 to 81 dBA during daytime hours and 59 to 79 dBA during nighttime hour[3]

Noise Monitoring Location LT-4: This on-site noise monitoring location is the northern site boundary along the property line with the Embarcadero West, and was selected due to its potential to be developed for residential or other noise sensitive land use as part of the Project. Observations during deployment and collection of noise monitoring equipment indicated that existing daytime noise contributions at this location were generated by train pass-by events which included horn blasts at at-grade crossing and substantial heavy-duty truck operations along Embarcadero West, many of which were observed egressing the Project site on Martin Luther King Jr. Way. Noise monitoring data indicate a consistent elevated average noise level during both daytime and nighttime hours of 74 dBA.

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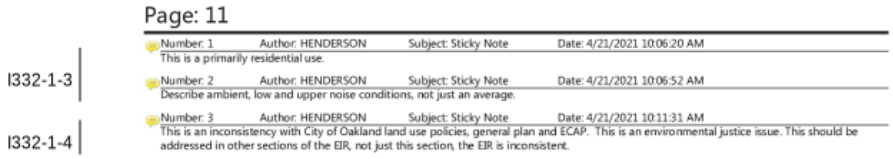

RESPONSE

I332-1-3 The existing noise levels at the Phoenix Lofts are presented in Draft EIR Table 4.11-2 and include ambient measurements inclusive of all sources consistent with guidance of the Governor's Office of Planning and Research (OPR, 2017).[20] A number of metrics are provided in this table and were selected based on their use in the noise standards of the City of Oakland noise ordinance and General Plan. The predicted noise levels at the Phoenix Lofts from construction activities presented in Table 4.11-13 of the Draft EIR are solely compared to the applicable standards in Table 4.11-9 (65 dBA for residential uses). These predicted values represent hourly average noise levels generated by multiple pieces of equipment operating simultaneously. Because predicted construction noise levels at the Phoenix Lofts from the operation of equipment (and neglecting the existing elevated noise levels) would exceed the applicable 65 dBA standard, a significant construction noise impact was identified and mitigation measures were also identified.

Similarly, the operational noise analysis from baseball and concert events presented in Tables 4.11-18 and 4.11-19 of the Draft EIR reflect worst-case noise levels generated by baseball and noise events and are solely compared to the applicable standards in Table 4.11-8 and reflect the contribution of the event activity only.

I332-1-4 The noise data and provided on p. 4.11-11 of the Draft EIR are based on empirical measurements and therefore are objective estimates of noise levels.

See Consolidated Response 4.14, *Environmental Justice*.

[20] OPR, 2017. *State of California General Plan Guidelines,* July 2017.

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hotels, hospitals, and nursing homes are considered to be the most sensitive to noise. Commercial and industrial uses are considered the least noise-sensitive. **Table 4.11-4** presents an inventory of sensitive land uses within 0.5 miles of the Project site boundaries. While traditionally considered a recreational use, some boats moored the Jack London Square Public Marina may also serve as a "live-aboard" for some owners or occupants.

TABLE 4.11-4
SENSITIVE RECEPTORS WITHIN 0.5 MILE OF THE PROJECT SITE

Receptor / Address	Type / Public or Private	Distance from Project Site (at closest point)
Phoenix Lofts / 737 2nd Street	Private	150 feet
Single family residence 724 4th Street	Private	1,000 feet
Single family residence s / 403 – 409 MLK Way	Private	1,000 feet
Waterfront Hotel / 10 Washington Street	Private	1,100 feet
Z Hotel / 233 Broadway	Private	1,500 feet
Ellington Condominiums / 222 Broadway	Private	1,500 feet
Cardinal Point Retirement Home / 2431 Mariner Square Drive in Alameda	Private	1,800 feet
Jack London Inn / 444 Embarcadero West	Private	1,500 feet
Alameda Landing Residential Development / 400 Block of Mitchell Avenue and southwards	Private	1,800 feet
Jefferson Square Park	Public	1,800 feet
Condominiums / 423 7th Street	Public	0.5 miles
New Destiny Church / 625 8th Street	Private	0.5 miles
Jack London Square Public Marina	Public	550 feet

NOTE:
For noise analysis, sensitive receptors are residential uses, schools, daycare centers, nursing homes, churches, and hospitals and medical facilities with overnight accommodation.

SOURCE: ESA, 2019

4.11.2 Regulatory Setting

Federal, State, and local agencies regulate different aspects of environmental noise. Federal and State agencies generally set noise standards for mobile sources such as aircraft and motor vehicles, while regulation of stationary sources is left to local agencies. Local regulation of noise involves implementation of general plan policies and noise ordinance standards. Local general plans identify general principles intended to guide and influence development plans; local noise ordinances establish standards and procedures for addressing specific noise sources and activities. Noise issues relevant to the proposed Project are addressed in Title 24 of the *California Code of Regulations*, City of Oakland General Plan policies and the Oakland noise ordinance standards.

Federal

In 1972, the Noise Control Act (42 United States Code section 4901 et seq.) was passed by congress to promote limited noise environments in support of public health and welfare. It also established

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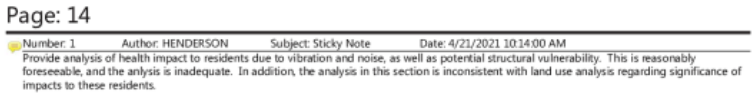

RESPONSE

I332-1-5 The comment cites p. 4.11-22 of the Draft EIR, which addresses the regulatory framework for noise and vibration. This section of the EIR is not an impact analysis.

The assessment of construction-related noise impacts is presented on Draft EIR pp. 4.11-28 through 4.11-41 and addresses estimated construction noise levels at the Phoenix Lofts for daytime construction and nighttime construction. Pages 4.11-41 and 4.11-42 of the Draft EIR also contain a discussion of potential health effects of the significant and unavoidable construction noise impacts identified.

Construction-related vibration impacts with respect to building damage in general are assessed on p. 4.11-44 of the Draft EIR. Additionally, construction-related vibration impacts with respect to building damage on historic structures, including 737 2nd Street, are assessed on p. 4.4-24 of the Draft EIR.

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sound amplification equipment to be used or operated out-of-doors or indoors but used or operated to reach persons out-of-doors between the hours of 10:00 p.m. and 9:30 a.m.

The Code also prohibits approval of a permit if operation of loudspeakers equipment is to be in those areas of the City that are designated, by zoning ordinance, as residential districts. The Code also prohibits approval of a permit if the equipment is to be in the business district of the City where such use or operation is so loud as to disturb the operations or meetings of businesses, a governmental entity or any public hearing conducted by such governmental entity or at a location where such use or operation would impede the flow of pedestrian or vehicular traffic to such an extent that it would create a dangerous traffic situation or would constitute a detriment to traffic safety, or if use or operation of the sound amplification equipment would interfere with another permit or event previously granted.

City of Alameda General Plan

The City of Alameda General Plan is the principal policy document for guiding future conservation and development within the City. It represents the framework on which the City of Alameda must base decisions regarding growth, public services and facilities, and protection and enhancement of the community. The General Plan polices and Alameda Municipal Code provision (discussed below) are relevant here because the Project site is on the waterfront within close proximity to the City of Alameda and could potentially have noise impacts on sensitive receptors within the City's boundaries.

The General Plan establishes comprehensive, long-term land use policies for the City of Alameda. Consistent with State law, the General Plan includes the Land Use Element; City Design Element; Transportation Element; Open Space and Conservation Element; Parks and Recreation, Shoreline Access, Schools and Cultural Facilities Element; Safety and Noise Element; Housing Element; and specific elements/amendments relating to Alameda Point and the Northern Waterfront areas of the City of Alameda.

A combined Safety and Noise element for the City of Alameda General Plan became effective on January 1, 2017. The element includes the following noise policies that would be applicable to the Project:

> ***Policy SN-50.*** Where feasible and appropriate, develop and implement noise reduction measures when undertaking improvements, extensions or design changes to Alameda streets.
>
> ***Policy SN-51.*** Maintain day and nighttime truck routes that minimize the number of residents exposed to truck noise.
>
> ***Policy SN-53.*** Require compliance with the California Building Code requirements to ensure appropriate interior noise levels in new or replacement residential construction, hotels, motels, and schools. In new dwellings subject to an airport noise easement, the maximum interior noise level is not to exceed 45 dB CNEL. If this requirement is met by inoperable or closed windows, a mechanical ventilation system meeting California Building Code requirements must be provided. Require acoustical analyses as allowed by the California Building Code.

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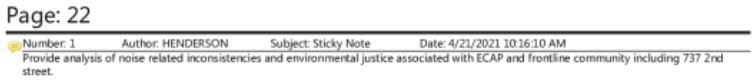

RESPONSE

I332-1-6 The City of Oakland addresses noise impacts through its standards in its municipal code and policies in its General Plan. See Consolidated Response 4.14, *Environmental Justice*.

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RESPONSE

65 dBA during daytime hours at the nearest receiving property line (see Table 4.11-9). Resultant noise levels at all other Oakland receptors would be below this 65 dBA daytime standard. Therefore, mitigation measures are identified to reduce this Project Phase 1 construction noise impact to the Phoenix Lofts. It should be noted that existing daytime noise levels at the Phoenix Lofts were measured to be between 76 and 81 dBA and therefore already exceed the daytime construction noise standard. Noise levels at receptors in the City of Alameda from non-exempt demolition activity on Sundays would be 58 dBA, Leq which would exceed the City of Alameda daytime nose standard of 55 dBA, L_{50}.

Compaction and Stabilization Sub-phase. Soil stabilization of the Project site would involve approximately six months of compaction, and the Project sponsor proposes use of deep dynamic compaction (DDC) and Direct Power Compaction (DPC), although Rapid Impact Compaction (RIC) may be used as well. RIC is a ground improvement technique that densifies shallow, loose granular soils, using a hydraulic hammer which repeatedly strikes an impact plate. The energy is transferred to the underlying loose granular soils and rearranges the particles into a denser configuration. The impact locations are typically located on a grid pattern, the spacing of which is determined by the subsurface conditions and foundation loading and geometry. DDC involves repeatedly dropping a large weight onto the soil, while DPC is a method to compact loose ground by vibration and compaction of H piles using a vibratory pile driver.

For the analysis of compaction activities, it was conservatively assumed that DPC would involve simultaneous operation of two vibratory pile drivers and cranes. As discussed above, daytime construction noise impacts from compaction to receptors within the City of Alameda would be less than significant, with the exception of periodic construction activities for site preparation and ballpark construction that could occur on Sundays and therefore would not be exempt from the restrictions of the noise ordinance. Noise levels at receptors in the City of Alameda from non-exempt compaction activity on Sundays would be 65 dBA, Leq which would exceed the City of Alameda daytime nose standard of 55 dBA, L_{50} which would be a temporary significant impact.

As can be seen from Table 4.11-13, the contribution of compaction noise at residential receptors would vary from 64 to 79 dBA. Noise levels at two of the Oakland receptors analyzed would exceed the standards established in the City of Oakland Noise Ordinance which restricts construction of more than 10 days to 65 dBA during daytime hours at the nearest receiving property line. Therefore, mitigation measures are identified to reduce this Project Phase 1 construction noise impact. It should be noted that existing daytime noise levels at the Phoenix Lofts and Ellington Condominiums were measured to already exceed the daytime construction noise standard, which may render the resultant noise contribution from this phase less noticeable.

Pile Driving Sub-phase. Building foundations would be comprised of both drilled and driven concrete piles installed using conventional drilling and pile driving equipment. The proposed ballpark alone would have approximately 2,000 14-inch piles to support building loads. Proposed high-rise buildings would also require piles. For the analysis of pile driving activities, it was assumed that peak activity would involve simultaneous operation of three impact pile drivers and cranes, which were assumed to operate at a distance of 250 feet from each other. As discussed above, daytime construction noise impacts from pile driving to receptors within the City of Alameda would be less than significant, with the exception of periodic construction activities for

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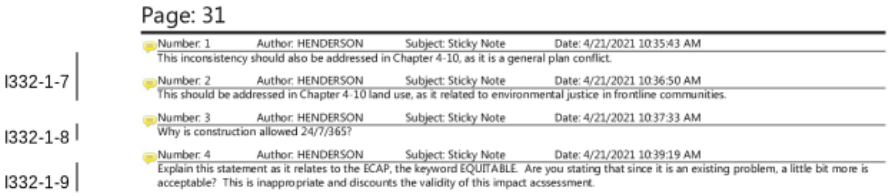

RESPONSE

I332-1-7 As noted in Section 4.10, *Land Use, Plans, and Policies*, of the Draft EIR, other elements of the General Plan contain policies adopted to avoid or mitigate an environmental effect, not specifically pertaining to land use, and are therefore discussed in the relevant sections of this EIR. Specifically, policies from the Noise Element are listed in Draft EIR Section 4.11, *Noise and Vibration*. As also noted in Section 4.10, physical impacts that may result from conflicts with plans and policies are typically analyzed elsewhere in the Draft EIR (Draft EIR p. 4.10-29). See also Consolidated Response 4.14, *Environmental Justice*.

I332-1-8 Mitigation Measure NOI-1a would restrict the days and hours of construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays, except in specific instances related to ballpark construction, or if the City grants an exception for special activities such as concrete pouring, which may require more continuous amounts of time. See Draft EIR p. 4.11-39 for information about these exceptions.

I332-1-9 The statement in question is provided for context. However, the existing noise environment is not a consideration with respect to consistency with Section 17.120.050(G) of the Planning Code, which only considers the contribution of the construction noise generated.

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site preparation and ballpark construction that could occur on Sundays and therefore would not be exempt from the restrictions of the noise ordinance. Noise levels at receptors in the City of Alameda from non-exempt pile driving activity on Sundays would be 67 dBA, Leq which would exceed the City of Alameda daytime nose standard of 50 dBA[4], L_{50} which would be a temporary significant impact.

As can be seen from Table 4.11-13, the contribution of pile driving noise at residential receptors would vary from 67 to 86 dBA. Noise levels at the three Oakland receptors analyzed would exceed the standards established in the City of Oakland Noise Ordinance which restricts construction of more than 10 days to 65 dBA during daytime hours at the nearest receiving property line. Therefore, mitigation measures are identified to reduce this Project Phase 1 construction noise impact. It should be noted that existing daytime noise levels at the Phoenix Lofts, 4th Street Residences, and Ellington Condominiums were measured to already exceed the daytime construction noise standard, which may render the resultant noise contribution from this phase less noticeabl[1]

Vertical Construction Sub-phase. Noise sources would be that occurring through the use of traditional construction equipment and tools such as cranes, excavators, compactors, concrete crushing and processing equipment, scrapers, graders, pavers, rollers, skid steer loaders and air compressors. As discussed above, daytime construction noise impacts from vertical construction to receptor within the City of Alameda would be less than significant, with the exception of periodic construction activities for site preparation and ballpark construction that could occur on Sundays and therefore would not be exempt from the restrictions of the noise ordinance. Noise levels at receptors in the City of Alameda from non-exempt compaction activity on Sundays would be 53 dBA, Leq which would not exceed the City of Alameda daytime nose standard of 55 dBA, L_{50} which would be a less than significant impact.

As can be seen from Table 4.11-13, the contribution of vertical construction noise at residential receptors would vary from 53 to 67 dBA. Noise levels at the Phoenix Lofts would exceed the standards established in the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) which restricts construction of more than 10 days to 65 dBA during daytime hours at the nearest receiving property line. Resultant noise levels at all other Oakland receptors would be below this 65 dBA daytime standard.

Transportation Improvements and Mitigation Measures. There are a number of transportation improvements and mitigation measures (see Section 4.15, *Transportation and Circulation*) that call for construction of off-site facilities that may generate construction noise. These include but are not limited to creation of a Transportation Hub, bus lanes, bike lanes, and a pedestrian and bicycle overcrossing of the railroad tracks. Construction activity associated with all off-site improvements, with the exception of the pedestrian and bicycle overpass, would require relatively minimal construction activity (when compared with other construction activities for the Project) and are in keeping with transportation improvements routinely undertaken by the City. These improvements, which often involve installing signs, striping lanes, constructing barriers, and

[4] A 5-dBA "penalty" would apply to pile driving because of its recurring, impulsive nature.

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COMMENT

I332-1-10

Page: 32

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:40:00 AM
Explain this statement as it relates to the ECAP, the keyword EQUITABLE. Are you stating that since it is an existing problem, a little bit more is acceptable? This is inappropriate and discounts the validity of this impact acssessment.

RESPONSE

I332-1-10 See Response to Comment I332-1-9 regarding the statement in question.

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COMMENT

RESPONSE

similar activities, would not add a significant construction noise levels and therefore would not generate construction noise impacts beyond what is analyzed here.

Noise levels generated by construction of the pedestrian and bicycle overpass would be commensurate with those associated with vertical construction phase described above. However, the nearest noise-sensitive receptors to the pedestrian and bicycle overpass would be located over 800 feet away and resultant construction noise impacts would therefore be less than significan

Construction Noise with implementation of a Construction Noise Reduction Plan (CNRP) and Additional Mitigation

Significant noise impacts do not normally result when standard construction noise control measures are enforced and when the predominant noise-generating activities are of limited duration.

The Project sponsor has prepared a Draft CNRP addressing noise from construction of the ballpark and initial infrastructure which is included as **Appendix CNRP** (Charles M. Salter Associates, 2020) that would be implemented by the developer and enforced by the City and is required pursuant to Mitigation Measure NOI-1c, identified below. This Draft CNRP identifies 10 noise control measures including limitations on the hours of construction.

For impacts related to the Demolition Sub-Phase, Draft CNRP Measures 2 (Site Perimeter Barrier) and Measure 3 (Stationary Equipment Local Barriers) would provide shielding that would reduce construction noise levels for first-floor receptors. Additionally, Draft CNRP Measure 6 (Truck Traffic) would reduce noise levels associated with truck queuing for off-haul of demolition material. Notwithstanding these measures, there will likely be times when noise from demolition activities would still exceed the City's 65-dBA long-term construction noise standard when close to the nearest receptors. Therefore, daytime construction noise impacts associated with the demolition sub-phase would be significant and unavoidable.

For impacts related to the Compaction Sub-Phase, the Draft CNRP Measure 2 (Site Perimeter Barrier) and Measure 3 (Stationary Equipment Local Barriers) would provide shielding that would reduce construction noise levels for first-floor receptors. Notwithstanding these measures, there would likely be times when noise from compaction activities would still exceed the City's 65-dBA long-term construction noise standard over an extended period of time when close to the nearest receptors. Therefore, daytime construction noise impacts associated with the compaction sub-phase would be significant and unavoidable.

For impacts related to the Pile Driving Sub Phas Draft CNRP Measures 2 (Site Perimeter Barrier) and Measure 3 (Stationary Equipment Local Barriers) would provide shielding that would reduce construction noise levels for first-floor receptors. Additionally, Draft CNRP Measure 7 (Methods) identifies alternative methods of pile installation that may be implemented to reduce noise levels generated by pile driving. These methods include drilling and cast-in-place pile installations which do not require use of an impact pile driver. However, such methods would likely substantially increase the ballpark construction schedule, which is presently estimated to be two years. Notwithstanding these measures, there will likely be times when noise from pile driving activities would still exceed the City's 65-dBA long-term construction noise standard over an extended period of time when close to the nearest receptors. Therefore, daytime

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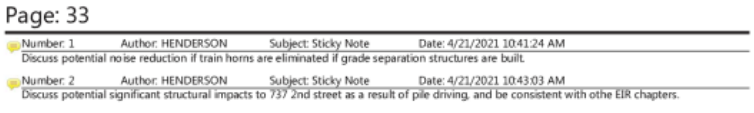
COMMENT

I332-1-11
I332-1-12


Page: 33

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:41:24 AM
Discuss potential noise reduction if train horns are eliminated if grade separation structures are built.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:43:03 AM
Discuss potential significant structural impacts to 737 2nd street as a result of pile driving, and be consistent with othe EIR chapters.

RESPONSE

I332-1-11 The noise analysis referred to by the commenter appropriately focuses on the potential noise impacts of the proposed Project, which does not include a vehicular grade separation. The Project impacts that could occur if a vehicular grade separation were included are described in Section 6.2.3 of the Draft EIR.

I332-1-12 Construction-related vibration impacts with respect to building damage in general are assessed on p. 4.11-44 of the Draft EIR. Additionally, construction-related vibration impacts with respect to building damage on historic structures, including 737 2nd Street, are assessed on Draft EIR p. 4.4-24.

Construction-related vibration impacts with respect to building damage to 737 2nd Street were determined to be less than significant with implementation of Mitigation Measure CUL-2: Vibration Analysis for Historic Structures. This mitigation measure states that before any vibratory construction within 150 feet of a historic resource, the Project sponsor shall submit a vibration analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval. The vibration analysis shall establish preconstruction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 737 Second Street. The vibration analysis will identify design means and methods of construction that shall be used to avoid exceeding the thresholds.

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COMMENT

RESPONSE

construction noise impacts associated with the pile driving sub-phase would be significant and unavoidable.

For impacts related to the Vertical Construction Sub Phase, Draft CNRP Measures 2 (Site Perimeter Barrier) and Measure 3 (Stationary Equipment Local Barriers) would provide shielding that would reduce construction noise levels for first-floor receptors. Additionally, Draft CNRP Measure 4 (Generators), and Measure 5 (Construction Equipment) would further reduce noise levels associated with off-road equipment use. Use of moveable sound barrier curtains alone, which can be located near the source in order to interrupt the line-of-sight with even an elevated receiver have been documented to provide 15 dBA of sound attenuation and (INC, 2014). These measures would likely provide the 2 dBA of reduction at the Phoenix Lofts necessary to reduce construction noise impacts associated with the Vertical Construction Sub-Phase to less than significant with mitigation. The Draft CNRP further requires measures to respond to and track noise complaints.

In addition to portable barriers, the Draft CNRP also includes the implementation of two fixed barriers on a portion of the Project site's northern and eastern perimeter during construction. **Mitigation Measure NOI-1b: Construction Noise Reduction, and Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures** provide additional measures to reduce impacts from construction noise. In addition, **Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors** is identified to temporarily relocate residents of the Phoenix Lofts when Phase 1 pile driving activities occur within 300 feet of these residences. However, while Mitigation Measure NOI-1c would reduce noise exposure of these residents, not all residents of these lofts may be able to be relocated.

While the City of Oakland's significance criterion for construction noise allows for a project to periodically generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) when an acoustical analysis is performed that identifies recommended measures to reduce potential impacts, given the extensive duration and intensity of activities associated with the proposed Phase 1 ballpark construction involving impact compaction methodologies and multiple pile driving activities in particular, the impact of daytime Phase 1 construction activities is conservatively identified as significant and unavoidable even with incorporation of **Mitigation Measure NOI-1a (Construction Days/Hours), Mitigation Measure NOI-1b (Construction Noise Reduction), Mitigation Measure NOI-1c (Project-Specific Construction Noise Measures), Mitigation Measure NOI-1d (Construction Noise Complaints), and Mitigation Measure NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors)**.

Phase 1 Nighttime Construction Work

The Project sponsor proposes to conduct the vast majority of the Phase 1 construction activities during daytime hours from 7:00 a.m. to 7:00 p.m., consistent with the restrictions of measure 1 of the Draft CNRP and Mitigation Measure NOI-1a. However, there would be some activities that would require nighttime construction work. Specifically, the Project sponsor proposes to use building cranes to install the stadia precast between 6:00 p.m. and 2:00 a.m. or later; and also

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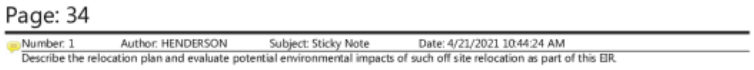
COMMENT

I332-1-13



RESPONSE

I332-1-13 With respect to mitigation measures specific to residents of the Phoenix Lofts at 737 2nd Street, Draft EIR p. 4.11-41 identifies Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors. This mitigation measure calls for providing physical improvements or temporary accommodations for residents of the Phoenix Lofts during impact or vibratory pile driving activities when it occurs within 300 feet with a direct line of sight for the duration of the pile driving activity. The duration of these activities in such proximity would reasonably be expected to be less than six months. Any renters or owners opting to be relocated would still have access to their properties and would simply be offered another location in which to dwell while these activities occur, which would not prevent them from returning to their residences.

As stated on p. 4.11-41 of the Draft EIR, the temporary relocation plan would be developed by the Project sponsor and submitted to the City Department of Planning & Building for review. The plan would specify the duration and type of accommodation (e.g., hotel or other). Once the plan is finalized, the affected residents would be contacted six months before construction and provided with a description and the predicted severity and duration of construction-related noise exposure, and would be given the opportunity for temporary relocation as developed in the temporary relocation plan.

Any secondary impacts (e.g., air pollutant emissions from moving vans) associated with relocation of residents would be minimal and would not be anticipated to have a meaningful secondary environmental impact.

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COMMENT

RESPONSE

concrete pours and crane operations are conservatively identified as a significant noise impact for receptors within the City of Oakland. 1

The City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. For nighttime work, the City of Alameda's exterior standard for residential uses is 50 dBA, L_{50}, which is predicted to be met but not exceeded during concrete pours. However, similar to the receptors within the City of Oakland, because of the potential for prolonged activity during nighttime hours, nighttime concrete pours and crane operations are also conservatively identified as a significant noise impact for receptors within the City of Alameda.

Buildout Construction Impacts to Existing Nearby Off-site Receptors

For purposes of this EIR, phasing of the balance of the Project site is assumed to occur immediately following completion of Phase 1 with completion (except for the turning basin option area) in four years. This estimate is conservative because it assumes that Project construction impacts would occur in an abbreviated time frame and activities would overlap. Project site preparation (grading, utilities, remediation) would occur for nearly nine months, followed by three years of vertical construction.

While the majority of demolition and compaction would occur during Phase 1, the potential would exist for some of these activities to still occur in the Buildout phase. Buildout areas are more distant from receptors than those analyzed for Phase 1 because they occur on the western portion of the Project site. Additionally, the number of piles required for Buildout development would be less than those required in Phase 1.

As discussed above, the City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. and therefore daytime construction noise impacts from Buildout construction to receptors within the City of Alameda would be less than significant.

As can be seen from **Table 4.11-15**, the contribution of demolition and compaction noise at the Phoenix Lofts could occasionally exceed the standards established in the City of Oakland Noise Ordinance, which restricts construction of more than 10 days to 65 dBA during daytime hours at the nearest receiving property line, while noise levels at all other receptors would be below the standard. 2

Table 4.11-15 also shows that the contribution of pile driving noise at the two closest residential receptors in Oakland would exceed the standards established in the City of Oakland Noise Ordinance which restricts construction of more than 10 days to 65 dBA during daytime hours at the nearest receiving property line. 3 should be noted that existing daytime noise levels at the Phoenix Lofts and 4th Street residences were measured to already exceed the daytime construction noise standard, which may render the resultant noise contribution from this phase less noticeable. 4 Notwithstanding, mitigation measures are identified to reduce this significant Project construction noise impact during pile driving. The contribution of noise from vertical building construction activities would be below the City's 65 dBA standard. 5

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COMMENT

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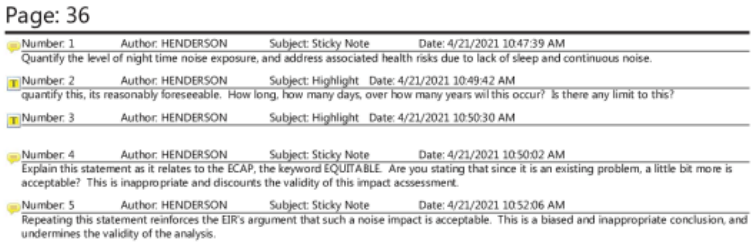
I332-1-15



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:47:39 AM
Quantify the level of night time noise exposure, and address associated health risks due to lack of sleep and continuous noise.

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/21/2021 10:49:42 AM
quantify this, its reasonably foreseeable. How long, how many days, over how many years wil this occur? Is there any limit to this?

Number: 3 Author: HENDERSON Subject: Highlight Date: 4/21/2021 10:50:30 AM

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:50:02 AM
Explain this statement as it relates to the ECAP, the keyword EQUITABLE. Are you stating that since it is an existing problem, a little bit more is acceptable? This is inappropriate and discounts the validity of this impact acssessment.

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:52:06 AM
Repeating this statement reinforces the EIR's argument that such a noise impact is acceptable. This is a biased and inappropriate conclusion, and undermines the validity of the analysis.

RESPONSE

I332-1-14 Noise levels from Phase 1 nighttime construction activities are provided in Table 4.11-14 on p. 4.11-35 of the Draft EIR. Predicted noise levels generated by construction activities at the Phoenix Lofts are estimated to be 62 dBA equivalent sound level (L_{eq}). Assuming an exterior-to-interior noise reduction of 15 dBA with windows open,[21] the resultant interior noise level would be on the order of 47 dBA. Such a nighttime interior noise level would be similar to that currently experienced by residents of the Phoenix Lofts and health impacts are not anticipated.

I332-1-15 The construction noise impact of post-Phase 1 work (buildout) is quantified in Table 4.11-15, p. 4.11-37 of the Draft EIR. As seen from the table, noise level contributions from construction activity at the Phoenix Lofts are predicted to be 66 dBA during demolition, 75 dBA during compaction, and 78 dBA from pile driving, all of which exceed the standards of the Oakland Noise Ordinance, which restricts construction of more than 10 days to 65 dBA during daytime hours at the nearest receiving property line. This threshold and determination are made independent of the existing noise level.

This impact would begin with demolition, which is expected to take approximately 50 working days, although only the demolition work within 500 feet of the Phoenix Lofts would be expected to result in noise levels approaching the significance threshold of 65 dBA. Geotechnical compaction work is expected to occur over 113 days. Pile driving during Phase 2 construction is expected to occur over 262 days.

Existing noise levels are presented for context but were not used in the determination of significance of Phase 2 construction impacts.

To address the significant and unavoidable construction noise impacts of the proposed Project, the Draft EIR identified the following mitigation measures on pp. 4.11-38 through 4.11-41:

- Mitigation Measure NOI-1a: Construction Days/Hours.
- Mitigation Measure NOI-1b: Construction Noise Reduction.
- Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.
- Mitigation Measure NOI-1d: Construction Noise Complaints.

[21] U.S. Environmental Protection Agency (U.S. EPA), 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, March 1974.

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COMMENT

RESPONSE

- Mitigation Measure NOI-1e: Structural Improvements or Off-site Accommodations for Substantially Affected Receptors.

The City acknowledges that the identified mitigation measures addressing construction would not be sufficient to fully reduce the construction noise impact to a less-than-significant level. Consequently, the Draft EIR identified the construction noise impact as significant and unavoidable.

See Consolidated Response 4.14, *Environmental Justice*.

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COMMENT

RESPONSE

impact pile driver, can result in approximately 17 dBA of resultant noise reduction, which would substantially reduce the impact at the closest Phase 1 receptor but may still result in instances when noise could be above the City's 65-dBA long-term construction noise standard. However, as stated above with respect to City of Oakland significance criteria, such occasional exceedance may be allowed if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts.[5] Unlike Phase 1 construction activities for the proposed ballpark, which would be intensive due to the scale and unique structural requirements and would occur continuously over a lengthy construction period, Buildout activities for construction of mixed-uses would be akin to typical in-fill construction in urban Oakland. Therefore, with implementation of Mitigation Measure NOI-1b and Mitigation Measure NOI-1c, Buildout construction impacts to Phase 1 receptors would be less than significant with mitigation.

TABLE 4.11-16
DAYTIME NOISE LEVELS FROM BUILDOUT CONSTRUCTION ACTIVITIES AT PHASE 1 SENSITIVE RECEPTORS

Location	Existing Leq	Noise Levels in dBA (Hourly Leq)			
		Demolition	Compaction	Impact Pile Driving	Building Construction
1. Adjacent Phase 1 residential uses. Worst case residential receptor 50 feet from the closest pile driving location and generalized construction equipment locations.	N/A	87	97	94	80

SOURCE: ESA, 2019 (Appendix NOI).

Mitigation Measure NOI-1a: Construction Days/Hours.

The Project sponsor shall comply with the following restrictions concerning construction days and hours:

a. ***Monday-Friday***. With the exception of the proposed nighttime installation of the stadia precast and ballpark concrete pours, construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday extreme noise generating activities (those generating noise levels greater than 90 dBA) shall be limited to between 8:00 a.m. and 4:00 p.m.

b. ***Saturday***. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme

[5] Under CEQA, lead agencies have discretion in determining the appropriate threshold of significance to determine the severity of a particular impact. "A threshold of significance is an identifiable, quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (CEQA Guidelines, §15064.7 subd. (a).).

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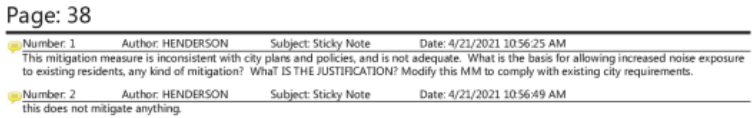
COMMENT

I332-1-16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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:56:25 AM
This mitigation measure is inconsistent with city plans and policies, and is not adequate. What is the basis for allowing increased noise exposure to existing residents, any kind of mitigation? WhaT IS THE JUSTIFICATION? Modify this MM to comply with existing city requirements.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 10:56:49 AM
this does not mitigate anything.

RESPONSE

I332-1-16 Section 17.120.050 (G) of the Planning Code established construction noise standards that vary with the time of day, recognizing that nighttime hours are more sensitive to residences and other sensitive uses. The hours with less stringent standards are 7:00 a.m. to 7:00 p.m.

The Draft EIR identified a significant and unavoidable construction noise impact. Therefore, all feasible mitigation measures are required. The Draft EIR identified Mitigation Measure NOI-1a: Construction Days/Hours to restrict construction activities during the least sensitive hours as much as possible. However, as discussed on p. 4.11-34, some activities would require nighttime construction work. Specifically, the Project sponsor proposes to use building cranes to install the stadia precast between 6:00 p.m. and 2:00 a.m. or later; it also proposes concrete pours at night. Phase 1 nighttime construction noise would be generated by crane operations, and with concrete trucks and concrete pumps during the concrete pours. As stated on p. 4.11-35 of the Draft EIR, noise levels from nighttime crane operations would be below existing ambient nighttime noise levels at all receptors in the city of Oakland.

When significant and unavoidable impacts are identified, Project decision makers are required to make specific findings pursuant to State CEQA Guidelines Section 15091 (Findings) and to weigh the impacts with potential Project benefits (State CEQA Guidelines Section 15093, Statement of Overriding Considerations).

I332-1

COMMENT

RESPONSE

noise generating activities No pier drilling or other extreme noise generating activities (activities generating greater than 90dBA) are allowed on Saturd 1

c. ***Sunday and Holidays***. With the exception of construction of the proposed ballpark and site prep prior to or during the course of ballpark construction, no construction is allowed on Sunday or holidays for any of the remaining activities of Phase 1 construction or construction of Phase 2 buildings and infrastructure. Ballpark construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Sunday and holidays. No pier drilling or other extreme noise generating activities (activities generating greater than 90dBA) are allowed on Sunday or holiday 2

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The Project sponsor shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the Project sponsor shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notic 3 4

Mitigation Measure NOI-1b: Construction Noise Reduction.

The Project sponsor shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

a. Equipment and trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) 6 herever feasible. 5

b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedur 7

c. The Project sponsor shall use temporary power poles instead of generators where feasi 8

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COMMENT

RESPONSE

I332-1-17 The Draft EIR identified a significant and unavoidable construction noise impact. Therefore, all feasible mitigation measures are required. The Draft EIR identified Mitigation Measure NOI-1a: Construction Days/Hours to restrict construction activities during the least sensitive hours as much as possible.

Mitigation Measure NOI-1a: Construction Days/Hours restricts the types of construction activities that may occur on a Sunday, and includes a prohibition on pile driving. A definition of construction activity is provided to inform the reader of the types of activities that may still occur.

All adopted mitigation measures would be enforced by the City through implementation of a mitigation monitoring and reporting program (MMRP). State CEQA Guidelines Section 15097 requires adoption of a MMRP as part of the CEQA findings if a project is approved by decision makers.

Appendix 12 CNRP of the Draft EIR presents the Draft Construction Noise Reduction Plan (CNRP) for the proposed Project. Section 5.2 of the CNRP provides that, as part of ongoing construction noise monitoring for the Project, monthly reports would be prepared and sent to the contractor to be forwarded to Inspection Services staff no more than two weeks from the end of the noise assessment period being reported. The report would detail hourly L_{eq} noise levels during construction hours and compare these noise levels to the ambient baseline noise measurements conducted before construction. Furthermore, extreme noise-generating events above 90 dBA would be documented. Attempts would be made to identify the source of any noise that causes an exceedance of the standards. Because specific noise levels at adjacent noise-sensitive properties would depend on the location of construction activities within the site, bi-weekly site visits would be conducted in addition to continuous noise monitoring. Additional specific noise reduction measures can be developed as needed based on the results of the monitoring throughout Project construction to meet the intent of the City's criteria.

If monitoring confirms that construction activities significantly exceed the ambient noise level and regularly occurring complaints occur, additional measures such as additional storm windows installed in specific residences and/or additional local barriers could be constructed. The specific approach would be refined as the construction activities and noise levels are refined.

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COMMENT

RESPONSE

A Notice of Preparation was issued to notify citizens about the proposed Project. If the Project is approved, residents of 737 2nd Street will be notified of the construction schedule as indicated in Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures on (Draft EIR p. 4.11-40).

I332-1-18 Use of the term "where feasible" in this context recognizes that some of the control technologies listed, such as noise barriers, may not be feasible or effective in some locations, because of either the nature of the noise being generated or the location/nature of the noise receptor.

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RESPONSE

d. Stationary noise sources shall be located as far from adjacent properties as possible and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.

a. ***Construction Noise Reduction Plan Required.*** Prior to any noise generating construction activities, the Project sponsor shall submit a Construction Noise Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts, specifically impacts associated with extreme noise generating activities (activities generating greater than 90 dBA) and/or affecting sensitive receptors on or near the Project site. The Project sponsor shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.

ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

iv. Specify additional feasible attenuation measures to further reduce extreme noise generating construction activities (activities generating greater than 90dB);

v. Specify additional feasible attenuation measures to further reduce construction noise impacts on the existing Phoenix Lofts, the Ellington Condominiums, and future occupants of Phase 1 residences;

vi. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

vii. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

b. ***Public Notification Required.*** The Project sponsor shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project sponsor shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and

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COMMENT

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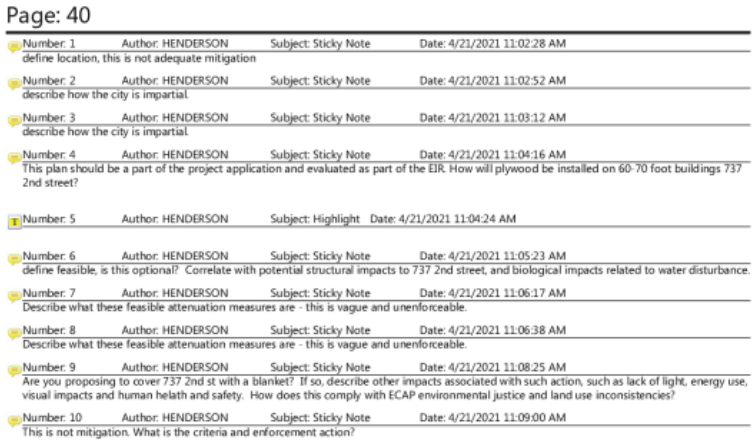
I332-1-20



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:02:28 AM
define location, this is not adequate mitigation

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:02:52 AM
describe how the city is impartial.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:03:12 AM
describe how the city is impartial.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:04:16 AM
This plan should be a part of the project application and evaluated as part of the EIR. How will plywood be installed on 60-70 foot buildings 737 2nd street?

Number: 5 Author: HENDERSON Subject: Highlight Date: 4/21/2021 11:04:24 AM

Number: 6 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:05:23 AM
define feasible, is this optional? Correlate with potential structural impacts to 737 2nd street, and biological impacts related to water disturbance.

Number: 7 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:06:17 AM
Describe what these feasible attenuation measures are - this is vague and unenforceable.

Number: 8 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:06:38 AM
Describe what these feasible attenuation measures are - this is vague and unenforceable.

Number: 9 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:08:25 AM
Are you proposing to cover 737 2nd st with a blanket? If so, describe other impacts associated with such action, such as lack of light, energy use, visual impacts and human helath and safety. How does this comply with ECAP environmental justice and land use inconsistencies?

Number: 10 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:09:00 AM
This is not mitigation. What is the criteria and enforcement action?

RESPONSE

I332-1-19 The intent of Mitigation Measure NOI-1b: Construction Noise Reduction, sub-measure (d) is to ensure that contractors do not locate stationary sources like generators or air compressors along a property line that is adjacent to a sensitive land use if it can be avoided. In this instance, a specific location is unnecessary, as the vast majority of the construction area is well over 1,000 feet from sensitive land uses. Consequently, this measure is primarily applicable to the receptor at 737 2nd Street.

In situations where it may be necessary to locate stationary equipment in a given area adjacent to a receptor, this measure allows the City to enforce the use of a shield, as warranted to reduce noise levels from stationary equipment. The City is the public agency with jurisdiction and routinely enforces mitigation measures and standard conditions of approval in an effective and impartial way.

I332-1-20 As stated on pp. 4.11-33 and 4.11-34 of the Draft EIR, the Project sponsor has prepared a Draft Construction Noise Reduction Plan addressing noise from construction of the ballpark and initial infrastructure. The CNRP, which is included in the Draft EIR as Appendix CNRP,[22] would be implemented by the Project sponsor and enforced by the City and is required pursuant to Mitigation Measure NOI-1c. This Draft CNRP identifies 10 noise control measures including limitations on the hours of construction.

Measure 2 of the CNRP addresses noise barriers:

> Site Perimeter Barrier: To reduce noise levels, a 10-ft high noise barrier should be constructed on the northern and eastern edges of the site as shown in Figure 1. Barriers should either be constructed with two layers of ½-inch thick plywood (joints staggered), and K-rail or other support; or a limp mass barrier material weighing two pounds per square foot such as Kinetics KNM-200B or equivalent. If noise levels prove to be too loud during construction at other locations, the location of the barrier could be expanded to include other portions of the project.

Because of the practical height limitations of installing a barrier, the CNRP additionally identifies storm windows as a potential option to address elevated receptors in Measure 10.

[22] Charles M. Salter Associates, 2020. Construction Noise Reduction Plan, Howard Terminal Athletics Ballpark, Oakland, CA, January 14, 2020.

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COMMENT

RESPONSE

Construction-related vibration impacts with respect to building damage to 737 2nd Street were determined to be less than significant with implementation of Mitigation Measure CUL-2: Vibration Analysis for Historic Structures. This mitigation measure states that before any vibratory construction within 150 feet of a historic resource, the Project sponsor shall submit a vibration analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval. The vibration analysis shall establish preconstruction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located 737 Second Street. The vibration analysis will identify design means and methods of construction that shall be used to avoid exceeding the thresholds.

See Draft EIR Section 4.3, *Biological Resources,* for a discussion of construction-related impacts on wildlife.

Use of terms like "where feasible" appropriately indicates where the feasibility of a particular action at a specific location cannot be known at this time. The geotechnical conditions underlying the Project site and pile locations would dictate the available methods of pile installation.

See Appendix 12 CNRP of the Draft EIR for the full list of available measures to be considered. Specifically, Measure 7 of the CNRP identifies methods to consider to reduce the use of heavy impact tools and locate these activities away from the property line where feasible. Other methods, including drilling, could be employed if noise levels are found to be excessive. Piles could be pre-drilled where feasible given geologic conditions and a wood block placed between the hammer and pile to reduce metal to metal contact noise and "ringing" of the pile.

With respect to particular impacted receptors such as the Phoenix Lofts, the CNRP also stipulates that because specific noise levels at adjacent noise-sensitive properties would depend on the location of construction activities within the site, biweekly site visits would be conducted in addition to continuous noise monitoring. Additional specific mitigation measures can be developed as needed based on the results of the monitoring throughout Project construction to meet the intent of the City's criteria.

The CNRP does not propose to cover the building at 737 2nd Street with sound control blankets. Presently, as stated above, because of the practical height limitations of installing a barrier, the CNRP identifies storm windows as

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RESPONSE

a potential option to address elevated receptors in Measure 10. See Consolidated Response 4.14, *Environmental Justice*.

Compliance noise monitoring would not reduce the impact, but is a tool to monitor and refine the effectiveness of mitigation measures. The CNRP requires ongoing compliance construction noise monitoring for the Project and monthly reports that would be prepared and sent to the contractor to be forwarded to Inspection Services staff no more than two weeks from the end of the noise assessment period being reported. The report would detail hourly L_{eq} noise levels during construction hours and would compare such noise levels to the ambient baseline noise measurements conducted before construction. Furthermore, extreme noise-generating events above 90 dBA would be documented. Attempts would be made to identify the source of any noise that causes an exceedance of the standards. Additional specific noise reduction measures can be developed as needed based on the results of the monitoring throughout Project construction to meet the intent of the City's criteria.

In response to the commenter's questions regarding Mitigation Measure NOI-1c, and to provide a quantitative standard for the required measures it includes, the text of Mitigation Measure NOI-1c in the Draft EIR has been updated as follows (additions are underlined and deletions are ~~crossed out~~):

Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.

a. Construction Noise Reduction Plan Required. Prior to any noise generating construction activities, the Project sponsor shall retain a qualified acoustical consultant to update the Draft ~~submit a~~ Construction Noise Reduction Plan ~~prepared by a qualified acoustical consultant~~ for City review and approval. The Project sponsor shall implement the approved Plan during construction with the goal of achieving interior noise levels that do not exceed 45 dBA for residential activities, 50 dBA for offices and group assembly activities, and 55 dBA for other commercial activities. The updated plan shall ~~that~~ contain~~s~~ a set of site-specific noise attenuation measures to further reduce ~~construction impacts, specifically~~ impacts associated with extreme noise generating activities (activities generating greater than 90 dBA) and/or affecting sensitive receptors on or near the Project site as follows~~. The Project sponsor shall implement the~~

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~~approved Plan during construction. Potential attenuation measures include, but are not limited to, the following~~:

i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.

ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where such technologies are acceptable given ~~feasible, in consideration of~~ geotechnical and structural requirements and conditions;

iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

iv. Specify additional ~~feasible~~ attenuation measures and best practices to further reduce extreme noise generating construction activities (activities generating greater than 90dBA);

v. Specify additional ~~feasible~~ attenuation measures and best practices to further reduce construction noise impacts on the existing Phoenix Lofts, the Ellington Condominiums, and future occupants of Phase 1 residences;

vi. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

vii. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Public Notification Required. The Project sponsor shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project sponsor shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

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end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.[1]

Mitigation Measure NOI-1d: Construction Noise Complaints.

The Project sponsor shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction.[2] At a minimum, the procedures shall include:

a. Designation of an on-site construction complaint and enforcement manager for the Project;

b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the Project complaint manager and City Code Enforcement unit;

c. Protocols for receiving, responding to, and tracking received complaints; and

d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.[3]

Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors.

The Project sponsor shall provide physical improvements or temporary accommodations for residents of the Phoenix Lofts and new Phase 1 receptors during impact or vibratory pile driving activities when it occurs within 300 feet with direct line of sight for the duration of the pile driving activity within the distances specified.[5]

- Physical improvements may consist of installation of storm windows in specific out-facing residences and/or temporary installation of acoustical blankets on the outside of the structure facing the pile driving activities.[6]
- The accommodation option may be provided for the duration of pile driving activities. A temporary relocation Plan shall be developed by the Project sponsor and submitted to the City Department of Planning & Building for review that specifies the duration of the accommodation and the type of accommodation (e.g., hotel or other) once finalized, the affected residents shall be contacted six months prior to construction and provided with a description and the predicted severity and duration of construction-related noise exposure and provided the opportunity for temporary relocations as developed within the Temporary Relocation Plan.[8]

Significance after Mitigation: Significant and Unavoidable

Potential Health Effects of Significant and Unavoidable Construction Noise Impacts

As discussed above, daytime construction noise levels from simultaneous operation of multiple (3) pile drivers at high rises in Phase 1 could result in noise levels of up to 85 dBA, Leq at the nearby Phoenix Lofts over several weeks of pile driving activities.[10] Because impact pile driving would be restricted by Mitigation Measure NOI-1a to only occur during daytime hours, health effects associated with the potential for nighttime awakenings would be avoided.[11]

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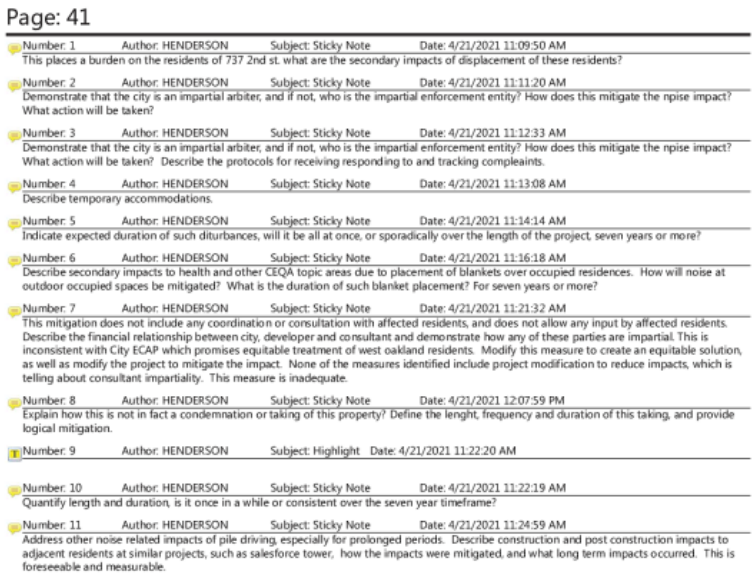
COMMENT



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:09:50 AM
This places a burden on the residents of 737 2nd st. what are the secondary impacts of displacement of these residents?

I332-1-22

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:11:20 AM
Demonstrate that the city is an impartial arbiter, and if not, who is the impartial enforcement entity? How does this mitigate the npise impact? What action will be taken?

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:12:33 AM
Demonstrate that the city is an impartial arbiter, and if not, who is the impartial enforcement entity? How does this mitigate the npise impact? What action will be taken? Describe the protocols for receiving responding to and tracking compleaints.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:13:08 AM
Describe temporary accommodations.

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:14:14 AM
Indicate expected duration of such diturbances, will it be all at once, or sporadically over the length of the project, seven years or more?

Number: 6 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:16:18 AM
Describe secondary impacts to health and other CEQA topic areas due to placement of blankets over occupied residences. How will noise at outdoor occupied spaces be mitigated? What is the duration of such blanket placement? For seven years or more?

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Number: 7 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:21:32 AM
This mitigation does not include any coordination or consultation with affected residents, and does not allow any input by affected residents. Describe the financial relationship between city, developer and consultant and demonstrate how any of these parties are impartial. This is inconsistent with City ECAP which promises equitable treatment of west oakland residents. Modify this measure to create an equitable solution, as well as modify the project to mitigate the impact. None of the measures identified include project modification to reduce impacts, which is telling about consultant impartiality. This measure is inadequate.

Number: 8 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:07:59 PM
Explain how this is not in fact a condemnation or taking of this property? Define the lenght, frequency and duration of this taking, and provide logical mitigation.

Number: 9 Author: HENDERSON Subject: Highlight Date: 4/21/2021 11:22:20 AM

I332-1-24

Number: 10 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:22:19 AM
Quantify length and duration, is it once in a while or consistent over the seven year timeframe?

Number: 11 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:24:59 AM
Address other noise related impacts of pile driving, especially for prolonged periods. Describe construction and post construction impacts to adjacent residents at similar projects, such as salesforce tower, how the impacts were mitigated, and what long term impacts occurred. This is foreseeable and measurable.

RESPONSE

I332-1-21 See Response to Comment I332-1-13. There would be no secondary environmental impacts of temporarily relocating residents of the Phoenix Lofts at 737 2nd Street.

I332-1-22 The Project sponsor would be required through the Mitigation Monitoring and Reporting Program (MMRP) to implement identified mitigation measures. The City of Oakland Bureau of Planning enforces implementation of the MMRP for numerous construction projects throughout the city.

Responses to complaints and compliance noise monitoring are important elements of the CNRP to ensure that measures are being implemented and to refine those measures if initial attempts are not successful in addressing complaints.

Compliance noise monitoring is not mitigation, but rather is a tool to monitor and refine the effectiveness of mitigation measures. The CNRP identifies ongoing compliance construction noise monitoring for the Project and that monthly reports would be prepared and sent to the contractor to be forwarded to Inspection Services staff no more than two weeks from the end of the noise assessment period being reported. The report would detail hourly L_{eq} noise levels during construction hours and a comparison to the ambient baseline noise measurements conducted prior to construction. Furthermore, extreme noise-generating events above 90 dBA would be documented. Attempts would be made to identify the source of any noise that causes an exceedance of the standards. Additional specific mitigation measures can be developed as needed based on the results of the monitoring throughout the construction of the Project to meet the intent of the City's criteria.

Measure 8 of the CNRP requires the Project sponsor to establish a noise complaint liaison that would field complaints regarding construction noise and interface with the construction team as well as to distribute contact information to nearby noise-sensitive receivers (e.g., Phoenix Lofts and Port of Oakland offices). Signs containing contact information would be posted at the construction site. A complaint log would be kept by the liaison.

I332-1-23 See Response to Comment I332-1-13. The CNRP does not propose to cover the building at 737 2nd Street with sound control blankets. Presently, because of the practical height limitations of installing a barrier, the CNRP identifies storm windows as a potential option to address elevated receptors in Measure 10. The only outdoor space potentially affected by Project

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RESPONSE

construction would be the rooftop deck of the Phoenix Lofts for which, because of its height, erection of a noise barrier is not proposed.

Under Mitigation Measure NOI-1e, the affected residents would be contacted six months before construction and provided with a description and the predicted severity and duration of construction-related noise exposure and provided the opportunity for temporary relocation, as developed in the temporary relocation plan.

Project modifications to address impacts are addressed in Chapter 6, *Alternatives*, of the Draft EIR.

See Consolidated Response 4.14, *Environmental Justice*.

The financial relationship between the City and the Project sponsor is determined by the Term Sheet agreed upon by these two entities.

It is acknowledged in the Draft EIR that, even with all feasible mitigation measures identified, the construction noise impact would be significant and unavoidable.

I332-1-24 Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors is identified on p. 4.11-41 of the Draft EIR. This measure would provide physical improvements or temporary accommodations for residents of the Phoenix Lofts during impact or vibratory pile driving activities when it occurs within 300 feet with a direct line of sight for the duration of the pile driving activity. The duration of these activities in such proximity would reasonably be expected to be less than six months.

Because impact pile driving would be restricted by Mitigation Measure NOI-1a to only occur during daytime hours, health effects associated with the potential for nighttime awakenings would be avoided.

The impacts and mitigation measures addressing noise from pile driving and other noisy construction activities in the Draft EIR are consistent with other environmental documentation for office towers in the city of Oakland and recent development projects in the Mission Bay area of San Francisco.

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Short-term noise levels constituting the threshold of pain and hearing damage are 120 dB and 140 dB, respectively.[6] Table 4.11-13 shows average daytime construction noise levels and Table 4.11-14 shows the maximum nighttime construction noise levels at each of the studied receptors. As shown, average daytime and maximum nighttime construction noise levels would not reach the point at which pain or hearing damage would occur. Therefore, Project construction would not result in adverse health effects related to pain and hearing loss.

Measures potentially implemented under the CNRP, such as drilled and cast-in-place piles, would also have the potential to reduce noise, depending on feasibility. As discussed in the Setting, noise monitoring indicates that receptors at the Phoenix Lofts are currently exposed to daytime exterior noise levels of 68 to 80 dBA on the north and south sides of the building, respectively and are routinely exposed to horn blasts of UPRR locomotives in excess of 100 dBA. Mitigation Measure NOI-1e would provide physical improvements or temporary relocation for occupants of the Phoenix Lofts during Phase 1 construction which would address noise exposure impacts along with other measures of the CNRP and Mitigation Measures NOI-1a through NOI-1

Beyond the Phoenix Lofts, the next closest existing receptor would be existing single-family homes on the north side of 4th Street between Brush Street and Castro Street, approximately 950 feet from Project site where during Phase 1 construction, noise levels of up to 70 dBA, Leq could be expected, accounting for the presence of intervening structures. This noise level would be at or below the existing monitored noise level at these receptors and would not contribute to hearing loss and would be restricted by measures of the CNRP to only occur during daytime hours, such that health effects associated with the potential for nighttime awakenings would be avoided.

Impact NOI-2: Construction of the proposed Project would expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA). (Criterion 8) (*Significant and Unavoidable with Mitigation*)

Groundborne vibration from construction activities that involve impact activities, primarily compaction and pile driving, could produce detectable vibration at nearby sensitive buildings and sensitive receptors unless proper precaution is followed.

There are no adopted State or local policies or standards for groundborne vibration, but the City's significance criteria with respect to vibration impacts recognize FTA criteria for sensitive land uses presented in Table 4.11-6. Additionally, Mitigation Measure NOI-1a restricts impact pile driving and/or other extreme noise generating activities greater than 90 dBA to between 8:00 a.m. and 4:00 p.m.

Typical vibration levels associated with the operation of various types of construction equipment at distances of 25 feet (reference), 150 feet, 300 feet, and 450 feet away from the vibration source are listed in **Table 4.11-17**. These distances generally correspond to the closest setback distances between construction activities and existing adjacent structures, as well as future onsite Project structures and planned structures on the Project site. In addition to the equipment cited in Table

[6] Kinsler, Lawrence E., Frey, A.R., Coppens, A.B., and Sanders, J.V., 1982. *Fundamentals of Acoustics*, Third Edition.

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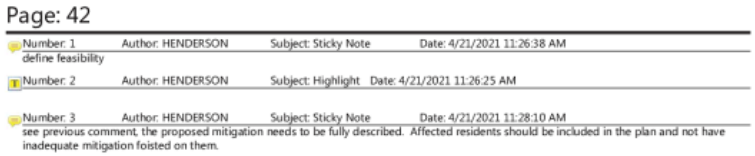
I332-1-25


Page: 42

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:26:38 AM
define feasibility

Number: 2 Author: HENDERSON Subject: Highlight Date: 4/21/2021 11:26:25 AM

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:28:10 AM
see previous comment, the proposed mitigation needs to be fully described. Affected residents should be included in the plan and not have inadequate mitigation foisted on them.

RESPONSE

I332-1-25 For the purposes of this mitigation measure, *feasible* means, as defined under CEQA, "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Use of terms like "where feasible" appropriately indicates where the feasibility of a particular action cannot be known at this time, and the description of an action's effectiveness uses the term "likely" when describing the possible outcomes of a particular action or measure that can be anticipated but are not known with certainty.

Under Mitigation Measure NOI-1e, the affected residents would be contacted six months before construction and provided with a description and the predicted severity and duration of construction-related noise exposure. Residents would be provided the opportunity for temporary relocation, as developed in the temporary relocation plan.

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RESPONSE

above in Impact NOI-1 would relocate these receptors, as feasible and/or desired.[7] While this mitigation could reduce vibration exposure of these residents, not all residents may be able to be relocated and this impact is considered to be significant and unavoidable.

Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors. (See Impact NOI-1)

Significance after Mitigation: Significant and Unavoidable for human exposure impacts.

Structural Damage Impacts from Construction-Related Vibration

Depending on the type of vibration (transient versus continuous), groundborne vibration generated by Project-related compaction, pile driving and construction activities above 0.2 and 0.5 in/sec PPV could cause 1 osmetic damage to historic or new nearby structures, respectively, including some older and historic buildings. Historic resources located on or adjacent to the Project site are identified on Section 4.4, *Cultural and Tribal Cultural Resourc* 2

While vibration attenuation with distance can vary depending on subsoils, typical attenuation rates indicate that vibration generated by impact pile drivers or DPC could result in cosmetic damage to adjacent structures if those construction activities occur within approximately 75 feet of a historic structure (0.2 PPV) or 35 feet of a modern structure (0.5 PPV). Attenuation rates associated with DDC indicate that vibration generated by impact pile drivers could result in cosmetic damage to adjacent structures if that construction activity occurs within approximately 200 feet of a historic structure or 100 feet of a modern structure. Potential impacts to historic buildings during construction are addressed in Section 4.4, *Cultural and Tribal Cultural Resources*, through implementation of **Mitigation Measure CUL-2 (Vibration Analysis for Historic Structures)**. Because the nearest modern structures would be 150 feet or more from compaction and pile driving activities, there would be sufficient distance between modern, seismically designed structures for vibration levels to be attenuated below 0.5 inches per second PPV and, thus, potential structural impacts to modern buildings from pile driving, DPC, RIC and DDC would be less than significa 3

Mitigation Measure CUL-2: Vibration Analysis for Historic Structures. (See Section 4.4, *Cultural and Tribal Cultural Resources*)

Significance after Mitigation: Less than Significa 4

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7 Feasibility of this measure would depend on the ability of an occupant to relocate their live-work operations over the durations of the compaction (DDC) and pile driving stages of construction. Additionally, while relocation may be feasible, it may not be a desired option for the occupa 5

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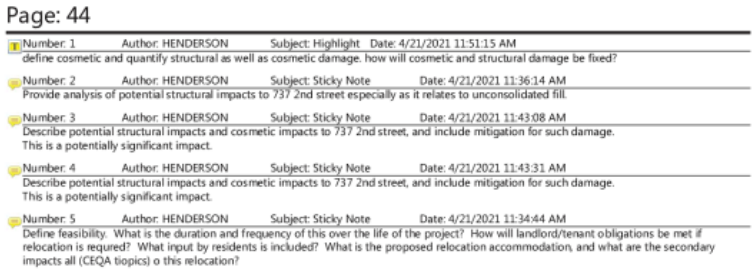
I332-1-26



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Number: 1 Author: HENDERSON Subject: Highlight Date: 4/21/2021 11:51:15 AM
define cosmetic and quantify structural as well as cosmetic damage. how will cosmetic and structural damage be fixed?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:36:14 AM
Provide analysis of potential structural impacts to 737 2nd street especially as it relates to unconsolidated fill.

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:43:08 AM
Describe potential structural impacts and cosmetic impacts to 737 2nd street, and include mitigation for such damage.
This is a potentially significant impact.

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:43:31 AM
Describe potential structural impacts and cosmetic impacts to 737 2nd street, and include mitigation for such damage.
This is a potentially significant impact.

Number: 5 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:34:44 AM
Define feasibility. What is the duration and frequency of this over the life of the project? How will landlord/tenant obligations be met if relocation is requred? What input by residents is included? What is the proposed relocation accommodation, and what are the secondary impacts all (CEQA tiopics) o this relocation?

RESPONSE

I332-1-26 *Cosmetic damage* is damage that can generally be easily repaired such as cracked plaster, stucco, or tile. *Structural damage* refers to effects such as cracking of floor slabs, foundations, columns, beams, or wells.
The Draft EIR identified a potentially significant impact with regard to vibration. Mitigation Measure CUL-2: Vibration Analysis for Historic Structures on p. 4.4-24 of the Draft EIR identifies the implementation of a vibration analysis for activities occurring within 150 feet of a historic building, which includes establishment of preconstruction baseline conditions to determine whether damage occurs.

In this mitigation measure, *feasible* means as defined under CEQA, "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

The potential for vibration-related impacts would occur primarily during Phase I pile driving activities (16-month duration) and compaction activities (six-month duration). However, the duration of these activities within 150 feet of an off-site structure would be far less than these durations.

Any renters or owners opting to be relocated would still have access to their properties and would simply be offered another location in which to dwell while these activities occur, which would not prevent them from returning to their residences. There would be no secondary environmental impacts of temporarily relocating residents.

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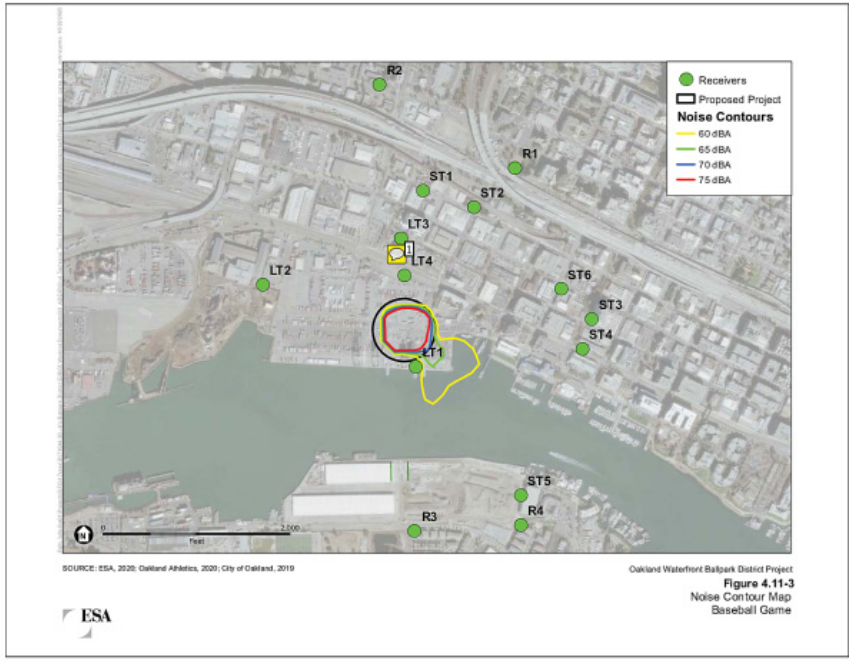
COMMENT

RESPONSE



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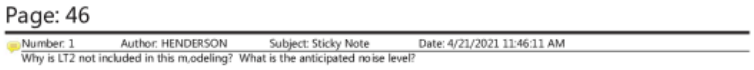
COMMENT

I332-1-27



RESPONSE

I332-1-27 LT-2 is the current location of a logistics trucking facility and is not an existing noise-sensitive land use; therefore, it was not included in the modeling of noise from proposed baseball and concert events for the proposed Project. Although this location is the location of a proposed mixed-use building on Block 17 that could potentially include residential uses, the Draft EIR does not assess the impacts of the Project on itself, other than the impact of later buildout construction of occupants of residential uses in Phase I. The ballpark and events would be part of the existing setting for future owners and occupants of Block 17.

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TABLE 4.11-18
MODELED BALLPARK NOISE LEVELS WITH A BASEBALL EVENT

Receptor Location	Existing L_{33}[a]	Baseball Event	Exceed Noise Ordinance Standard?[b,c]
LT-3: North side of Phoenix Lofts, 737 2nd Street (closest residential receptor but commercially zoned)	65	41.0	No
ST-1: 724 4th Street (Single Family Residence)	67	36.2	No
ST-2: 403 – 409 Martin Luther King Jr. Way (Single Family Residences)	68	37.5	No
ST-3: 222 Broadway (Ellington Condominiums)	61	34.6	No
ST-4: 444 Embarcadero (Jack London Inn)	63	39.5	No
ST-5: Cardinal Point Retirement Home 2431 Mariner Square Drive, Alameda [2]	52	49.9	No
ST-6: Z Hotel 233 Broadway (Washington Street Setback)	59	34.8	No

NOTES:
a At the Alameda receptor location this value is Leq.
b Noise ordinance standard in Oakland is 60 dBA, L_{33} residential and 65 dBA, L_{33} Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.
c Noise ordinance standard in Alameda is 55 dBA, L_{50} residential and 65 dBA, L_{50} Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.
SOURCE: ESA, 2019 (Appendix NOI)

Resultant noise levels at each receptor were assessed by comparing predicted noise levels to maximum allowable receiving noise standards for residential uses and commercial uses (Phoenix Lofts and hotels) established by Section 17.120.050 of the City of Oakland Municipal Code and Section 4.10 of the City of Alameda's municipal code, as appropriate. While the ballpark would be a permanent facility, noise from ballpark events would not be constant over each day and is therefore considered to be a temporary noise increase. As shown in Table 4.11-18, noise levels from ballgame events would not exceed either the City of Oakland or the City of Alameda noise ordinances during daytime and nighttime hours. Consequently, resultant noise from ballgame events of the proposed ballpark at nearby receptors would be within the noise levels limits of the local noise ordinances and result in a less than significant impact.

The above analysis applies the daytime exterior noise standard for both the City of Oakland and the City of Alameda. The potential exists for longer games and extra-inning games to extend beyond the 10:00 p.m. hour. The nighttime (post 10:00 p.m.) exterior standards are 45 dBA, L_{33} in Oakland and 50 dBA, L_{50} in Alameda. In both the cities of Oakland and Alameda, the ordinance states that if the ambient noise level exceeds these standards (which it does for all receptors), the standard shall be adjusted to equal the ambient noise level. A comparison of the first two quantitative columns in Table 4.11-18 shows that the predicted baseball event noise level would not exceed the existing 24-hour L_{33} average noise level at any receptor location in Oakland. Noise levels at the receptor in Alameda would be less than the City of Alameda standard of 50 dBA. Therefore, nighttime noise from baseball events at the proposed ballpark would be a less than significant impact.

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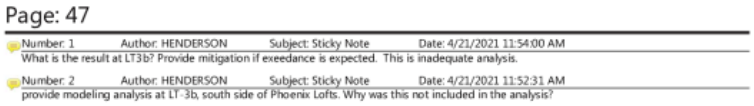
COMMENT

I332-1-28


Page: 47

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:54:00 AM
What is the result at LT3b? Provide mitigation if exeedance is expected. This is inadequate analysis.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:52:31 AM
provide modeling analysis at LT-3b, south side of Phoenix Lofts. Why was this not included in the analysis?

RESPONSE

I332-1-28 The commenter is correct. The data point in the first row of Table 4.11-18 on p. 4.11-47 reflects the north side of the building at 737 2nd Street (monitoring location LT-3a). For completeness, the model was re-run for a location on the south side of the building (monitoring location LT-3b). The results are provided in the revised Table 4.11-18, which has been added as a text revision to the Draft EIR.

> **Receptor Location** LT-3b: South side of Phoenix Lofts, 737 2nd Street (closest residential receptor but commercially zoned)
>
> **Noise with Baseball Event**: 43.5 dBA
>
> **Exceed Noise Ordinance Standard**?: No

This additional data point has no effect on the less-than-significant impact determination with respect to baseball events associated with the proposed Project.

I332-1

COMMENT

RESPONSE

Concert Event Noise

The Project sponsor proposes up to 9 concert events per year at the proposed ballpark. As noise from concert events would not be constant over each day and would only occur a few days per year, they are therefore considered to be a temporary noise increase. The potential for noise impacts associated with concert events at the proposed ballpark was also assessed using the CadnaA noise propagation software, using similar techniques as those described above for baseball games. The proposed ballpark capacity is 35,000 for a baseball game as well as for a music concert. The noise source location generated by the music event crowd was therefore assumed to be the similar to that for a baseball game. Music events within the ballpark would take place on a stage at the center field area. Noise source levels from speakers were assumed to be 95dBA at 100 feet, which was derived from the Environmental Noise Assessment report for the Levi's Stadium Project in Santa Clara. A Technical Noise Memorandum detailing the modeling effort assumptions, methodologies and results are included in Appendix NOI.

Figure 4.11-4 presents the noise contours estimated for a concert event at the proposed ballpark while **Table 4.11-19** presents the specific noise levels at existing receptors in the Project area and compares them to monitored existing noise level at each receptor during the peak evening period of the event (9:00 p.m. to 11:00 p.m.).

TABLE 4.11-19
MODELED BALLPARK NOISE LEVELS WITH A CONCERT EVENT

Receptor Location	Existing L_{33} [a]	Concert Event	Exceed Noise Ordinance Standard?[b,c]
LT-3. North side of Phoenix Lot [1] 2nd Street (closest residential receptor but commercial zone) [2]	65	49.4	No
ST-1: 724 4th Street (Single Family Residence)	67	45.2	No
ST-2: 403 – 409 Martin Luther King Jr. Way (Single Family Residences)	68	45.8	No
ST-3: 222 Broadway (Ellington Condominiums)	61	43.4	No
ST-4: 444 Embarcadero (Jack London Inn)	63	44.4	No
ST-5: Cardinal Point Retirement Home 2431 Mariner Square Drive, Alameda [2]	52	**61.8**	**Yes**
ST-6: Z Hotel 233 Broadway (Washington Street Setback)	59	44.8	No

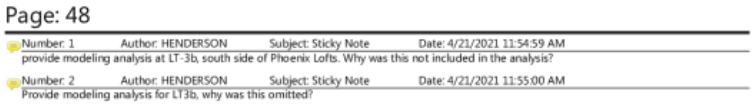
NOTES:
a At the Alameda receptor location this value is Leq.
b Noise ordinance standard in Oakland is 60 dBA, L_{33} residential and 65 dBA, L_{33} Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.
c Noise ordinance standard in Alameda is 55 dBA, L_{50} residential and 65 dBA, L_{33} Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.

SOURCE: ESA, 2019 (Appendix NOI)

I332-1

COMMENT

I332-1-29


Page: 48

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:54:59 AM
provide modeling analysis at LT-3b, south side of Phoenix Lofts. Why was this not included in the analysis?

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 11:55:00 AM
Provide modeling analysis for LT3b, why was this omitted?

RESPONSE

I332-1-29 The commenter is correct. The data point in the first row of Table 4.11-19 on p. 4.11-48 reflects the north side of the building at 737 2nd Street (monitoring location LT-3a). For completeness, the model was re-run for a location on the south side of the building (monitoring location LT-3b). The results are provided in the revised Table 4.11-19, which has added as a text revision to the Draft EIR.

> **Receptor Location** LT-3b: South side of Phoenix Lofts, 737 2nd Street (closest residential receptor but commercially zoned)
>
> **Noise with Concert Event**: 51.3 dBA
>
> **Exceed Noise Ordinance Standard**?: No

This additional data point has no effect on the less-than-significant impact determination with respect to concert events associated with the proposed Project.

I332-1

COMMENT

RESPONSE

Because noise from concert events would be a temporary noise source, resultant noise levels at each receptor from a concert at the proposed ballpark were assessed by comparing predicted noise levels to maximum allowable receiving noise standards for residential uses and commercial uses (Phoenix Lofts and hotels) established by Section 17.120.050 of the City of Oakland Municipal Code and Section 4.10 of the City of Alameda's Municipal Code, as appropriate. In both Oakland and Alameda, the ordinances state that if the ambient noise level exceeds these standards (which is does for all receptors), the standard shall be adjusted to equal the ambient noise level.

As shown in Table 4.11-19, noise levels from a concert event at the proposed ballpark are not predicted to exceed the City of Oakland noise standards but would exceed the City of Alameda noise ordinance standards at receptor ST-5, which would not benefit from the presence of intervening structures. Consequently, noise from concert events at the proposed ballpark would be a significant impact requiring mitigation.

Future occupants of the residential units of the proposed Project would also be exposed to concert noise levels but as shown in Figure 4.11-4, the noise levels at these on-site receptor locations would not be expected to be greater than the existing noise environment that is characterized by substantial rail noise. Additionally, potential effects of a project on itself are legally not required to be analyzed or mitigated under CEQA.

Section 12.56.030(A) of Oakland's Municipal Code prohibits the issuing of a permit for sound amplification equipment for operations between the hours of 10:00 p.m. and 9:30 a.m. Because the Project could potentially result in outdoor concert events after 10:00 p.m., the proposed Project would generate outdoor loudspeaker noise in violation of Section 12.56.030, which would also be a significant noise impact.

Mitigation Measure NOI-2a: Sound Control Plan for Concert Events.

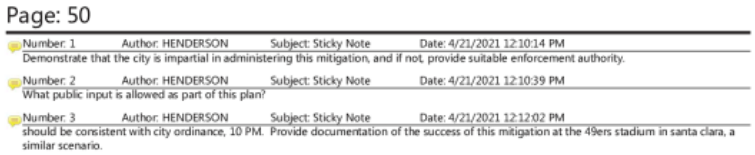
The Project sponsor shall prepare and implement a Sound Control Plan for Concert Events to be implemented at all concert events at the proposed ballpark to reduce the severity of potential noise impacts from amplified music. This Sound Control Plan shall be submitted to the City's Administrators office when applying for the special event permit required pursuant to Chapter 12.56 of the City's Municipal Code. The Plan shall be vetted by the City Administrator's Office and shall contain the following elements:

- **Sound Control Agreement**: Each concert event will require a permit from the City Administrators Office pursuant to Section 12.56 of the City's Municipal Code. Any operator applying for a concert event at the ballpark shall enter into a Sound Control Agreement with the City as a part of this permit application. This Agreement shall establish operational restrictions on the operator both in terms of operational hours and quantitative sound level lim
- **Operational Hours**: The Sound Control Agreement would restrict the event operator to prescribed hours and days for all amplified soun
- **Operational Setup**: Noise impacts are predicted to occur at receptor locations south of the proposed ballpark. Consequently, speakers and stages shall be oriented so as to avoid directing amplified sound toward the more impacted southerly locations. The

I332-1

COMMENT

I332-1-30



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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:10:14 PM
Demonstrate that the city is impartial in administering this mitigation, and if not, provide suitable enforcement authority.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:10:39 PM
What public input is allowed as part of this plan?

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:12:02 PM
should be consistent with city ordinance, 10 PM. Provide documentation of the success of this mitigation at the 49ers stadium in santa clara, a similar scenario.

RESPONSE

I332-1-30 The Project sponsor would be required through the Mitigation Monitoring and Reporting Program (MMRP) to implement identified mitigation measures. The City of Oakland Bureau of Planning enforces implementation of the MMRP for numerous projects throughout the city.

The Project sponsor is proposing up to nine concert events per year that would continue past 10 p.m. and, as stated on p. 4.11-51 of the Draft EIR, this is an element of the Project that would result in a significant and unavoidable operational noise impact. Levi's Stadium in Santa Clara has an ongoing concert noise mitigation program (https://www.santaclaraca.gov/home/showdocument?id=55812).

I332-1

COMMENT

RESPONSE

directional limitation shall be enforced for all auxiliary stage set-ups as well as the main stage, with the preferred direction being speakers facing inwar[1]

- **Sound Level Limits**: For concert events the maximum allowable sound amplification shall be established at approximately 100 feet from the stage or at an alternative location otherwise approved by the Cit[2]

- **Real-time Monitoring**: Sound monitoring during events would represent the most effective method of not only ascertaining whether the operator is in compliance with the Sound Control Agreement, but also establishing a mechanism by which an operator may reduce sound levels in excess of the standard while the event is occurring.

  Sound monitoring shall be performed either by City staff, the event operator, or by a contracted technici[3] this monitoring shall be conducted using a 10-minute L_{eq} average to assess compliance with the Sound Control Agreement. Sound levels shall be monitored at pre-established off-site receptor locations to be included in the Pla[4] or at the sound board, if correlation to remote receptors can be established. If monitored sound levels are in excess of the standard in the Sound Control Agreement, the sound monitoring technician would contact the Sound Control Liaison (see below) by the manner agreed upon in the Sound Control Agreement. The Sound Control Liaison would then have the operator reduce noise levels. After this period, the technician would collect subsequent measurements to assess compliance throughout the balance of the concert event. Repeated occurrences of not[5] meeting the response time would lead to future permit denials for the given operato

- **Sound Control Liaison**: As part of the Sound Control Agreement, the operator would designate a Sound Control Liaison to respond to notification of sound levels in excess of those established by the Sound Control Agreement. The Sound Control Liaison would be notified by the sound monitoring technician by cell phone or text. Once notified, the Sound Control Liaison would respond to the notification and reduce sound levels to acceptable leve[7]

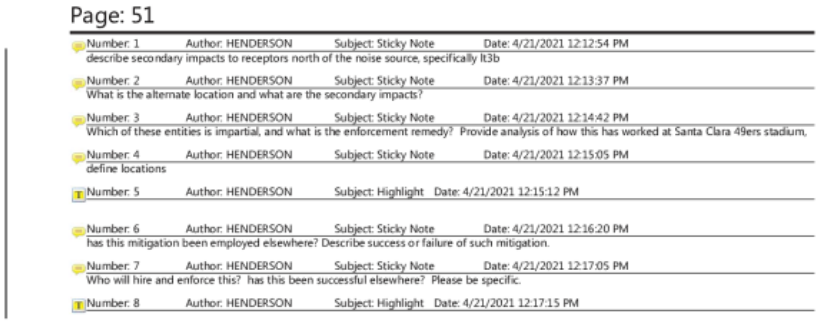
Significance after Mitigation: [8]Significant and Unavoidable for up to 9 concert events annually. , Given the potential for concert events to extend beyond the 10:00 p.m. hour currently allowed by Section 12.56.030 of Oakland's Municipal Code, the impact would be a significant impact. While the Project sponsor could seek to revise this section of the City Code to allow for an extension of permitted hours of operation of sound amplification equipment for events within the proposed Waterfront Planned Development Zoning District, given that this modification cannot be assured at this time the impact is conservatively identified as significant and unavoidable with mitigation. While the three dimensional CadnaA modeling accounts for topographical conditions and also considers meteorological conditions such as temperature, humidity, and wind speed and direction, some meteorological conditions such as cloud cover and inversions may also affect resultant noise levels at receptors within the City of Oakland, further supporting a conservative finding of a significant and unavoidable operational noise impact from concert events within the City of Oakland. Additionally, noise levels are predicted to exceed the standards for the City of Alameda during concert events.

Fireworks Displays

There could be occasional fireworks displays at the proposed ballpark. These fireworks display events would range in duration depending on the nature of the event, with more notable fireworks

I332-1

COMMENT



I332-1-31

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Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:12:54 PM
describe secondary impacts to receptors north of the noise source, specifically lt3b

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:13:37 PM
What is the alternate location and what are the secondary impacts?

Number: 3 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:14:42 PM
Which of these entities is impartial, and what is the enforcement remedy? Provide analysis of how this has worked at Santa Clara 49ers stadium,

Number: 4 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:15:05 PM
define locations

Number: 5 Author: HENDERSON Subject: Highlight Date: 4/21/2021 12:15:12 PM

Number: 6 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:16:20 PM
has this mitigation been employed elsewhere? Describe success or failure of such mitigation.

Number: 7 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:17:05 PM
Who will hire and enforce this? has this been successful elsewhere? Please be specific.

Number: 8 Author: HENDERSON Subject: Highlight Date: 4/21/2021 12:17:15 PM

RESPONSE

I332-1-31 Secondary impacts on receptors to the north from speaker locations are not anticipated because the ballpark shell would provide shielding, as evidenced by the noise level contours resented in Figure 4.11-4 on p. 4.11-49 of the Draft EIR. Noise is predicted to leak out of the southeastern opening of the ballpark, which would result in impact on receptors to the south during concert events. Monitoring of noise levels would occur under the professional purview of the Project sponsor, the City, or a third-party contractor and would be expected to be an impartial effort to ensure that events are in the interest of all. The enforcement remedy would be the responsibility of the Sound Control Liaison described in Mitigation Measure NOI-2a.

Similar mitigation was employed for outdoor concert events at Sacramento County Parks (Aftershock Festival) from 2014 through 2019.[23]

[23] County of Sacramento, 2014. Discovery Park Concert Noise, Technical Report and Sound Control Plan, July 2014.

I332-1

COMMENT

RESPONSE

displays ranging between approximately 30 and 45 minutes in duration. Fireworks currently routinely occur along San Francisco Bay (including, but not limited to, at Oracle Park in San Francisco, and at the Oakland Coliseum), such as during the Fourth of July and radio station events. Sound monitoring conducted between 1993 and 2001 reported firework displays generating peak sound levels of 82 dBA and average sound levels of 70 to 78 dBA at a 0.5-mile distance (NOAA, 2011). Sensitive (human) receptors in the Project area include occupants of residences and transient lodging. While peak firework noise may occasionally exceed the instantaneous performance standard for residential uses identified in Table 4.11-8 which are generally applicable to stationary noise sources, given the brief duration and limited number of firework events that would occur at the ballpark, noise from firework displays is expected to result in a less than significant human exposure impact, with noise levels of 70 to 78 dBA expected during 45-minute events. The magnitude of this noise is similar to roadside noise levels along arterial roadways. Further, the City of Oakland Municipal Code and Section 8.06.030(B) allows for the City Administrator to issue permits for professional displays of fireworks and to promulgate a separate set of regulations governing the issuance of such permits for large public fireworks displays. Potential adverse noise impacts on wildlife from fireworks are addressed in Section 4.3, *Biological Resources*.

Mitigation: None Required

Roadway Traffic Noise Increases

The proposed Project would result in increased traffic volumes along roadways used to access the proposed ballpark and mixed-use development.

Traffic noise level significance is determined by comparing the increase in noise levels (traffic contribution only) to increments recognized by the City of Oakland (City of Oakland, 2016) and Caltrans (Caltrans, 2013) as representing a readily perceptible increase in noise levels.

Increased vehicular traffic associated with the proposed Project would increase noise levels along existing roadways. Increases in noise from traffic on existing roadways were assessed by modeling existing and future roadway noise levels and comparing the resulting increase to standards adopted by the City of Oakland as thresholds of significance.

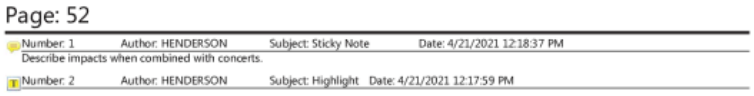
Traffic noise was developed from the transportation analysis, and assessed in this section for the following scenarios:

1. Existing traffic conditions (year 2018) during the weekday p.m. peak commute hour (4:45 to 5:45 p.m.). The weekday p.m. peak hour was used to represent the maximum period of traffic generation and associated noise generated by the Project;
2. Existing plus proposed full buildout of Project mixed uses only during the weekday p.m. peak commute hour (this does not include ballgame or event traffic, so is representative of a non-game/event day);
3. Existing plus proposed full buildout of Project mixed uses during the weekday p.m. peak commute hour plus peak pre-ballgame-related traffic [conservatively adds the peak hour of pre-ballgame-related traffic (6:00 to 7:00 p.m.), and assumes ballpark attendance of 35,000]; and

I332-1

COMMENT

I332-1-32



RESPONSE

I332-1-32 Fireworks events would generally be held after ballgames, but occasionally may occur after concerts and, hence, would be sequential and not result in a cumulative noise impact. The one potential scenario where a concert and fireworks would be simultaneous would be on the Fourth of July, in which a symphony would play synched with a fireworks display as commonly occurs at Shoreline Amphitheater in Mountain View, California. The combined effect of fireworks and a symphonic event on the Fourth of July would still be a significant noise impact, as the event would extend beyond the existing 10 p.m. curfew.

I332-1

COMMENT

RESPONSE

4. Nighttime Scenario (10:00 to 11:00 p.m.): Existing plus proposed full buildout of Project mixed uses plus post-ballgame-related traffic (existing and proposed mixed use traffic conservatively estimated at one-third that of weekday p.m. peak commute traffic based on professional judgment of the transportation consultants)

Traffic noise levels were determined for this analysis using the FHWA Traffic Noise Prediction Model based on baseline and future traffic projections developed as part of the transportation analysis (see Section 4.15, *Transportation and Circulation*). All traffic volumes used in this roadway noise analysis were provided by Fehr & Peers Transportation Consultants, and reflect a 20 percent trip reduction associated with implementation of the Transportation Demand Management Plan as required under **Mitigation Measure TRANS–1a** and Transportation Management Plan required by **Mitigation Measure TRANS-1b**[9]. Modeled weekday noise level estimates for the most highly impacted 35 roadway segments near the Project site are presented in **Table 4.11-20** for full buildout of the Project mixed uses during the weekday p.m. peak commute hour (excludes ballgame); in **Table 4.11-21** for the full buildout of Project mixed uses plus pre-ballgame traffic; and in **Table 4.11-22** for Nighttime Scenario: full buildout of the Project mixed uses plus post-ballgame traffic.

As shown in Table 4.11-20, weekday traffic noise level increases under the full buildout of Project mixed uses scenario (excludes ballgame) would be less than significant (less than 5 dBA increase) for receptors along all roadways analyzed.

As shown in Table 4.11-21, weekday traffic noise level increases for full buildout of Project mixed uses plus pre-game related traffic would be less than significant (less than 5 dBA increase) for receptors along all roadways analyzed, except for Martin Luther King Jr. Way between 8th Street and 11th Street., where noise levels would increase by 5 dBA. This roadway is impacted because it provides the most direct access to and from freeway ramps. Although receptors on Martin Luther King Jr. Way are near to the elevated I-880 freeway and BART tracks, the predicted increase at this roadway is based on existing monitored noise levels and so takes into account the existing contributions of these sources. While this impact would occur only for a few hours per event, given that there would be up to 41 weekday evening regular season A's baseball games as well as up to 9 concert events per year, annually, this impact is considered a significant permanent increase in noise levels.

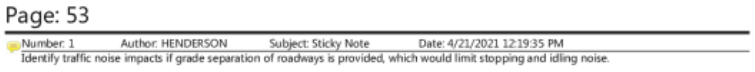
As shown in Table 4.11-22, nighttime (10:00 to 11:00 p.m.) weekday traffic noise level increases for full buildout of the Project mixed-uses plus post-ballgame would result in the same impacted roadway (Martin Luther King Jr. Way between 8th Street and 11th Street) as described above for the peak pre-game traffic hour.

9 An analysis of traffic noise impacts without the implementation of the Transportation Demand Management Plan as required under Mitigation Measure TRANS-1a and Transportation Management Plan required by Mitigation Measure TRANS-1b is provided in Appendix NOI.

I332-1

COMMENT

I332-1-33



RESPONSE

I332-1-33 The noise analysis referred to by the commenter appropriately focuses on the potential noise impacts of the proposed Project, which does not include a vehicular grade separation. The Project impacts that could occur if a vehicular grade separation were included are described in Section 6.2.3 of the Draft EIR.

I332-1

COMMENT

RESPONSE

While physical noise mitigation (i.e., installation of noise barriers), could potentially result in a meaningful reduction, it would restrict driveway access to landowners along a given roadway who need driveway access. Another mitigation considered would be re-routing traffic away from the affected roadway. Re-routing Project traffic, however, would likely only transfer the noise impact from one roadway to another and would result in less efficient ingress and egress to the Project site. Alternative methods of ingress and egress (i.e., gondola) are explored in the Project variant analysis in Chapter 5. Consequently, operational noise impacts during events with implementation of the Transportation Demand Management Plan required under Mitigation Measure TRANS-1a and Transportation Management Plan required by Mitigation Measure TRANS-1b would be *significant and unavoidable*, with no feasible mitigation that would reduce roadside noise levels even with implementation of transportation mitigation measures identified in Section 4.15, *Transportation and Circulation.*

Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan. (See Section 4.15, *Transportation and Circulation*)

Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, *Transportation and Circulation*)

Significance after Mitigation: Significant and Unavoidable for traffic noise.

Transportation Improvements and Mitigation Measures. As discussed in Impact NOI-1, there are a number of transportation improvements and mitigation measures that involve new off-site facilities, such as the creation of a Transportation Hub, bus lanes, protected bike lanes, and a pedestrian and bicycle overcrossing of the railroad tracks. Noise generated from the multi-modal use of these improvements or facilities are in keeping with similar facilities routinely implemented by the City. All off-site improvements would be within public rights of way and would not result in changes in roadway capacity for motor vehicles or traffic volumes. Consequently, these transportation improvements would not change operational noise impacts beyond what is analyzed here. Certain facilities would enhance pedestrian use and noise associated with users of the proposed ballpark, which is addressed as follows.

Crowd Noise Outside of the Proposed Ballpark

Operational noise from non-transportation sources such as egress of patrons from events, or sound amplification equipment in common areas are assessed based on noise increases of 5 dBA over existing ambient levels and any applicable restrictions of the City's noise ordinance. As noted above, an increase in noise below 5 dBA is not readily perceptible. Although these operational noise increases would be of limited duration, they would be expected to occur throughout the life of the Project and are therefore considered permanent changes in noise conditions.

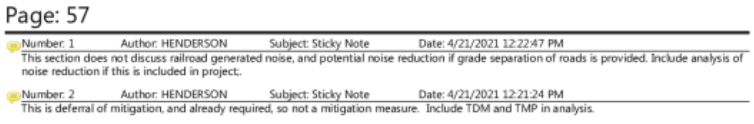
Noise generated by event patrons and retail customers could result in increased noise along surrounding streets, particularly during the evening and nighttime hours (depending on the event timing) and at the end of scheduled games/events when large numbers of people would be departing the proposed ballpark and walking on local streets to access their transit connections or access their vehicles at local parking locations.

I332-1

COMMENT

I332-1-34

I332-1-35


Page: 57

Number: 1 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:22:47 PM
This section does not discuss railroad generated noise, and potential noise reduction if grade separation of roads is provided. Include analysis of noise reduction if this is included in project.

Number: 2 Author: HENDERSON Subject: Sticky Note Date: 4/21/2021 12:21:24 PM
This is deferral of mitigation, and already required, so not a mitigation measure. Include TDM and TMP in analysis.

RESPONSE

I332-1-34 The proposed Project would not result in changes to railroad operations. See Consolidated Response 4.11, *Quiet Zone*.

I332-1-35 The commenter appears to be questioning why the Transportation Demand Management (TDM) Plan and Transportation Management Plan (TMP) are included as mitigation measures even though they are required by AB 734 and included as part of the Project. See Draft EIR pp. 4.15-183 and 4.15-193, as well as Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. These mitigation measures are included to allow the City to monitor implementation of the TDM Plan and TMP and ensure their effectiveness over time.

I332-1

COMMENT

RESPONSE

Additionally, the Project proposes a Transportation Hub on 2nd Street between Martin Luther King Jr. Way and Clay Street. Operation of this Hub could result in noise generated by idling shuttles and transit buses, and queuing of crowds. The western extent of this proposed Hub would be approximately 600 feet from the Phoenix lofts while the eastern extent would be approximately 800 feet from the Ellington Condominiums. The FTA identifies an unobstructed screening distance for a transit center of 225 feet, beyond which a noise impact assessment in not required (FTA, 2018). Therefore, at a distance of 500 feet or greater, crowd noise and bus idling would be expected to be attenuated to a less than significant level.

Mitigation Measure NOI-2b: Egress Notifications.

The Project sponsor shall disseminate information to event-goers identifying alternative egress routes without sensitive receptors and asking patrons for quiet post-event egress.

Significance after Mitigation: Significant and Unavoidable for crowd noise. This measure would require the Project sponsor to disseminate information to event-goers identifying alternative egress routes. However, the effectiveness of this notification cannot be assured. Therefore, even with Mitigation Measure NOI-2b, the impact would be significant and unavoidable.

TABLE 4.11-23
ESTIMATED CROWD NOISE ALONG PRIMARY PEDESTRIAN ROUTES

Route Location	Existing Evening Noise Level dBA, Leq	Predicted Crowd Contribution dBA, Leq	Predicted Noise level with Crowd dBA, Leq	Noise Increase with Crowd Egress
Washington Street north to 12th Street/City Center BART station	63	63	66	+3 dBA
Broadway north to 12th Street/City Center BART station and ancillary parking area	63	67	69	+6 dBA
MLK Way north to 12th Street/City Center BART station and ancillary parking area	73	67	74	+1 dBA
7th Street west to West Oakland BART station	62	64	66	+2 dBA

SOURCE: E[illegible] (Appendix NOI).

Stationary Noise Impacts on Existing Offsite and Future Onsite Receptors

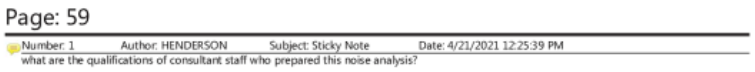
Operation of the proposed Project would increase ambient noise levels in the immediate vicinity primarily through the onsite use of stationary equipment, such as HVAC systems and by emergency generators that would be required by building code for emergency egress of high rise buildings. Operation of HVAC equipment (and any other stationary equipment) would be subject to the City of Oakland Noise Ordinance for maximum allowable receiving noise standards presented in Table 4.11-8.

Operation of proposed generators during a power failure or other emergency would be exempt from the restrictions of the City's noise ordinance. Maintenance operation of emergency standby

I332-1

COMMENT

I332-1-36



RESPONSE

I332-1-36 The primary ESA noise analyst has more than 25 years of experience managing, conducting, and monitoring noise, vibration, air quality, greenhouse gas, and energy investigations and surveys for urban development, transportation, and infrastructure projects. Their professional training and experience have augmented an academic background in physics, chemistry, meteorology, air quality and energy. They are proficient in use of the traffic noise model of the Federal Highway Administration (FHWA) and the Roadway Construction Noise Model and are trained and proficient in the Transit Noise and Vibration Impact Assessment methodology of the Federal Transit Administration. They have been involved in dozens of major projects including major commercial airport master plans, divestiture of the State of California's power plants, mining projects and reclamation plans, rail transit extension projects, and dam construction and improvement projects.

A consulting ESA noise analyst has worked exclusively on noise and vibration assessments for National Environmental Policy Act and CEQA projects for federal, state, and local governments, and the private sector. Their activities have included field surveys, impact assessments using computer-based noise models (TNM, INM, AEDT, NOISEMAP, RNM, CadnaA, and SoundPLAN), and technical report preparation. They have prepared noise analyses and conducted noise monitoring for 14 CFR Part 150 studies, concerts, athletic stadiums, general construction activities, residential developments, FHWA Noise Technical Reports, Federal Energy Regulatory Commission (FERC) RR9 reports, and Federal Transit Administration/Federal Railroad Administration noise and vibration assessments.

I332-1

COMMENT

RESPONSE

diesel generators would occur for approximately four hours per month (50 hours annually) for testing and such a short noise event would not substantially alter ambient noise levels.

Mitigation Measure NOI-2c (Operational Noise from Stationary Equipment) is identified to require that the mechanical equipment would be standardized and that noise generating equipment would not exceed the City's established thresholds presented in Table 4.11-8. Noise from mechanical equipment would be a less than significant impact with mitigation with respect to permanent increase in noise.

> **Mitigation Measure NOI-2c: Operational Noise from Stationary Equipment.**
>
> Noise levels from stationary equipment (e.g., HVAC systems) on the Project site after completion of the Project (i.e., during Project operation) shall comply with the noise standards in chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels caused by stationary equipment exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. Methods of achieving this standard include low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment with a rooftop mechanical penthouse, and use of shields and parapets to reduce noise levels to adjacent land uses. For Generators, industrial grade silencers can reduce exhaust noise by 12 to 18 dB and residential grade silencers by 18 to 25 dBA. (ASHRAE TC, 2006).
>
> **Significance after Mitigation:** Less than Significant for stationary source noise.

Impact NOI-4: The proposed Project could propose land uses in conflict with the land use compatibility guidelines of the Oakland General Plans. (Criterion 5 and 6) (*Less than Significant with Mitigation*)

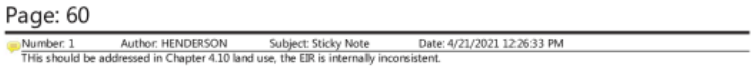
The development of the proposed Project could expose future occupants of the Project to existing sources of noise. However, CEQA does not require that potential effects of the environment on the Project be analyzed or mitigated, except where the Project impacts exacerbate the existing conditions. As discussed above, Project impacts will exacerbate some existing noise conditions. Thus, an analysis of existing noise effects on the Project is included in order to analyze these impacts and to provide information to the public and decision-makers.

The City of Oakland uses Land Use Compatibility Guidelines to determine noise-affected uses (see Table 4.11-7 above). For commercial uses, noise environments of 65 DNL or less represent the normally acceptable noise exposure, between 65 DNL and 75 DNL are considered conditionally acceptable, and noisier than 75 DNL are considered normally unacceptable. For family residential uses, noise environments of 60 DNL or less represent the normally acceptable noise exposure, between 60 DNL and 70 DNL are considered conditionally acceptable, and between 70 DNL and 75 DNL are considered normally unacceptable. For neighborhood parks, noise environments of 65 DNL or less represent the normally acceptable noise exposure, between 65 DNL and 75 DNL are considered normally unacceptable, and noisier than 75 DNL are considered clearly unacceptable.

I332-1

COMMENT

I332-1-37



RESPONSE

I332-1-37 This topic is discussed in Section 4.10, *Land Use, Plans, and Policies*, of the Draft EIR as it relates to potential fundamental land use conflicts. With the inclusion of Mitigation Measure NOI-3, the Project would not expose Project residents to existing noise levels in excess of the City's Land Use Compatibility Guidelines such that a fundamental land use conflict would occur (Draft EIR p. 4.10-45).

I332-1

COMMENT

RESPONSE

Mitigation Measure NOI-3: Noise Reduction Plan for Exposure to Community Noise.

Prior to approval of construction-related permit, once specific land use designations and building design plans are available, the Project sponsor shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. Interior to interior noise reductions of 36 dBA have been demonstrated in modern urban residential uses (ESA, 2019), while attenuation of up to 45 dBA have been achieved at airport hotels. The Project sponsor shall implement the approved Plan during construction. Interior noise levels shall not exceed the following:

a. 45 dBA, DNL: Residential activities, civic activities, hotels
b. 50 dBA, DNL: Administrative offices; group assembly activities
c. 55 dBA, DNL: Commercial activities
d. 65 dBA, DNL: Industrial activities

Significance after Mitigation: Less than Significant

Impact NOI-5: Operation of the proposed Project would not expose persons to groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA) or propose land uses in conflict with the land use compatibility guidelines of the Oakland General Plans. (Criterion 5 and 6) (*Less than Significant, but not a CEQA Consideration*)

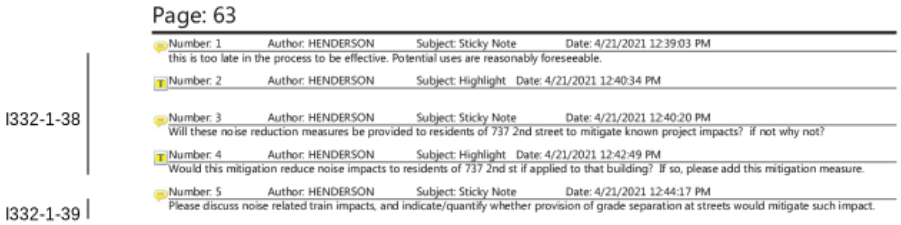
The development of the Project could expose future occupants of the Project to perceptible groundborne vibration when trains on the UPRR tracks during the operation of the Project. However, CEQA does not require that potential effects of the environment on the Project be analyzed or mitigated. Nevertheless, an analysis of vibration related effects associated with existing train operations on the UPRR tracks on the Project is included to provide information to the public and decision-makers. Measures to reduce non-CEQA impacts are designated as "Improvement Measures" and not as mitigation measures to be implemented pursuant to CEQA.

Because the Project site is bounded by the UPRR rail tracks that service both Amtrak commuter trains and freight train activity, Project site development would result in the exposure of people to vibrations from rail operations. Currently, AMTRAK operates 38 passenger trains every weekday on this track, while approximately six freight trains travel past the site every day.

FTA acknowledges that steel wheeled/steel rail vehicles can generate vibration impacts. FTA identifies screening buffer distances in its document, *Transit Noise and Vibration Impact Assessment*. Specifically, for commuter rail lines, buffer distances of 50 to 100 feet from the right-of-way are recommended for residences or any land uses where people sleep, such as hotels and hospitals to avoid vibration impacts. Therefore, given that the Project proposes to develop land uses that could include residences within 100 feet of the UPRR tracks, non-CEQA vibration exposure impacts could be significant. **Improvement Measure NOI-4** is identified, which

I332-1

COMMENT



RESPONSE

I332-1-38 The timing of Mitigation Measure NOI-3 is standard practice and is consistent with the City of Oakland's Standard Conditions of Approval. This measure addresses impacts of existing noise on proposed new residential uses consistent with Policy 1 of the City of Oakland General Plan Noise Element. The structure at 737 2nd Street has already been constructed and is therefore considered in the Draft EIR in Impact NOI-1 and Impact NOI-3, which address noise impacts of the Project on existing receptors.

The elements of Mitigation Measure NOI-3 include use of sound-rated building materials in walls, windows, and window design and placement to address the type of noise sources in the area that are suited to initial building design and construction. The CNRP developed to address the significant and unavoidable construction noise impacts at 737 2nd Street includes consideration of storm windows and additional local barriers to address this significant noise impact.

I332-1-39 Noise-related impacts on proposed new sensitive land uses are discussed in Impact NOI-4 on pp. 4.11-60 through 4.11-63 of the Draft EIR. The evaluation in Impact NOI-4 is based on environmental noise levels measured on the Project site that are inclusive of rail activity in the Project area as well as other sources. See Consolidated Response 4.11, *Quiet Zone*.

I332-1

COMMENT

RESPONSE

establishes a vibration performance standard for residential developments exposed to vibration levels in excess of 75 VdB from operations of the UPRR tracks, and requires that detailed Project-level vibration analyses be prepared to ensure that the that standard will be m

Improvement Measure NOI-4. Vibration Reduction Plan.

All residential development with a vibration exposure exceeding 75 VdB from operations on the UPRR tracks shall be designed to reduce vibration from UPRR operations to 75 VdB or less for residential uses. Prior to issuance of any building permit for structures intended for human occupancy within 100 feet of the mainline track, a detailed vibration design study shall be completed by a qualified engineer to confirm the ground vibration levels and frequency along the UPRR tracks and to determine appropriate design to limit interior vibration levels to 75 VdB for residences, if necessary. Implementation of the recommended measures of the acoustical study into Project design elements shall be verified by the Oakland Building Department as part of the plan-check process.

Specific measures to achieve the performance standards set forth above may include one or a combination of the following meth

- Use of vibration isolation techniques such as supporting the new building foundations on elastomer pads similar to bridge bearing pads;
- Installation of vibration wave barriers. Wave barriers would consist of control trenches or sheet piles, which are analogous to controlling noise with sound barrier. The applicability of this technique depends on the characteristics of the vibration waves.

Mitigation: None required for this non-CEQA impact.

Maritime Reservation Scenario

The Maritime Reservation Scenario involves an alternative site plan for the Project that was analyzed alongside the Project. The Maritime Reservation Scenario includes the same development program as the proposed Project, but would distribute that development program within a different Project site boundary that removes a portion of the southwest corner of the site.

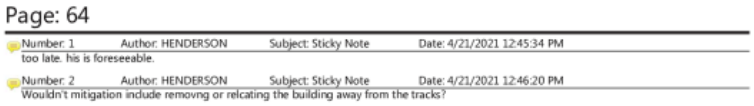
At any point within the next 10 years, the Port of Oakland may choose to exercise its option and take back a portion of the site from the A's in order to accommodate possible expansion of the existing turning basin used to turn large vessels within Oakland's Inner Harbor. As a result, the Project site plan would be modified, and the proposed development would be denser, fitting the same development program (i.e., the ballpark and mix of other uses proposed) onto the smaller site. Changes to the Project site plan that would occur with the Maritime Reservation Scenario would occur within the area of the Project site that would be developed after Phase 1. The Maritime Reservation Scenario would distribute the Project's development program differently within the altered site configuration.

The Port of Oakland has not designed or permitted an expanded turning basin and the impacts of the expansion, if it were proposed, are not considered in this EIR. If the Port were to exercise its

I332-1

COMMENT

I332-1-40



RESPONSE

I332-1-40 The timing of Mitigation Measure NOI-4 is standard practice and is consistent with the City of Oakland's Standard Conditions of Approval. The Project proposes mixed-use development at the northwestern Project boundary that could include residential uses and would be closer than 100 feet of the rail line. Therefore, Mitigation Measure NOI-4 is identified to address this significant (non-CEQA) vibration impact of the Project. The Project sponsor may redesign the Project to provide sufficient setback to avoid implementation of Mitigation Measure NOI-4; or may maintain the current design indicated in Figure 3-8 with Blocks 9, 10, 13, and 17 closer than 100 feet of the rail line, in which case the Project sponsor would implement Mitigation Measure NOI-4.

I332-1

COMMENT

RESPONSE

monitored at this receptor, and hence would not contribute considerably to a cumulative construction noise impact that may result from the other projects. Notwithstanding the marginal impact of these cumulative construction projects, given the fact that the Project level analysis is significant and unavoidable, there would also be a potential for significant cumulative construction noise impact if impact pile driving were to occur concurrently. While nighttime noise impacts of the Project would be less-than significant, it is also possible, though unlikely, that a cumulative project could have a simultaneous nighttime construction noise contribution that could result in a significant cumulative impact. if the cumulative noise levels exceed the City's construction noise standards. Therefore, cumulative construction noise impacts during nighttime hours is also conservatively identified as significant and unavoidable, even with implementation of Mitigation Measures NOI-1a through NOI-1e.

Mitigation Measure NOI-1a: Construction Days/Hours. (See Impact NOI-1)

Mitigation Measure NOI-1b: Construction Noise Reduction. (See Impact NOI-1)

Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures. (See Impact NOI-1)

Mitigation Measure NOI-1d: Construction Noise Complaints. (See Impact NOI-1)

Mitigation Measure NOI-1e: Structural Improvements or Off-site Accommodations for Substantially Affected Receptors. (See Impact NOI-1)

Significance after Mitigation: Significant and Unavoidable.

Impact NOI-2.CU: Operation of the proposed Project when considered with other cumulative development would cause a substantial permanent increase in ambient noise levels in the Project vicinity. (Significant and Unavoidable)

Geographic Context

Operational noise impacts of the proposed Project would primarily result from increased traffic on the local roadway network. There are no cumulative projects that would be expected to produce outdoor noise from sources that would not be subject to the noise ordinance and, as noted above, the nearest cumulative projects would be 500 feet or more from the proposed Project site which would be sufficient to attenuate noise from HVAC equipment or similar stationary sources. Consequently, the operational cumulative analysis focuses on the contributions to roadway traffic noise generated by the proposed Project as well as cumulative projects including the Downtown Oakland Specific Plan.

Cumulative Impact Analysis

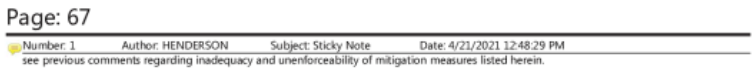
Cumulative (year 2040) plus Project traffic data were used to estimate the cumulative operational noise increases. Because traffic impacts would primarily occur before and after events the cumulative impact analysis considers traffic impacts separately from operational impacts.

Cumulative traffic noise level significance is determined by a two-step process. First, a comparison is made of the increase in noise levels between cumulative conditions with the

I332-1

COMMENT

I332-1-41



RESPONSE

I332-1-41 See responses to previous comments on mitigation measures identified in the Draft EIR addressing construction-related and operational noise and vibration impacts.

See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for additional discussion of mitigation measures.

I-333 Margie Lewis

COMMENT

From: margielewis22@yahoo.com
To: pvollmann@oaklandca.gov
Subject: Comments on Draft EIR
Date: Tuesday, April 27, 2021 3:51:41 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

April 27, 2021

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612
VIA EMAIL
PVollmann@oaklandca.gov

Re: Comments on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016)

Dear Mr. Vollmann:

I-333-1 I am an Oakland resident and I am writing to express serious concerns about the Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project (ER18-016). The DEIR does not provide enough information to inform the public about the potential impacts of the project. I am particularly concerned that the DEIR doesn't specify if affordable housing will be built, doesn't describe how the toxic contamination at the site will be cleaned up, and doesn't provide information on how the project's air pollution impacts will be mitigated nor does it address the impact of all the trucks currently using Howard Terminal as a staging area.

I-333-2 The DEIR does not provide enough information about affordable housing at the project site. This project's potential impacts on housing prices and subsequent gentrification in the surrounding community are very worrying, and it is important for the project to include affordable housing. The DEIR mentions an affordable housing program in a footnote, but it doesn't actually describe what the program entails. The DEIR says that the program might include on-site affordable housing. How many of the 3,000 residential units will be set aside for affordable housing? The DEIR says that the program might include off-site affordable housing. Where exactly would this construction take place, and how many units would be built? The DEIR says that the program may just involve paying impact fees. Would the impact fees be used for local affordable housing, and if so when would it be built? The EIR should provide this information, so that the public can understand the full scope of the project and how it will impact the surrounding community.

I-333-3 The DEIR concludes that the project will contribute to meeting our region's housing needs but does so with no analysis of the type of housing that will actually be built at the site and whether this housing meets local needs.

The DEIR's analysis of the housing impacts of this project is insufficient as long as it ignores the actual impact the type of housing built will have on the surrounding community, which will only serve to gentrify West Oakland and displace low-income Black and Latino residents.

RESPONSE

I-333-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here. See also Consolidated Response 4.5, *Truck Relocation*, regarding comments concerning trucks currently using Howard Terminal.

I-333-2 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement.*

I-333-3 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-333 Margie Lewis

COMMENT

I-333-4 I am also seriously concerned about the DEIR's conclusions about toxic cleanup of the Howard Terminal site. Currently, there is a physical cap over toxic substances in the soils at Howard Terminal. Excavation and construction *will* disturb these toxins and potentially spread them into the water and air, with the worst impacts threatening surrounding neighborhoods in West Oakland.

I-333-5 The DEIR's vague plans for toxic cleanup at the Howard Terminal site indicate the A's don't plan on removing all the toxic soil, merely covering it up. This strategy ignores the threat of sea level rise pushing toxins closer to the surface of the property. These toxins will leak out of the current site and into neighboring areas as sea level rise forces it up, if it is not fully removed.

Rushing the development of the ballpark plan will mean that critical hazards for both public health and the environment are getting overlooked. More importantly, it would undermine statutory protections for California's land use and planning procedures that ensure local public input.

I-333-6 The DEIR finds that the project will result in significant and unavoidable environmental and health impacts, including pollutant emissions that exceed the City's thresholds for cumulative health risk impacts on sensitive receptors, but does not provide or analyze the A's actual work plan for cleaning it up. Mitigation related to the disruption of the toxic substances was left to "future studies" and a *future* plan for how the toxic soil will be remedied. Without completing these studies and defining their plan for full site cleanup first, it is impossible for the EIR to fully analyze the impact of removing the cap over these toxins and exposing them to the air and nearby water.

This is a major gap in the report. The fact that a plan for toxic cleanup would be approved after the EIR is certified renders the entire EIR useless.

I-333-7 The DEIR also states that the project will have significant and unavoidable impacts on air quality and will emit large amounts of greenhouse gases (GHG) but does not provide sufficient information on how these impacts will be mitigated. West Oakland has historically been and continues to be one of the most polluted areas in California, and residents face serious health challenges, including disproportionately higher rates of hospitalization from asthma and air pollution related diseases including cancer, heart disease, and stroke. The project will bring in even more toxic air pollution, along with significant greenhouse gas emissions. The DEIR plans to mitigate this pollution with a Criteria Pollutant Mitigation Plan and a GHG Reduction Plan, which will not be developed until after the city approves this EIR. The DEIR includes a list of mitigation measures that may be included in those plans, but the DEIR doesn't specify which mitigation measures will be included, nor does it provide information or calculations to demonstrate that those future plans will successfully reduce emissions. Even with the future air pollution mitigation plan, the DEIR says that the impacts on air quality will not be properly mitigated and will have significant impacts on the health of the community. The EIR cannot defer mitigation measures, and the A's must do more to reduce emissions and protect the health of the surrounding community.

I-333-8 And last I will address the traffic concerns I have and the negative impact it will have on the West Oakland neighborhoods. West Oakland community members fought for years to get truck traffic off the neighborhood streets. This problem was remedied when the City designated Howard Terminal as the staging and waiting area for trucks coming and going from the Port. Removing Howard Terminal from this critical use will force thousands of large trucks back onto West Oakland streets as they wait for shipments and drop-off times,

RESPONSE

I-333-4 See Response to Comment I-308-1 and Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*.

I-333-5 See Response to Comment I-308-1 regarding the existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans.

See Responses to Comments A-12-43 and A-12-47 regarding sea level rise and contaminated materials.

I-333-6 None of the significance criteria analyzed in Draft EIR Section 4.8, *Hazards and Hazardous Materials,* under *Impacts of the Project*, resulted in significant and unavoidable impacts.

See Response to Comment I-308-1 regarding the existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans. See also Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures identified in the Draft EIR are actions that would be enforced by DTSC and the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses would not be issued until DTSC and the building official have approved the various actions required by the mitigation measures.

As discussed in Draft EIR Section 4.8.1, *Environmental Setting,* under *Human Health and Ecological Risk Assessment*, a human health and ecological risk assessment (HHERA) has been prepared for the Project site using all testing results collected through August 2020. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-333 Margie Lewis

COMMENT RESPONSE

For discussion of cumulative air quality health risk impacts on sensitive receptors, see Response to Comment I-97-8.

I-333-7 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for a discussion of mitigation measures and implementation of "all feasible measures" for impacts identified as significant and unavoidable.

I-333-8 See Consolidated Response 4.5, *Truck Relocation*.

I-333 Margie Lewis

COMMENT

undoing years of work to improve health and safety in West Oakland.

I-333-8 The DEIR acknowledges that Howard Terminal is currently being used by truckers but concludes that these trucks are "assumed to move to other locations" when Howard Terminal is converted to luxury condos. "Assumed to move" is not an analysis of the impact of where these trucks will go, which will be back onto residential West Oakland streets. The DEIR therefore does not do an analysis of the gridlock and pollution likely to come from cargo trucks diverted into neighborhood streets due to the development.

I-333-9 Given these problems with the DEIR and serious gaps in its analysis, it is impossible for members of the public to evaluate the impacts of the project and it is not possible for the City of Oakland to make an informed decision on whether to proceed with this project. The DEIR should be revised and recirculated to provide members of the public and decision makers with accurate and transparent analysis.

Thank you for considering these comments.

Sincerely,

Margie Lewis

RESPONSE

I-333-9 This comment is predicated on other comments in this submittal; see Responses to Comments I-333-1 through I-333-9. The City has prepared the EIR in accordance with the CEQA requirements to inform both the public and decision makers of the environmental consequences of implementing the Project. As explained in Consolidated Response 4.3, *Recirculation of the Draft EIR,* although information has been added to the Draft EIR, no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR. Consequently, the Draft EIR need not be recirculated.

I-334 Andrew Peters

COMMENT

From: anne monica
To: pvollmann@oaklandca.gov; emanasse@oaklandca.gov; cfife@oaklandca.gov; cityadministratorsoffice@oaklandca.gov; KJones3@oaklandca.gov
Subject: Fwd: DEIR Comments - Oakland Waterfront Ballpark Peters Summary (1/N)
Date: Tuesday, April 27, 2021 3:51:42 PM
Attachments: Peters - Opening Statement As Project 4.27.21.docx

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

From: Andrew Peters <andrew.ross.peters@gmail.com>

From: Andrew Peters <andrew.ross.peters@gmail.com>
Date: April 27, 2021 at 2:49:38 PM PDT
To: PVollman@oaklandca.gov
Subject: DEIR Comments - Oakland Waterfront Ballpark Peters Summary (1/N)

Via E-mail Only: PVollman@oaklandca.gov

Peterson Vollman, Planner IV

City of Oakland

Planning and Building Department

250 Frank H. Ogawa Plaza

Oakland, CA 94612

Re: DEIR Comments - Oakland Waterfront Ballpark District City of Oakland Case File No. ER 18-016

Dear Mr. Vollman:

I-334-1

I am writing to supplement and reiterate the comments submitted by the Phoenix Lofts HOA through Daniel Muller of GagenMcCoy (our legal representative for the Home Owners Association). By way of background, my wife and I live in the Phoenix lofts (unit 406) with our dog Gerald, and fell in love with the building due to the unique architecture, sense of community in our area of West Oakland, the incredible views of the Port of Oakland and the surrounding Bay, as well as the roof deck where we have built out a substantial vegetable

RESPONSE

I-334-1 The body of the email is repeated in the introductory remarks in the attachment for submission I-334 below. As a result, no specific response is provided here. See Responses to Comments I-334-2 through I-334-6 for responses to the specific comments raised.

I-334 Andrew Peters

COMMENT

I-334-1

garden taking advantage of the Oakland and East Bay sun. I will note that while I am generally supportive of the idea for the new ballpark and count myself as a lifelong Oakland A's fan, due to substantial problems with the proposal and mitigation efforts (as-written) I share the grave concerns about the severe, negative impacts to my building and the surrounding community.

Before I outline and detail the specific issues I have identified, I'll share this short anecdote that succinctly summarizes some of my concerns. During the process of working through the DEIR, I had reached out to other community organizations to hear additional perspectives. When I explained who I was and why I was reaching out, their response was "yours is the building where people may have to relocate due to noise. Is that correct?" As you can imagine, with the broader Oakland community understanding that my small building will bear much of the acute brunt of the construction and build-out of the project, given the extent and breadth of the issues and severely lacking mitigation efforts I I cannot support the Waterfront Ballpark project moving forward unless specific changes and improved mitigation efforts are made.

My wife and I are concerned about the several-years of constant, disturbing, and disruptive construction outlined in the DEIR (not to mention short and long-term health concerns), as well as the permanent impact to the building and surrounding community from the traffic and sun-blocking nature of the final build-out. While we agree that a Waterfront Project would help the city and a shared sense of pride in the A's, the project and mitigation efforts as-written are fundamentally incompatible with surrounding residents, uses, governing plans, and legal requirements. In particular, it will make living and working at Phoenix Lofts intolerable (which is acknowledged in the DEIR itself). To that end I submit the following and attached comments (prepared with the help of M Henderson, an civil and environmental consultant) intended to briefly summarize the substantial deficiencies of the proposed projects DEIR as part of the CEQA process.

As such, my wife and I respectfully request that (1) these DEIR and related comments, including all incorporated attachments and cited sources, be included as part of the City's Record of Proceedings, or Administrative Record, for its consideration of the proposed Project; (2) **the City not consider, certify, or approve the DEIR or the Project unless and until both are substantially revised to correct their many legal defects, and such revised Project and DEIR are recirculated for further, required public review and comment;** and (3) if the City somehow opts to certify/approve the ultimate Final Environmental Impact Report ("FEIR") and Project over our and all the other concerned commenters' legitimate objections, then this letter be deemed, pursuant to Pub. Res. Code § 21168.6.7(f)(5)(A), as our written request for non-binding mediation, and per subdivision (B) we hereby request that all of the areas of dispute noted or raised herein are to be mediated.

I-334-1

The following sections (which will be sent across several emails) briefly summarize the ways in which the DEIR acutely impacts the Phoenix Lofts as well as fails to comply with CEQA, and how the proposed Project is fundamentally incompatible with and thus violates other state and local governing laws, as noted in greater detail along with additional comments/questions in attachments (to be sent over several emails) and supporting information.

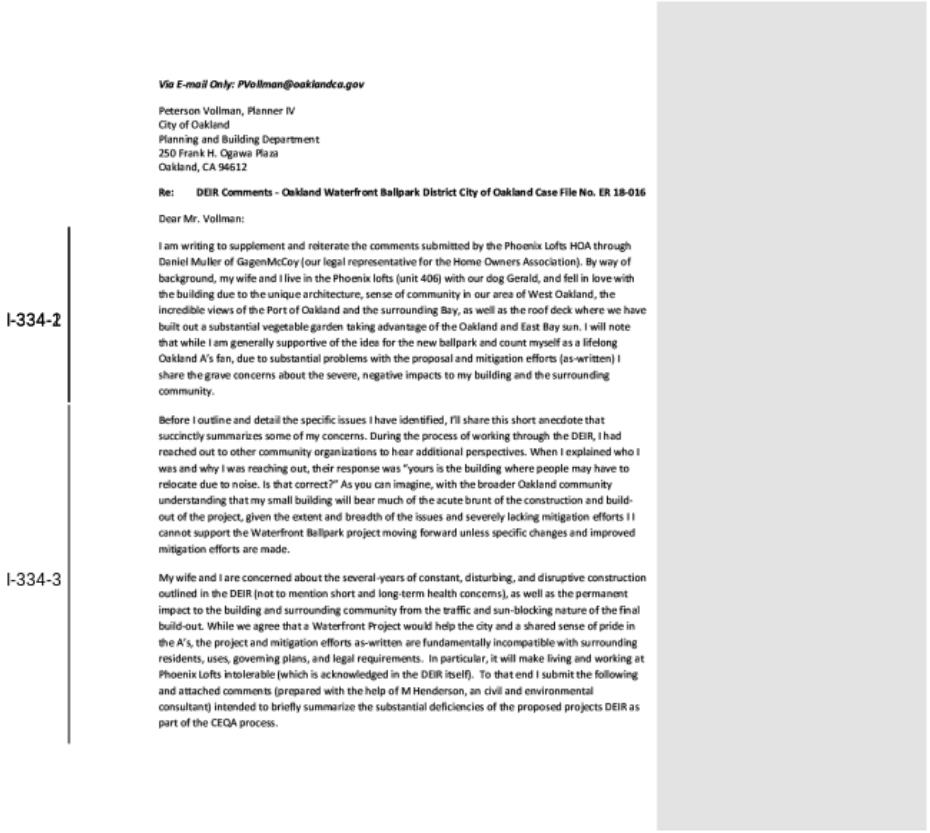
Thank you for your consideration

Andrew Peters
Phoenix Lofts
737 2nd St #406
Oakland CA 94607
andrew.ross.peters@gmail.com
707.338.5047

COMMENT

I-334 Andrew Peters

COMMENT



Via E-mail Only: PVollman@oaklandca.gov

Peterson Vollman, Planner IV
City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Re: DEIR Comments - Oakland Waterfront Ballpark District City of Oakland Case File No. ER 18-016

Dear Mr. Vollman:

I-334-2

I am writing to supplement and reiterate the comments submitted by the Phoenix Lofts HOA through Daniel Muller of GagenMcCoy (our legal representative for the Home Owners Association). By way of background, my wife and I live in the Phoenix lofts (unit 406) with our dog Gerald, and fell in love with the building due to the unique architecture, sense of community in our area of West Oakland, the incredible views of the Port of Oakland and the surrounding Bay, as well as the roof deck where we have built out a substantial vegetable garden taking advantage of the Oakland and East Bay sun. I will note that while I am generally supportive of the idea for the new ballpark and count myself as a lifelong Oakland A's fan, due to substantial problems with the proposal and mitigation efforts (as-written) I share the grave concerns about the severe, negative impacts to my building and the surrounding community.

Before I outline and detail the specific issues I have identified, I'll share this short anecdote that succinctly summarizes some of my concerns. During the process of working through the DEIR, I had reached out to other community organizations to hear additional perspectives. When I explained who I was and why I was reaching out, their response was "yours is the building where people may have to relocate due to noise. Is that correct?" As you can imagine, with the broader Oakland community understanding that my small building will bear much of the acute brunt of the construction and build-out of the project, given the extent and breadth of the issues and severely lacking mitigation efforts I I cannot support the Waterfront Ballpark project moving forward unless specific changes and improved mitigation efforts are made.

I-334-3

My wife and I are concerned about the several-years of constant, disturbing, and disruptive construction outlined in the DEIR (not to mention short and long-term health concerns), as well as the permanent impact to the building and surrounding community from the traffic and sun-blocking nature of the final build-out. While we agree that a Waterfront Project would help the city and a shared sense of pride in the A's, the project and mitigation efforts as-written are fundamentally incompatible with surrounding residents, uses, governing plans, and legal requirements. In particular, it will make living and working at Phoenix Lofts intolerable (which is acknowledged in the DEIR itself). To that end I submit the following and attached comments (prepared with the help of M Henderson, an civil and environmental consultant) intended to briefly summarize the substantial deficiencies of the proposed projects DEIR as part of the CEQA process.

RESPONSE

I-334-2 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here.

I-334-3 As stated in the Project Description on Draft EIR p. 3-55, construction activities associated with each of the two Project phases are anticipated to occur over four years, so it may be expected that there would be approximately eight years of construction for the entirety of the Project. It is also possible that development of the site (particularly Phase 2) would take place over a longer period, in which case the intensity of construction noise and disturbance would be less than described in the Draft EIR, but would extend over a longer period of time.

Construction-related noise impacts are discussed on Draft EIR pp. 4.11-28 through 4.11-42. Mitigation measures to address construction-related noise impacts of the proposed Project are identified on pp. 4.11-38 through 4.11-42 of the Draft EIR. These measures include:

- Mitigation Measure NOI-1a: Construction Days/Hours.
- Mitigation Measure NOI-1b: Construction Noise Reduction.
- Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.
- Mitigation Measure NOI-1d: Construction Noise Complaints.
- Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors.

Construction noise impacts are identified in the Draft EIR as significant and unavoidable, and thus decision makers who consider approval of the proposed Project will have to weigh these impacts against the benefits of the Project, as required by State CEQA Guidelines Section 15093 (Statement of Overriding Considerations).

I-334 Andrew Peters

COMMENT

I-334-4

As such, my wife and I respectfully request that (1) these DEIR and related comments, including all incorporated attachments and cited sources, be included as part of the City's Record of Proceedings, or Administrative Record, for its consideration of the proposed Project; (2) **the City not consider, certify, or approve the DEIR or the Project unless and until both are substantially revised to correct their many legal defects, and such revised Project and DEIR are recirculated for further, required public review and comment;** and (3) if the City somehow opts to certify/approve the ultimate Final Environmental Impact Report ("FEIR") and Project over our and all the other concerned commenters' legitimate objections, then this letter be deemed, pursuant to Pub. Res. Code § 21168.6.7(f)(5)(A), as our written request for non-binding mediation, and per subdivision (B) we hereby request that all of the areas of dispute noted or raised herein are to be mediated.

I-334-5

The following sections briefly summarize the ways in which the DEIR acutely impacts the Phoenix Lofts as well as fails to comply with CEQA, and how the proposed Project is fundamentally incompatible with and thus violates other state and local governing laws, as noted in greater detail along with additional comments/questions in attachments (to be sent over several emails) and supporting information.

Section I: Issues with the DEIR as it relates to CEQA and the Oakland Community

1. **Use of Regulatory Requirements as Mitigation Measures**

Overwhelmingly, the DEIR includes regulatory requirements as mitigation measures. As stated on Page 4.7-59: ***Compliance with regulatory measures shall not qualify as a mitigation measure.*** Project specific mitigation measures must be incorporated into the EIR in order to ensure that mitigation can be achieved.

I-334-6

Likewise, deferral of mitigation to future stages (many without public review or input opportunity) is used frequently throughout the document. Deferral of mitigation is not an appropriate mitigation measure.

The EIR uses terms like "where feasible", "appropriate" or "likely" which are vague, non specific terms that do not provide a measurable assessment of mitigation success to reduce significant impacts. The project description is specific as to what is included and should be analyzed in definitive terms.

Many mitigation measures include review and approval by the City of Oakland, but the City is essentially a project partner with a vested interest in project implementation. The EIR does little to ensure that project review by City or identification of mitigation measures by the EIR consultant are impartial. Was the developer allowed to review, edit and comment on identified mitigation measures?

The DEIR needs to be substantially rewritten to clarify which of the so-called mitigation measures are actually regulatory requirements, and remove them from the Mitigation Measure sections. The few remaining project-specific mitigation measures could then be analyzed for ability to reduce project impacts.

2. **Impacts to West Oakland Residents, a Frontline Community**

RESPONSE

I-334-4 This is a general comment that serves to introduce the more specific comments that are responded to in detail below. The comments submitted are included in the administrative record for the proposed Project and are available at https://waterfrontballparkdistrict.com/, pursuant to AB 734.

I-334-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. Mediation with Phoenix Lofts tenants occurred on May 24, 2021. See also Response to Comment O-57-3 regarding the Phoenix Lofts Homeowners Association and mediation.

I-334-6 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for a discussion of mitigation measures, including their relationship to regulatory requirements.

I-334 Andrew Peters

COMMENT

As stated on page 4.7-73, West Oakland is a "Frontline community" . As stated in the Oakland 2030 Equitable Climate Action Plan **ECAP** (July 2020)

The goal of the ECAP is:

"Strategies are structured to maximize benefits and minimize burdens on frontline communities; prevent displacement; and respond to community priorities and values, addressing disparities in resource allocation and local vulnerability."

"Prioritizing Frontline Communities

Throughout this ECAP, we use the term ***frontline communities****: those who have been and will continue to be hit first and worst by the impacts of environmental injustice and the climate crisis. Frontline communities face intersecting vulnerabilities, including racial discrimination, poverty, disability, housing insecurity, linguistic isolation, poor air quality, and more, which magnify climate threats. As a result, they are often the least able to adapt, resist, or recover from climate impacts. Who we define as "frontline community" can change based on the specific threat or public policy being considered. In Oakland, frontline communities often include those living in areas with the worst air and soil pollution, traffic congestion, and diesel particulate exposure, and the least access to nature and healthy food. This largely describes the flatlands and the Interstate 880 corridor, where generations of industry have left their mark. Flatland residents suffer elevated rates of asthma, heart disease, and early death – as well as reduced access to economic opportunities. Frontline communities have done the least to create the climate crisis, yet they are bearing the greatest burden of its impacts.*

Four topics are particularly intertwined with equity and the climate crisis: health, housing, food, and jobs. The following sections describe these interconnections, provide brief summaries of what the City is already doing to address these complex topics, and then show how the ECAP provides strategies to achieve climate equity in each area."

"The City of Oakland defines "climate equity" as inclusive of environmental justice and racial and economic equity. Equitable climate actions reduce disparate harms from the effects of climate change by prioritizing frontline communities. They incorporate determinants of wellbeing and access to healthy living opportunities, such as clean air; good green jobs and supportive job pathways; reasonable costs of living and protection from displacement; improved public health and service access; and local resilience. Climate Equity enables all people, regardless of identities like race, ethnicity, gender, age, disability, or sexual orientation, to thrive in an environment without toxic pollution or environmental degradation, and to take an active role in designing and implementing solutions. Because the impacts of climate change tend to affect frontline communities first and worst, "climate equity" inherently includes an end to the climate crisis."

The A's Project essentially will build a 600 foot wall to cut off our connection to the Oakland shoreline, and increases our burdens by subjecting us to unbearable noise, loss of sunlight, increased toxins, structural hazards, and unsafe transportation. Rather than addressing disparities, the project walls off its unwanted neighbors, to create a Disneyland of promises with no commitment to fulfill.

I-334-7

The EIR acknowledges significant and unavoidable impact to 737 2nd street residents in Noise analysis, but states that such impact does not represent a land use inconsistency or conflict with the City's ECAP. This is an inadequate analysis, since the EIR sections do not agree.

I-334-8

RESPONSE

I-334-7 The 2030 Equitable and Climate Action Plan (ECAP) is a greenhouse gas reduction plan, and does not contain specific goals related to aesthetics, noise, shading, or structural hazards concerns. Some air quality and transportation concerns are interconnected with those pertaining to greenhouse gases. The consistency of the Project with all relevant 2030 ECAP goals is detailed in Table 4.7-8 under Impact GHG-2 (Draft EIR pp. 4.7-68 through 4.7-73).

I-334-8 The significance criteria and analysis for noise impacts and land use impacts differ. For the purpose of the analysis in the Draft EIR, a *fundamental land use conflict with adjacent or nearby land uses* means that the character of activities associated with one land use is in fundamental conflict with the uses of adjacent land, or the characteristics of one land use disrupts or degrades adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is imperiled (Draft EIR p. 4.10-32). The significant impacts on the sensitive receptor at 737 2nd Street would occur during construction, as explained in Response to Comment O-57-21. The character of the proposed ballpark, performance venue, hotel(s), and mix of residential, office/commercial, retail, and entertainment uses would be compatible with the live/work character of the building at 737 2nd Street.

The ECAP is a comprehensive plan to achieve the 2030 GHG emissions reduction target and increase Oakland's resilience to the impacts of the climate crisis, both through a deep equity lens (Draft EIR p. 4.7-29), and does not contain actions specific to noise.

I-334 Andrew Peters

COMMENT

I-334-9 Noise analysis does not include discussion of train noise sources and how these would be mitigated if grade separation of streets is provided as part of the project.

I-334-10 What is the hazardous materials exposure risk to future residents in proximity to the rail line, and what hazardous materials are transported through the rail corridor that present a potential risk to residents and existing west Oakland residents due to potential derailment? Is the risk of accident or derailment increased due to increased activity and crossing of the tracks due to the project?

Where is the discussion of hazardous materials exposure risk to existing West Oakland residents as part of the necessary offsite utility and infrastructure improvements needed to complete the project?

I-334-11 The traffic chapter states there were 42 trains that used the tracks on a day in 2019. Has the train traffic increased or decreased? What is the noise exceedance associated with train traffic? What is the estimated reduction in noise if grade separation of streets serving the project is implemented, so train horns would not be required? See alternatives analysis where the City and developer ignored UP's request to study all grade separated streets.

I-334-12 How many existing West Oakland residents will be employed by the Project? What is the Workforce program to make this happen?

3. EIR Internal Inconsistencies

I-334-13 Ch 4-16 Utilities and Service Systems is inconsistent with chapters 4.5 and 4.7 requiring a 20% reduction in energy and provision of GHG sequestration methodologies. Table 4-16.2 indicates that the existing vs project pervious surfaces will be less than 5%, yet chapters 4.5 energy and 4.7 GHG indicate that the provision of new pervious surfaces will be a benefit and comply with sustainability requirements. A less than 5% reduction in paved surfaces is not of value to meet GHG goals, and the inconsistencies in these chapters should be resolved.

CH 4-16 does not include a description of recycled or reclaimed water to be used for landscaping as described in Chapters 4.5 and 4.7. It appears that reclaimed water is not to be provided. Need documentation whether it is available at the site. If recycled or reclaimed water is not going to be used, then the analysis in Chapters 4.5 and 4.7 is flawed and does not meet sustainability requirements. Chapters 4.5 4.7 and 4.16 therefore need to be revised to accurately and correctly describe what is being proposed.

Chapters 4.7 GHG and 4.16 Utilities are internally inconsistent, with the GHG discussion painting a rosy picture of a sustainable green development that substantially increases green space, uses reclaimed water, and decreases demands on water, wastewater and solid waste generation. The Utilities discussion outlines a regional and project issue where water supplies are fragile and cyclic, wastewater will increase, not decrease, and solid waste will not decrease but will strain the regional waste management system. As such, the EIR is inadequate, and the reader is unsure which "analysis" is correct.

4. Hazardous Materials and DTSC Relationship

RESPONSE

I-334-9 See Consolidated Response 4.11, *Quiet Zone*.

I-334-10 The transportation of hazardous materials on the rail line along the north side of the Project site is part of the existing condition and not part of this Project. CEQA does not require that potential effects of the environment on the Project be analyzed or mitigated, except where the Project impacts would exacerbate the existing conditions. Nonetheless, the Project does include improving the safety of the rail corridor, as described in Draft EIR Section 3.8.4, *Railroad Corridor Safety Improvements.* The purpose of the rail improvements would be to reduce conflicts between trains, vehicles, and the public. See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation,* for further information regarding the train collisions due to additional crossings and at-grade railroad corridor improvements.

I-334-11 It is likely that train activity has decreased from the 2019 baseline because of the statewide shelter-in-place restrictions implemented in response to COVID-19. For example, Amtrak has operated with pandemic-related schedule reductions.

Noise levels generated by railroad operations are best demonstrated by the data presented in Table 4.11-2 on Draft EIR p. 4.11-8. Long-term monitoring locations LT-3b and LT-4 both provide noise level metrics within 30 feet of the nearest rail track.

As stated on Draft EIR p. 4.11-42, train horn blasts can generate noise levels in excess of 100 dBA at Location LT-3b (south side of Phoenix Lofts). Grade separations and rail safety improvements would likely decrease the frequency of train horn operations along the alignments where they occur. See Section 4.11, *Quiet Zone*. See also Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-334-12 Consistent with CEQA requirements, the Draft EIR's analysis is based on the intensity of use of the Project site. Thus, it focuses on the number of jobs, and resulting impacts, rather than who would fill the jobs. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-334 Andrew Peters

COMMENT		RESPONSE
	I-334-13	Draft EIR Table 4.16-2 on p. 4.16-29 shows an approximately 13 percent reduction in impervious surfaces compared to existing 100 percent impervious surface conditions. See Response to Comment I-332-3. Neither Draft EIR Section 4.5, *Energy,* nor Section 4.7, *Greenhouse Gas Emissions,* reference specific landscape area criteria or information on the amount of pre- or post-Project impervious surfaces related to reductions in energy use or greenhouse gas emissions. An analysis of projected water, wastewater, and solid waste for the proposed Project is provided in Section 4.16, *Utilities and Service Systems*, and documents that impacts would be less than significant with mitigation. See Response to Comment A-5-11 regarding recycled water.

I-334 Andrew Peters

COMMENT

I-334-14

On Chapter 4.8 pg 38 (Future Governing Documents), it states:

"Moving forward, the Oakland A's are engaged in a process with DTSC to consolidate the existing cleanup decision documents for the different portions of the Project site into a single set for the entire site. The new, consolidated decision documents are proposed to address all three current DTSC sites within the Project site, including the previously described Embarcadero/Clay parking lot (BevMo parking lot) and the public rights of way. The objective is for DTSC to approve a new consolidated RAW for the entire Project area, requiring the preparation of a site management plan or equivalent document and an O&M plan and agreement, as well as recordation of two LUCs, one for all the Port-owned portions of the Project area, and one for the portions to be owned by the Oakland A's. The objective is also for DTSC to rely on this Project EIR for CEQA compliance for its decision to approve the new RAW, which means the RAW could not be approved until after the Project EIR is certified by the City. DTSC approval will be required before any grading or construction commences.

The substantive requirements of these replacement documents would be similar to those in the existing governing documents described above, but would be specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and anticipated land uses, including allowing residential use under specified conditions. These substantive requirements would be based on the Human Health and Ecological Risk assessment that has been prepared in compliance with established US EPA and DTSC guidelines and approved by DTSC.

The risk assessment proposes, and the RAW would establish, numeric target cleanup levels for each COC, with residential and commercial/industrial tiers. These numeric target levels are designed to achieve a theoretical lifetime excess cancer risk of no more than 1 in a million, and non-cancer hazard index utilizing standard Cal EPA and US EPA methodology of less than or equal to 1. The future consolidated governing documents are further described below in Impact HAZ-2"

These are general statements with no specified criteria for action levels. What are the specific criteria to be met, enforcement entity, remedial action and financial obligation?

This EIR document sidesteps DTSC outreach requirements for a frontline community and is inadequate to serve as a basis for DTSC action. If this is the CEQA document for the RAW, then the public will be excluded from a public process to view and understand comments to this draft EIR, since public input to the final EIR is not provided. Furthermore, DTSC benefits from a free EIR process/certification and provides project approval in return.

What is the financial relationship when DTSC gets a free CEQA document without substantial public notice, then turns around and approves the project? Is that quid pro quo? This potentially makes the RAW inadequate and does not serve the interests of the West Oakland frontline community. Specific mitigation measures listed in Chapter 4.8 pages 51-53, and throughout this section mix mitigation with regulatory requirements and should be revised.

As stated on Page 4.7-59: Compliance with regulatory measures shall not qualify as a mitigation measure. Almost all these plans and requirements are already required.

RESPONSE

I-334-14 See Response to Comment I-308-1 and Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*.

The California Department of Toxic Substances Control (DTSC) is the enforcement entity (i.e., responsible agency) with regard to the hazardous materials encapsulated at the Project site. DTSC is responsible for enforcing the hazardous materials regulations listed in Draft EIR Section 4.8.2, *Regulatory Setting*. As explained further in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures in the Draft EIR are actions that would be enforced by the City of Oakland's chief building official, who would ensure that grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses, would not be issued and the Project would not be constructed unless regulatory requirements are met.

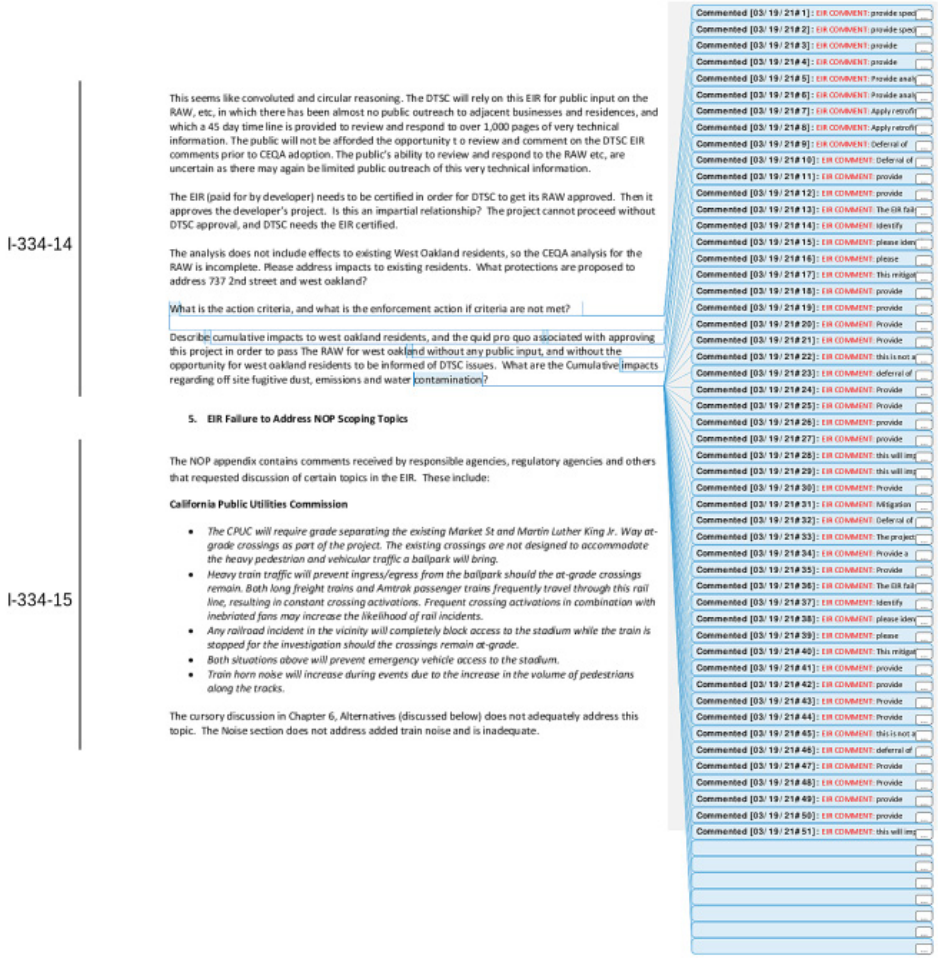
As explained in Consolidated Response 4.22, *General Non-CEQA,* in Section 4.22.2, *Financial Considerations, Community Benefits, and Other Miscellaneous Opinions*, analysis of financial impacts, including financial obligations of the Project sponsor, is outside of the purview of CEQA.

Each of the topic area sections in the Draft EIR analyzes the cumulative impacts that could result from the Project when combined with cumulative projects that occur in the vicinity. Cumulative hazards and hazardous materials impacts are analyzed in Section 4.8, *Hazards and Hazardous Materials*, on pp. 4.8-56 through 4.8-60. For air quality, cumulative impacts are analyzed in Section 4.2, *Air Quality*, on pp. 4.2-133 through 4.2-165. For water contamination, cumulative impacts are analyzed in Section 4.9, *Hydrology and Water Quality*, on pp. 4.9-36 through 4.9-39.

As explained in Consolidated Response 4.22, *General Non-CEQA,* in Section 4.22.2, *Financial Considerations, Community Benefits, and Other Miscellaneous Opinions*, analysis of the financial impacts of a project is outside of the purview of CEQA.

I-334 Andrew Peters

COMMENT



I-334-14

This seems like convoluted and circular reasoning. The DTSC will rely on this EIR for public input on the RAW, etc, in which there has been almost no public outreach to adjacent businesses and residences, and which a 45 day time line is provided to review and respond to over 1,000 pages of very technical information. The public will not be afforded the opportunity t o review and comment on the DTSC EIR comments prior to CEQA adoption. The public's ability to review and respond to the RAW etc, are uncertain as there may again be limited public outreach of this very technical information.

The EIR (paid for by developer) needs to be certified in order for DTSC to get its RAW approved. Then it approves the developer's project. Is this an impartial relationship? The project cannot proceed without DTSC approval, and DTSC needs the EIR certified.

The analysis does not include effects to existing West Oakland residents, so the CEQA analysis for the RAW is incomplete. Please address impacts to existing residents. What protections are proposed to address 737 2nd street and west oakland?

What is the action criteria, and what is the enforcement action if criteria are not met?

Describe cumulative impacts to west oakland residents, and the quid pro quo associated with approving this project in order to pass The RAW for west oakland without any public input, and without the opportunity for west oakland residents to be informed of DTSC issues. What are the Cumulative impacts regarding off site fugitive dust, emissions and water contamination?

5. **EIR Failure to Address NOP Scoping Topics**

I-334-15

The NOP appendix contains comments received by responsible agencies, regulatory agencies and others that requested discussion of certain topics in the EIR. These include:

California Public Utilities Commission

- *The CPUC will require grade separating the existing Market St and Martin Luther King Jr. Way at-grade crossings as part of the project. The existing crossings are not designed to accommodate the heavy pedestrian and vehicular traffic a ballpark will bring.*
- *Heavy train traffic will prevent ingress/egress from the ballpark should the at-grade crossings remain. Both long freight trains and Amtrak passenger trains frequently travel through this rail line, resulting in constant crossing activations. Frequent crossing activations in combination with inebriated fans may increase the likelihood of rail incidents.*
- *Any railroad incident in the vicinity will completely block access to the stadium while the train is stopped for the investigation should the crossings remain at-grade.*
- *Both situations above will prevent emergency vehicle access to the stadium.*
- *Train horn noise will increase during events due to the increase in the volume of pedestrians along the tracks.*

The cursory discussion in Chapter 6, Alternatives (discussed below) does not adequately address this topic. The Noise section does not address added train noise and is inadequate.

RESPONSE

I-334-15 The scoping period provided an opportunity for the City to hear from responsible and trustee agencies, as well as interested organizations and individuals, about issues of interest to them for consideration in the Draft EIR. As indicated on p. 1-7 of the Draft EIR, all comments received during the public comment period initiated with issuance of a Notice of Preparation (NOP) in November 2018 (i.e., the "scoping period") were taken into consideration during preparation of the Draft EIR.

The existing railroad corridor conditions including crossing volumes, gate downtimes, and collision history are described on Draft EIR pp. 4.15-39 through 4.15-42. The railroad corridor improvements for the proposed Project are described on Draft EIR pp. 4.15-93 and 4.15-94 and include a combination of corridor fencing, at-grade improvements such as quad gates, pedestrian and bicycle gates, and a pedestrian and bicycle grade separation. The proposed Project's impact on the railroad corridor is described in Impact TRANS-3 on Draft EIR pp. 4.15-233 through 4.15-240. The impacts are considered significant and unavoidable, as Mitigation Measures TRANS-3a and TRANS-3b would lessen but not eliminate the impacts. The final set of railroad corridor improvements would be determined when the Project sponsor undertakes the necessary diagnostic study and coordinates with the City, the California Public Utilities Commission (CPUC), and affected railroads and obtains all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, for responses to issues raised in the comment.

I-334 Andrew Peters

COMMENT

I-334-16

California State Lands Commission

A major league baseball park is not a traditional public trust use—it typically does not involve water related commerce, navigation, or fishing. Recreational uses that have no relation to the water and that do not provide a statewide public benefit, are typically not trust-consistent. Whether a recreational venue, like a major league baseball park, has a sufficient connection to the water and enhances the statewide public's use and enjoyment of the water is a critical component in a project's consistency with the Public Trust.

Environmental Justice

4. The NOP does not state whether the City intends to discuss and analyze potential environmental justice related issues, including an assessment of public access and equity implications and who would bear the burdens or benefits from the proposed Project. Commission staff believes the Draft EIR, as an informational public document, is an appropriate vehicle to disclose and discuss how the proposed Project would attain or be consistent with the City's equity goals and statewide policy direction. Specifically, Commission staff notes the following:

a. The proposed Project appears to be within the "Downtown Oakland Specific Plan" area. While the Specific Plan has not been adopted, the City completed a Downtown Oakland Disparity Analysis in January 20184 as part of its commitment to perform an equity impact assessment as part of the Specific Plan. With this process as a backdrop, staff recommends the City increase accountability and transparency by ensuring the Draft EIR discusses how the proposed Project fits together with the Specific Plan and either enhances or impairs achieving the City's equity goals for downtown.

3 Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 were added to CEQA pursuant to AB 52.

4 http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak069022.pdf

b. SB 1000, Chapter 587, Statutes of 2016, sets forth requirements for including environmental justice considerations in new general plans or in general plan amendments that revise two or more elements. While approval of the proposed Project would not trigger the SB 1000 requirement, it would require approval of a zoning change. That fact, together with the Specific Plan pending for the Project area and the age of the City's general plan (1998), argues strongly for inclusion of this topic in the Draft EIR.

c. In December 2018, the Commission adopted an Environmental Justice Policy that establishes equity goals based on guidance from environmental justice communities. Equitable public access and equitable sharing of environmental benefits and burdens are core elements of the Commission's new Policy. Last year, the San Francisco Bay Conservation and Development Commission (BCDC) initiated a Bay Plan Amendment to address social equity and environmental justice by updating several sections of the Bay Plan, including Public Access, Shoreline Protection, and Mitigation, and by adding a new environmental justice section with new findings and policies. Because both the Commission and BCDC are responsible agencies with permitting or approval authority related to the

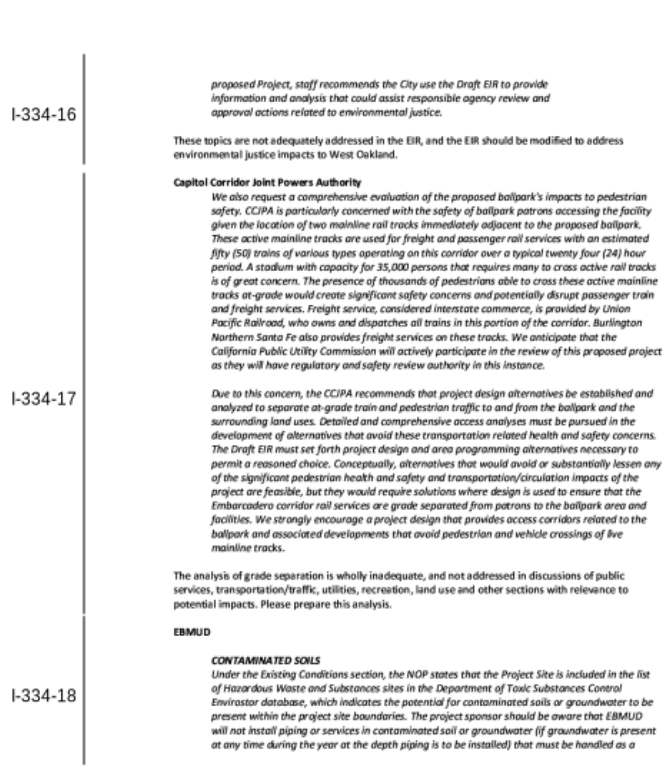
RESPONSE

I-334-16 Draft EIR Section 4.10, *Land Use, Plans, and Policies* (pp. 4.10-10 through 4.10-13) provides a detailed discussion of the Public Trust Doctrine, explains how it applies to the Project site, and identifies the regulatory framework through which Public Trust consistency determinations would be made for the Project. Draft EIR Impact LUP-3 on pp. 4.10-52 through 4.10-53 provides further discussion regarding which proposed Project elements are considered traditional trust-consistent uses. That discussion notes that a private ballpark is not among the uses explicitly authorized under the legislative grant governing the portion of the Project proposed for tidelands, and generally, that commercial uses are not among those commonly understood to be trust-consistent. The analysis goes on to explain how, through AB 1191, the proposed ballpark and associated uses could be considered trust uses, provided that the California State Lands Commission makes certain findings.

With respect to the Draft EIR's treatment of environmental justice, see Consolidated Response 4.14, *Environmental Justice*.

I-334 Andrew Peters

COMMENT



proposed Project, staff recommends the City use the Draft EIR to provide information and analysis that could assist responsible agency review and approval actions related to environmental justice.

I-334-16

These topics are not adequately addressed in the EIR, and the EIR should be modified to address environmental justice impacts to West Oakland.

Capitol Corridor Joint Powers Authority

We also request a comprehensive evaluation of the proposed ballpark's impacts to pedestrian safety. CCJPA is particularly concerned with the safety of ballpark patrons accessing the facility given the location of two mainline rail tracks immediately adjacent to the proposed ballpark. These active mainline tracks are used for freight and passenger rail services with an estimated fifty (50) trains of various types operating on this corridor over a typical twenty four (24) hour period. A stadium with capacity for 35,000 persons that requires many to cross active rail tracks is of great concern. The presence of thousands of pedestrians able to cross these active mainline tracks at-grade would create significant safety concerns and potentially disrupt passenger train and freight services. Freight service, considered interstate commerce, is provided by Union Pacific Railroad, who owns and dispatches all trains in this portion of the corridor. Burlington Northern Santa Fe also provides freight services on these tracks. We anticipate that the California Public Utility Commission will actively participate in the review of this proposed project as they will have regulatory and safety review authority in this instance.

I-334-17

Due to this concern, the CCJPA recommends that project design alternatives be established and analyzed to separate at-grade train and pedestrian traffic to and from the ballpark and the surrounding land uses. Detailed and comprehensive access analyses must be pursued in the development of alternatives that avoid these transportation related health and safety concerns. The Draft EIR must set forth project design and area programming alternatives necessary to permit a reasoned choice. Conceptually, alternatives that would avoid or substantially lessen any of the significant pedestrian health and safety and transportation/circulation impacts of the project are feasible, but they would require solutions where design is used to ensure that the Embarcadero corridor rail services are grade separated from patrons to the ballpark area and facilities. We strongly encourage a project design that provides access corridors related to the ballpark and associated developments that avoid pedestrian and vehicle crossings of live mainline tracks.

The analysis of grade separation is wholly inadequate, and not addressed in discussions of public services, transportation/traffic, utilities, recreation, land use and other sections with relevance to potential impacts. Please prepare this analysis.

EBMUD

CONTAMINATED SOILS

Under the Existing Conditions section, the NOP states that the Project Site is included in the list of Hazardous Waste and Substances sites in the Department of Toxic Substances Control Envirostor database, which indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a

I-334-18

RESPONSE

I-334-17 See Response to Comment I-334-15. Draft EIR Chapter 6 addresses the grade separation alternative. The analysis in the Draft EIR is supported by the technical memorandum (Oakland A's Howard Terminal Project Railroad Corridor and Grade Crossing Improvements) in the Draft EIR Additional Transportation Reference Material.

See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative,* and Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-334-18 The Project sponsor understands that East Bay Municipal Utility District (EBMUD) would not handle or work in hazardous materials. As discussed in Draft EIR Chapter 3, *Project Description,* under *Sea Level Rise*, imported clean fill would be placed across the Project site to raise the finished floor elevation of residential buildings to 10 or more feet City of Oakland datum. Consequently, the majority of utilities would be installed in imported clean fill at depths above the existing contaminated materials currently encapsulated under the hardscape cap (i.e., asphalt pavement and concrete building foundations) that covers the entire site.

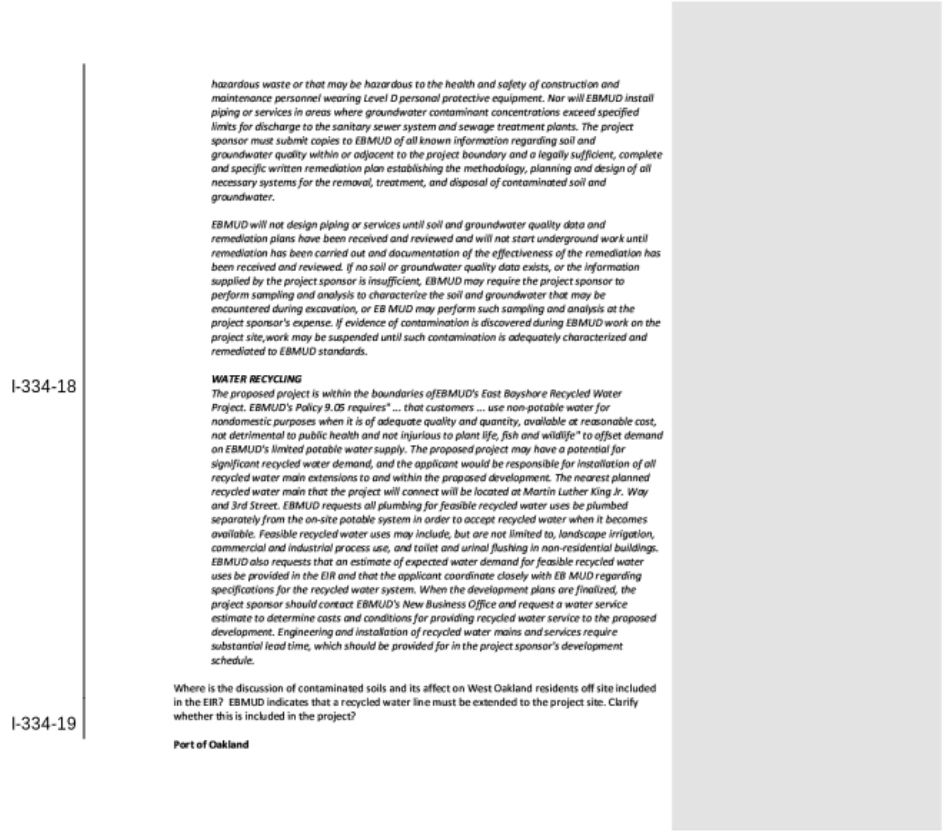
In addition, and as discussed in Draft EIR Section 4.16, *Utilities,* Impact UTIL-1, the Project would be required to comply with EBMUD design standards, which would include that the design not result in EBMUD having to handle hazardous materials. For those utilities that would require deeper emplacement and EBMUD involvement, the EBMUD design standards would require that the hazardous materials be removed prior to EBMUD involvement and that documentation of that removal be provided to EBMUD for its review and approval.

I-334 Andrew Peters

COMMENT

RESPONSE

I-334-19 See Response to Comment A-5-11 regarding recycled water.



hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EB MUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site,work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

I-334-18

WATER RECYCLING

The proposed project is within the boundaries ofEBMUD's East Bayshore Recycled Water Project. EBMUD's Policy 9.05 requires" ... that customers ... use non-potable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife" to offset demand on EBMUD's limited potable water supply. The proposed project may have a potential for significant recycled water demand, and the applicant would be responsible for installation of all recycled water main extensions to and within the proposed development. The nearest planned recycled water main that the project will connect will be located at Martin Luther King Jr. Way and 3rd Street. EBMUD requests all plumbing for feasible recycled water uses be plumbed separately from the on-site potable system in order to accept recycled water when it becomes available. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. EBMUD also requests that an estimate of expected water demand for feasible recycled water uses be provided in the EIR and that the applicant coordinate closely with EB MUD regarding specifications for the recycled water system. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing recycled water service to the proposed development. Engineering and installation of recycled water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

I-334-19

Where is the discussion of contaminated soils and its affect on West Oakland residents off site included in the EIR? EBMUD indicates that a recycled water line must be extended to the project site. Clarify whether this is included in the project?

Port of Oakland

I-334 Andrew Peters

COMMENT

I-334-20

6. The Proposed Project will result in an increased number of vehicles, pedestrians, bicyclists, and others crossing an active rail corridor to access the Project site, which could result in impacts to public safety. The DEIR should analyze these public safety impacts (including, without limitation, on Maritime Street, 7th Street, Middle Harbor Road, Embarcadero West, and the Adeline Street overpass over 3rd Street) and propose mitigation. Mitigation measures could include elevated pedestrian walkways and/or vehicle crossings over the railroad tracks or temporary barriers at crossings during games and events.

9. As noted above, the Proposed Project may increase VMT, congestion, and conflicts among automobiles, trucks, rail, pedestrians, bicycles, and other road users. Air emissions may increase because of these changes; for example, the increase in congestion may result in an increase in idling and associated emissions. The DEIR should evaluate the criteria air pollutant, greenhouse gas ("GHG"), and toxic air contaminant ("TAC") emissions generated by all Proposed Project sources, as well as a health risk assessment ("HRA") of potential health impacts (both cancer and noncancer) to residents and workers from TACs associated with Proposed Project construction and operation. The DEIR should identify mitigation measures in design and operations, such as design of entrances into the Project site, to reduce these impacts. The receptors evaluated should include all of West Oakland to take into account the potential increase in traffic associated with use of the Proposed Project.

As stated above, the DEIR fails to adequately evaluate topic areas related to grade separation and hazards to the existing West Oakland community and should be revised.

I-334-21

6. Inadequate Analysis of Grade Separation

This topic hidden in Chapter 6: Alternatives, and not adequately addressed in relevant topics such as Transportation, public services, hazards or other CEQA topics.

UPRR requested that all access to the Project site be grade-separated and span the rail right-of-way. The UPRR also stated "current crossings will also not be reliable points of access during construction because they may often be occupied by trains, thereby preventing movement of construction vehicles, equipment, and personnel. Construction plans must take this into account."

The proposed Project would include a number of rail safety improvements in the vicinity of the site that are intended to address the safety of pedestrians, bicyclists, and motorists, as described in Section 4.15, *Traffic and Circulation*. However, even with these improvements, this Draft EIR concludes that the Project would have a significant and unavoidable impact related to rail safety, and the City has therefore elected to analyze a possible alternative that would include a grade-separated crossing for vehicles, as well as for pedestrians and bicyclists.

Commented [03/19/21#59]: EIR COMMENT: technical analyses should reflect COVID-related existing conditions, for all subject areas

Commented [03/19/21#60]: EIR COMMENT: technical analyses should reflect COVID-related existing conditions, for all subject areas

In other words, the City and the developer arbitrarily decided not to bother with analyzing grade separation, and falsely equates at grade improvements with grade separation, without any fact or substantiation. The EIR arbitrarily identified one location with a brief analysis and concluded the impacts were similar.

This is a significant flaw in the analysis, as the provision of grade separation is consistent with Oakland and Regional Plans, CPUC requirements, and has the potential to mitigate some of the identified

RESPONSE

I-334-20 See Response to Comment I-334-15. Draft EIR Alternative 3 includes a motor vehicle grade separation at the railroad to the Project. See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation,* for responses to issues raised in the comment.

I-334-21 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-334 Andrew Peters

COMMENT

I-334-21

significant noise impacts. Furthermore, the EIR is inadequate since the single grade separation alternative failed to include bicycle and pedestrian facilities as part of the analysis, despite the City's directive to do so.

> *"Provision of a grade-separated crossing prior to commencement of Project construction was deemed infeasible given the length of time it would take to design, get approval for, and construct a new grade-separated crossing and the stated* ***Project objective to complete construction of the new ballpark, together with any infrastructure required within a desirable timeframe and to maintain the Oakland Athletics' competitive position within MLB."***

This is not a CEQA topic. How would this merit a finding of overriding considerations? The conclusion is that the "desire" of the developer, and the oversight of MLB are more important considerations than the safety health and wellbeing of Oakland residents, and specifically the West Oakland frontline community. This topic is also discussed below, in the discussion of Emergency Access.

As such, the EIR is flawed and inadequate, as it does not factually nor materially analyze grade separation alternatives, but as stated above, dismisses this option due to the developer's desired timeline and MLB directive. This is not an impartial analysis, and does not support required findings.

7. Emergency Access

I-334-22

Those of us who remember the 1982 earthquake that flattened a portion of I-880 near the proposed project know that it is a question of when, not if, another mass casualty event will occur that necessitates evacuation of hundreds and/or thousands of people. This is insufficient to address the evauation needs of the 35,000-40,000 people who might be at the site at any given time. The EVA described in the Transportation section (Page 4.15-85 and 86) would only provide access for emergency responders, and is insufficient in the event of a mass emergency, especially if the Port is also involved. Please demonstrate how provision of a bike/ped overcrossing that only supports ATVs will serve emergency access needs:

> *Primary emergency vehicle access would be provided by at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, and Clay Street as well as via the extension of Water Street at Fire Station No. 2. Washington Street and Broadway are additional at-grade railroad crossings south of the project site that also connect to Water Street and serve emergency vehicles crossing the railroad tracks. As described in Chapter 3, Project Description, an additional EVA on the west side of the Project site would be constructed on an alignment to be determined by the Port that connects the west end of Embarcadero West to Middle Harbor Road. Middle Harbor Road connects to Adeline Street, which contains an above-grade rail overpass. This EVA would be made available to police, fire, ambulance and other emergency service providers only for the purpose of responding to an emergency on the Project site when other means of access to and from the area are unavailable or sub-optimal. In the event of a major/mass casualty event (e.g., a major earthquake), if needed to safely evacuate the ballpark, the EVA may also be used for general egress as directed by on site fire/police personnel.*

RESPONSE

I-334-22 The emergency access evaluation in the Draft EIR Transportation section addresses the State CEQA Guidelines Appendix G checklist question, "Would the Project result in inadequate emergency access," and describes emergency vehicle access to the site, including operation during a major/mass casualty event, in which case the routes may be used by the general public. An analysis of specific potential mass casualty events is outside the scope of the EIR.

The Draft EIR on pp. 4.15-85 and 4.15-86 identifies several at-grade railroad crossing opportunities as well as Water Street to the east and the Emergency Vehicle Access (EVA) to the west connecting the Project to Middle Harbor Road. Some or all of these would also be available depending on the mass casualty event. Mass casualty event planning at major event venues is the responsibility of the operators of such venues and applicable emergency response agencies, including the City of Oakland. As described in the Draft EIR on p. 3-34, the Project sponsor will prepare an Emergency Management Plan for the ballpark in accordance with Major League Baseball (MLB) requirements, and to the extent applicable, Homeland Security requirements.

I-334 Andrew Peters

COMMENT

I-334-23

Despite NOP scoping comments from responsible agencies and others requesting EIR analysis of grade separation for all connecting streets, the EIR chose to ignore this evaluation, and provided a cursory review of grade separation in Chapter 6, page 59.

Please provide a response and analysis to support the conclusions in this paragraph, and address the information requested in **BOLD:**

This Draft EIR does not analyze an alternative that eliminates both existing at-grade crossings serving the site at MLK Jr. Way and at Market Street, or an alternative that would provide a grade-separated crossing to the site for construction. The elimination of both existing at-grade crossings serving the site was deemed infeasible, given the need to accommodate access to the site and the constraints associated with constructing grade separations at both Market (or Brush) Street and MLK Jr. Way. Specifically:

- *Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would impact access to additional parcels north of the railroad tracks, affecting eight additional driveways, and would eliminate access to MLK Jr. Way from 2nd Street.*

This statement is inadequate, and no analysis is provided that demonstrates why this element is infeasible.

2nd street would continue to be accessed from Castro Street, and many of these properties are single loaded lots served by Myrtle, Castro or Jefferson Street. This is not infeasible.

- *Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would impact proposed utility service to the site because both Market Street and MLK Jr. Way are utility corridors, providing sanitary sewer, domestic water, and other utility service to the site, and grade separations would limit the capacity of the right-of-way to accommodate utilities. These streets also accommodate significant City storm drain infrastructure.*

This statement is inadequate, and no analysis is provided that demonstrates why this element is infeasible.

Underground Utility corridors are not necessarily in conflict with overhead structures. Provide analysis showing where these structures are located, potential conflict, and design solution.

- *MLK Jr. Way is planned as one of the primary entrances to the site, and construction of a grade-separated crossing could eliminate pedestrian/bicycle access at that location and affect the proposed Bay Trail extension.*

This statement is inadequate, and no analysis is provided that demonstrates why this element is infeasible.

Bicycle and pedestrian facilities normally are, can and should be incorporated into all grade separation options, and included in the analysis. Demonstrate how construction of the overpass would eliminate bike/ped facilities.

- *Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would require changing the grades of on-site streets and the ramps required to get both grade separations back to grade would limit the developable acreage of the Project site, reducing the economic viability of the Project.*

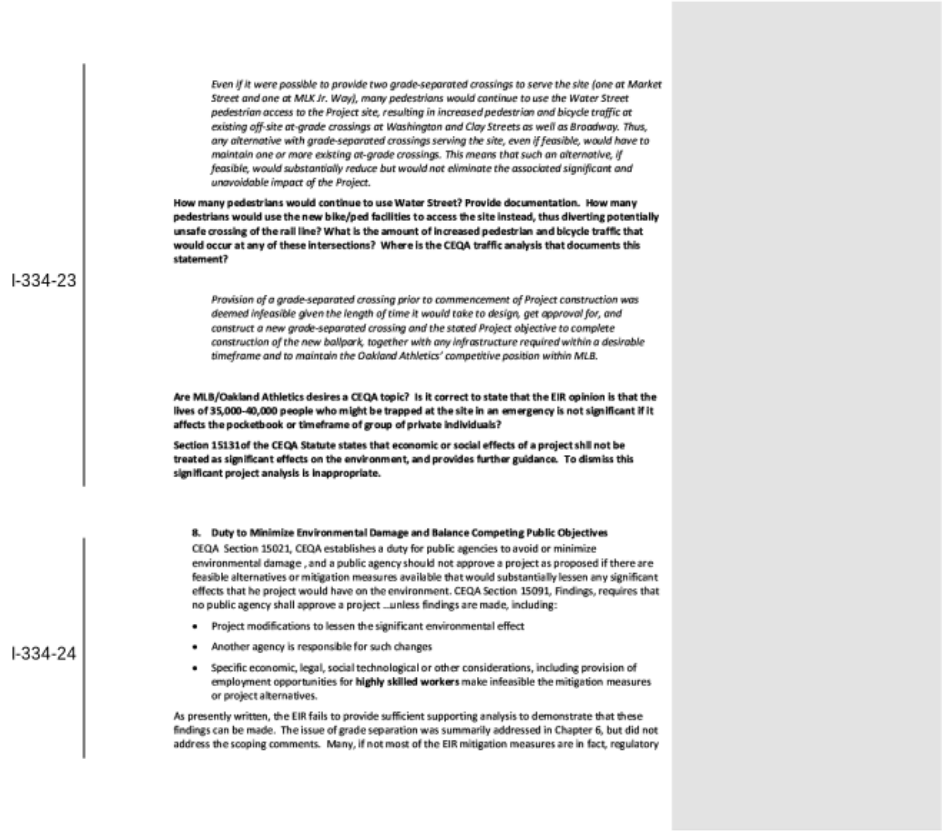
This statement is inadequate, and no analysis is provided that demonstrates why this element is infeasible. Is the limitation of developable acreage a CEQA topic or significance criteria?

RESPONSE

I-334-23 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-334 Andrew Peters

COMMENT



Even if it were possible to provide two grade-separated crossings to serve the site (one at Market Street and one at MLK Jr. Way), many pedestrians would continue to use the Water Street pedestrian access to the Project site, resulting in increased pedestrian and bicycle traffic at existing off-site at-grade crossings at Washington and Clay Streets as well as Broadway. Thus, any alternative with grade-separated crossings serving the site, even if feasible, would have to maintain one or more existing at-grade crossings. This means that such an alternative, if feasible, would substantially reduce but would not eliminate the associated significant and unavoidable impact of the Project.

How many pedestrians would continue to use Water Street? Provide documentation. How many pedestrians would use the new bike/ped facilities to access the site instead, thus diverting potentially unsafe crossing of the rail line? What is the amount of increased pedestrian and bicycle traffic that would occur at any of these intersections? Where is the CEQA traffic analysis that documents this statement?

I-334-23

Provision of a grade-separated crossing prior to commencement of Project construction was deemed infeasible given the length of time it would take to design, get approval for, and construct a new grade-separated crossing and the stated Project objective to complete construction of the new ballpark, together with any infrastructure required within a desirable timeframe and to maintain the Oakland Athletics' competitive position within MLB.

Are MLB/Oakland Athletics desires a CEQA topic? Is it correct to state that the EIR opinion is that the lives of 35,000-40,000 people who might be trapped at the site in an emergency is not significant if it affects the pocketbook or timeframe of group of private individuals?

Section 15131of the CEQA Statute states that economic or social effects of a project shll not be treated as significant effects on the environment, and provides further guidance. To dismiss this significant project analysis is inappropriate.

8. Duty to Minimize Environmental Damage and Balance Competing Public Objectives

CEQA Section 15021, CEQA establishes a duty for public agencies to avoid or minimize environmental damage , and a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that he project would have on the environment. CEQA Section 15091, Findings, requires that no public agency shall approve a project ...unless findings are made, including:

- Project modifications to lessen the significant environmental effect
- Another agency is responsible for such changes
- Specific economic, legal, social technological or other considerations, including provision of employment opportunities for **highly skilled workers** make infeasible the mitigation measures or project alternatives.

I-334-24

As presently written, the EIR fails to provide sufficient supporting analysis to demonstrate that these findings can be made. The issue of grade separation was summarily addressed in Chapter 6, but did not address the scoping comments. Many, if not most of the EIR mitigation measures are in fact, regulatory

RESPONSE

I-334-24 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. The City will draft findings pursuant to State CEQA Guidelines Section 15091 for consideration by the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed Project. Findings pursuant to Section 15091 are not provided in a Draft EIR, but are required as part of any project's approval process.

See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*, and Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*. See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures,* for a discussion of mitigation measures, including their relationship to regulatory requirements.

I-334 Andrew Peters

COMMENT

I-334-24

requirements and should be identified as such. What are the project specific mitigations that would lessen significant environmental effects? Finally, the EIR does not provide documentation of the highly skilled workers that would justify project approval for economic reasons. The analysis should include a demographic analysis of the temporary construction workforce that would be employed to construct the project, as well as analysis of what highly skilled workers will be permanently associated with the project. The project as proposed does not include the kind of commercial/office mix (such as a tech facility) that would support the required finding.

As such, the DEIR is inadequate and should be substantially revised to provide the required analysis to support the City of Oakland's duties and obligations for Oakland's future.

Section II: Issues specific to the Phoenix Lofts

We have specific concerns for the Phoenix Lofts as it relates to several key areas:

Noise

Even with the suboptimal analysis in the DEIR, noise impacts seem to be among the most concerning for residents of the Phoenix Lofts. The construction process (both in impact and length of impact) will make living and working at the PL impossible. We have a myriad of issues with the noise impact, but the increase in noise for potential 7 years of construction will have significant negative impact on personal health and wellbeing and make it impossible to remain in our home (as acknowledged in the DEIR).

I-334-25

Specific the the PL, the DEIR discusses average hourly noise levels but does not mention median figures. We believe average values include periodic high dB events from passing train horns (for example 1-2x hourly) - this is vastly different than constant noise from construction at or higher than the same average levels. We believe a more useful comparison would be median figures and data excluding train horn peaks to get a better sense of constant vs. intermittent noise. Additionally, the DEIR notes that an increase in 10dB is perceived as twice as loud - this is on the scale of the proposed increase due to construction (from an already over-inflated overage assumed for PL) so hence would be quite intolerable for PL residents (in particular those with South-facing units such as myself and my wife).

The DEIR minimizes noise impacts from construction as well as ballpark events by inconsistent use of the terms temporary noise and ambient noise. Noise from train horns and trains moving down the tracks are identified as contributors to ambient noise levels even though such noise occurs on an intermittent basis when trains are passing by the Phoenix. In contrast, the DEIR describes the noise from ballpark events as a "temporary noise increase" even though they will presumably exist as long as the ballpark is in operation. In so doing, the DEIR incorrectly uses the term "temporary noise increase" to describe what will, in fact, be a permanent increase in noise that occurs on an intermittent basis. In other words, if the increase in noise levels when trains pass by the building contributes to ambient noise levels, the increase in noise levels that occurs when there are ballpark events must be considered part of the ambient noise level as well. The failure to distinguish temporary increases in noise, such as those from construction activities, from intermittent increases in noise, which will go on as long as the source, either ballpark events or trains passing by the Phoenix, continues to exist.

RESPONSE

I-334-25 See Response to Comment I332-1-2. While the analysis notes on Draft EIR p. 4.11-31, "existing daytime noise levels at the Phoenix Lofts were measured to be between 76 and 81 dBA and therefore already exceed the daytime construction noise standards," this statement was inserted to provide context only.

Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors is identified on Draft EIR p. 4.11-41 to provide physical improvements or temporary accommodations for residents of the Phoenix Lofts at 737 2nd Street during impact or vibratory pile driving activities when it occurs within 300 feet with a direct line of sight for the duration of the pile driving activity. The duration of these activities in such proximity would reasonably be expected to be less than six months. Any renters or owners opting to be relocated would still have access to their properties and would simply be offered another location in which to dwell while these activities occur, which would not prevent them from returning to their residences.

To address the significant and unavoidable construction noise impacts of the proposed Project, the Draft EIR identified the following mitigation measures on pp. 4.11-38 through 4.11-41 (see Impact NOI-1):

- Mitigation Measure NOI-1a: Construction Days/Hours.
- Mitigation Measure NOI-1b: Construction Noise Reduction.
- Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.
- Mitigation Measure NOI-1d: Construction Noise Complaints.
- Mitigation Measure NOI-1e: Structural Improvements or Off-site Accommodations for Substantially Affected Receptors.

The Draft EIR acknowledges that the identified mitigation measures addressing construction would not be sufficient to fully reduce the construction noise impact to a less than-significant-level. Consequently, the Draft EIR identified the construction noise impact as significant and unavoidable. Decision makers will have to weigh these impacts against potential benefits when considering whether to approve the Project.

I-334 Andrew Peters

COMMENT

I-334-25

Measures proposed for mitigation of significant noise impacts during construction would have significant adverse impacts on Phoenix Loft occupants. Sound barrier curtains and other types of noise barriers might block noise but they would also block light to the dwelling units and work spaces in the building making occupancy impossible. The DEIR refers to temporary relocation of residents to hotels and other sites but there are also businesses that operate in the Phoenix both in conjunction with a residential use of the the same unit (i.e. live-work unit) or in units that are totally occupied by a commercial use. In both cases, the disruption of business activities can result in a loss of business revenue as has been amply demonstrated by recent shut-downs required for public health reasons. It is difficult to determine whether relocation would occur for weeks, months, or years at a time during which time building occupants are obliged to continue paying rents, mortgages, insurance, and other fees. Relocation plans must be presented to affected building occupants for review and acceptance before any noise-producing construction activities can commence.

Vibration/Structure

I-334-26

Given the close proximity of the PL to the project site, the potential impact to the structure and structural integrity of the building is quite limited. Specifically the section on Geology/Soils is inappropriately focused on a very narrow reading of the impact assessment criteria- with the entire focus on the building site and not potential construction impacts and longer term settlement or other related impacts to adjacent areas including 737 2nd Street and West Oakland, an impacted community. Given the extent of the piledriving and expected vibration, there are simply not enough proactive efforts being made to monitor and retrofit nearby buildings like the PL, and unrealistically places the oenus on residents of the building to somehow monitor the structure integrity of the building, so that one day we don't wake up and find a large crack in our ceiling, or more worryingly, find the building collapsed due to the construction vibration. I would expect the project sponsor to offer to proactively retrofit the building to ensure that such impacts don't occur, as well as sophisticated monitoring to ensure that structural impacts don't occur.

Key questions include:

- Will the immediately adjacent residential building foundations and concrete structures in West Oakland, and specifically at 737 2nd Street be damaged and weakened by pile driving and other activities and thus made more susceptible to future strong ground motion and liquefaction?
- Please address how construction activities such as pile driving and overloading of the site by fill and structure placement can cause settlement or other geotechnical problems on adjacent properties.

I-334-27

- How will placement of large quantities of fill affect the adjacent subsurface soil conditions by loading and transference of load in the saturated low strength and poorly consolidated soil and un-documented fill adjacent to the site, including the rail line?

RESPONSE

I-334-26 The potential vibration impacts from construction of the proposed Project are assessed on Draft EIR pp. 4.11-42 through 4.11-44. Attenuation rates associated with deep dynamic compaction indicate that vibration generated by impact pile drivers could result in cosmetic damage to adjacent structures if that construction activity occurs within approximately 200 feet of a historic structure or 100 feet of a modern structure. Vibration attenuation with distance can vary depending on subsoils, but typical attenuation rates indicate that vibration generated by impact pile drivers or Direct Power Compaction could result in cosmetic damage to adjacent structures if those construction activities occur within approximately 75 feet of a historic structure (0.2 peak particle velocity [PPV]) or 35 feet of a modern structure (0.5 PPV).

Because the nearest historic structure (Phoenix Lofts) would be 150 feet from compaction activities, the Draft EIR identified a potentially significant impact with respect to vibration. Mitigation Measure CUL-2: Vibration Analysis for Historic Structures is identified on Draft EIR pp. 4.4-24 and 4.11-44 to address this potential impact. Under this measure, before any vibratory construction within 150 feet of a historic resource, the Project sponsor shall submit a vibration analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes preconstruction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street. The vibration analysis shall identify design means and methods of construction that shall be used to avoid exceeding the thresholds. The Project sponsor shall implement the recommendations during construction.

I-334-27 Liquefaction analysis is presented in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources, Impact GEO-1*. The preliminary geotechnical analysis provided preliminary recommendations to address liquefaction. Upon completion of the CEQA documentation, the Project would be required by the CBC (i.e., Chapter 18A, *Soils and Foundations*), and the City of Oakland Building Code and Grading Regulations (i.e., Section 1802B.6, *Site Map and Grading Plan*), to conduct a final geotechnical investigation that would further inform the final Project design and provide recommendations to address all identified geotechnical issues, including liquefaction. The Liquefaction

I-334 Andrew Peters

COMMENT	RESPONSE
	Information memorandum prepared by ENGEO on July 7, 2021 provides additional explanation and analysis of the effects of liquefaction.[24] This memorandum also discusses the effects that Project activities would have on adjacent properties. The memorandum concludes that, while noise and ground surface vibration impacts are noticeable at distances over 100 feet, the improvements would only extend approximately 5–10 feet from the ground improvement point. Measurable settlement or liquefaction would not occur off-site with these ground improvement methods. The elements of the proposed Project, including ground preparation, would undergo appropriate design-level geotechnical evaluations prior to final design and construction. Implementing the regulatory requirements in the California Building Code (CBC) (i.e., Chapter 18A, *Soils and Foundations*) and City of Oakland Building Code and Grading Regulations (i.e., Section 1802B.6, *Site Map and Grading Plan*) and ensuring that all buildings and structures constructed in compliance with the law is the responsibility of the Project engineers and building officials. The geotechnical engineer, as a registered professional with the State of California, is required to comply with the CBC and local codes while applying standard engineering practice and the appropriate standard of care for the particular region in California, which, in the case of the Project, is the City of Oakland. The California Professional Engineers Act (Building and Professions Code Sections 6700–6799), and the Codes of Professional Conduct, as administered by the California Board of Professional Engineers and Land Surveyors, provides the basis for regulating and enforcing engineering practice in California. The local Building Officials are typically with the local jurisdiction (i.e., the City of Oakland) and are responsible for inspections and ensuring CBC compliance prior to approval of the building permit. The geotechnical report by ENGEO was peer-reviewed by a senior ESA staff certified engineering geologist. The peer review was to verify that the geotechnical report provided information necessary to support the Draft EIR geology section analysis.

[24] ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

I-334 Andrew Peters

COMMENT

I-334-27

It's hard to accept the statement that the geotechnical report was somehow peer reviewed by qualified staff at ESA, who are not known as qualified in the fields of geotechnical or seismic engineering. What are the geotechnical qualifications and professional licenses of ESA peer review staff?

ESA was hired by the City of Oakland, not exactly a disinterested party in the CEQA process. They pay the bill and are a Project proponent. We believe this holds significant potential for conflict.

Health and Safety

I-334-28

Overall, one of the primary concerns with the DEIR is that the analysis fails to consider the acute impact on residents of the PL, given that we will be the most obviously impacted and the close proximity means that many of the issues of the project will be felt by residents who live, work, and sleep so closely. Within this, while the DEIR highlights many health and safety issues, we find the analysis quite lacking as it relates to specific risks to residents who live so closely. As my wife and I consider adding to our family, toxins and other debris resulting from the project certainly weigh heavily on our minds. The DEIR attempts to wave away many of these issues by saying the PL already exceed many areas (although this is also an option question), but it is clear the project will make things worse, and yet the analysis fails to review the specific issues for PL.

Wind/Shade

I-334-29

The shade analysis is especially concerning given that the appendix clearly highlights that the building will not be in the sun all winter, and be significantly impacted in the fall and spring. For someone who values our rooftop garden, view of the waterfront (we consider ourselves a waterfront building), and the radiating warmth during the winter, the impact on the project, in particular from the tall buildings beyond the stadium itself will be quite detrimental.

I-334-30

We believe many of the proposed developments are in direct contrast to City of Oakland regulations, and thus are counter to CEQA rules.

- City of Oakland Policy W3.4: Preserving Views and Vistas. Buildings and facilities should respect scenic viewsheds and enhance opportunities for visual access of the waterfront and its activities. *Proposed project does not enhance existing waterfront visual access but creates its own, with its back to the surrounding neighborhood.*City of Oakland LUTE Policy N1.5: Designing Commercial
- Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.
  Proposed is grossly out of scale with surr. resi uses and other Jack London Sq development, consisting of 6-8 story structures. Across the Estuary, Alameda Point + Landing have capped their development to 100 and 85' respectively (4.1.21). Reduced Project Alternative 4 (6.2.4) explores this option with only hotel and ballpark exceeding 100', far more reasonable and sensitive.
- City of Oakland LUTE Policy N8.2: Making Compatible Interfaces between Densities. The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the

RESPONSE

I-334-28 Impacts on the Phoenix Lofts at 737 2nd Street were considered specifically in the Draft EIR's air quality and noise analysis. As explained on Draft EIR p. 4.2-11, all residences within 2,000 feet of the Project site were included in the health risk analysis, including the Phoenix Lofts. The maximum off-site health risk impacts were found to occur at the Phoenix Lofts. Impact AIR-4 finds that the Maximally Exposed Individual Receptor (MEIR) is located at the Phoenix Lofts at 737 2nd street (Draft EIR pp. 4.2-102, 4.2-103, and 4.2-108). The same MEIR is identified in Impact AIR-2.CU (Draft EIR pp. 4.2-146 and 4.2-147). See also Appendix AIR.1 Figures 9A, 9B, 9C, and 9D for the off-site MEIR locations.

The Phoenix Lofts at 737 2nd Street was also included as Noise Monitoring Location LT-3 as an off-site noise monitoring location in the noise analysis (Draft EIR p. 4.11-11), as discussed further in Section 4.11, *Noise and Vibration*.

With respect to mitigation measures for noise impacts specific to residents of the Phoenix Lofts at 737 2nd Street, Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors is identified on p. 4.11-41 of the Draft EIR to provide physical improvements or temporary accommodations for residents of the Phoenix Lofts during impact or vibratory pile driving activities when it occurs within 300 feet with a direct line of sight for the duration of the pile driving activity. If decision makers approve the Project, they will also be required to approve a mitigation monitoring and reporting program (MMRP) to ensure implementation of all adopted mitigation measures.

I-334-29 The comment overstates the Project's shadow coverage on the 737 2nd Street building: as stated in Response to Comment O-57-24, the Project would block direct sunlight from reaching 737 2nd Street during at least portions of the afternoon except around the summer solstice. However, direct sunlight would continue to reach the building during the morning hours except around the winter solstice in December, when direct sunlight would be available during only during parts of the early morning. However, Project shadow falling on the 737 2nd Street building would not trigger any of the significance thresholds described on Draft EIR p. 4.1-19, and therefore, this shadow would not result in a significant impact.

It is noted that shadow falling on a privately owned building's on-site open space that is for the benefit of building residents (and guests) is not a relevant

I-334 Andrew Peters

COMMENT

RESPONSE

consideration under CEQA. As explained on Draft EIR p. 4.1-19, the City of Oakland considers shadow effects to be significant if they would "substantially impair[] the beneficial use of any public or quasi-public park, lawn, garden, or open space"; that is, if shadow would adversely affect open spaces open to the public.

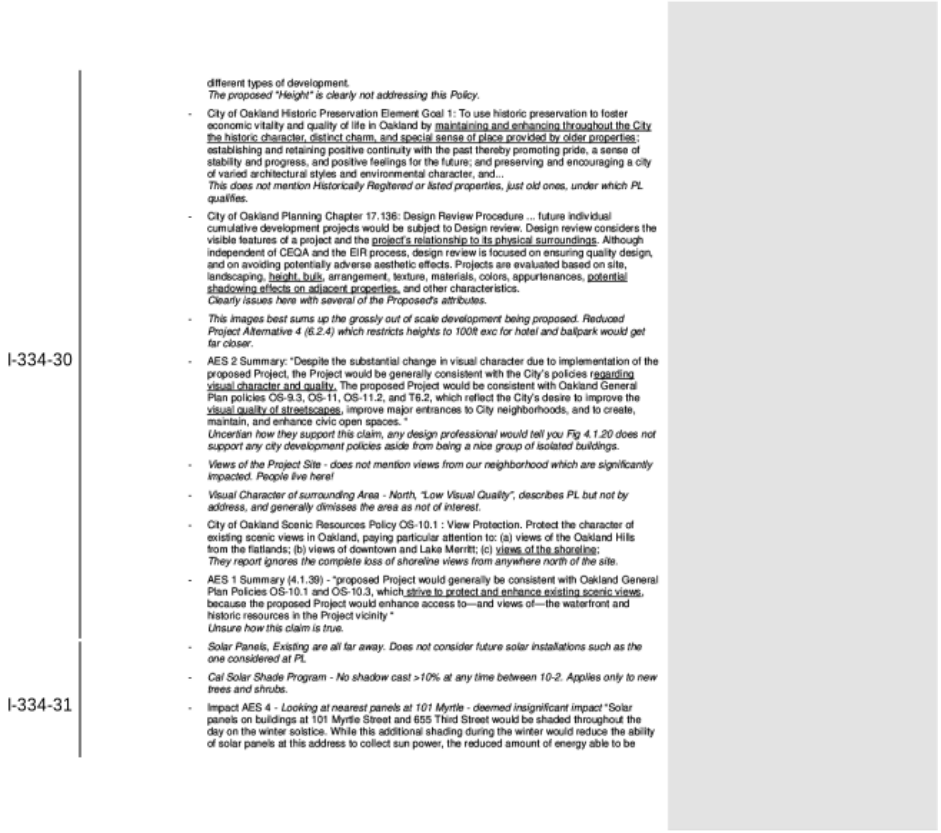
I-334-30 Regarding Policy W3.4 of the Oakland General Plan's Land Use and Transportation Element (LUTE), see Response to Comment I307-3-1. Concerning LUTE Policy N1.5 and Policy N8.2, as explained in Response to Comment O-36-11, the building at 737 2nd Street (Phoenix Lofts) is not considered a residential use under the Oakland Planning Code. However, the building contains commercial live/work facilities and thus can be presumed to have people living in these units. Nevertheless, the building is not a residential use. See Draft EIR Section 3.4, *Cultural and Tribal Cultural Resources,* concerning effects on historical resources.

See also Response to Comment I-307-3-5 regarding the historic status of 737 2nd Street. As noted in the comment, design review is a separate process from the CEQA evaluation of the proposed Project. The statement regarding a particular image—allegedly in the Draft EIR—does not provide a reference and therefore, no response is possible; the commenter's preference for the Reduced Project Alternative is noted.

Regarding views of the Oakland-Alameda Estuary shoreline, see Response to Comment I-301-3-1. Regarding the changes in views from 737 2nd Street and the immediate Project neighborhood, see Response to Comment I307-3-18. Regarding the Draft EIR's description of the area north of the Project site as having low visual quality, see Response to Comment I307-3-20.

I-334 Andrew Peters

COMMENT



different types of development.
The proposed "Height" is clearly not addressing this Policy.

- City of Oakland Historic Preservation Element Goal 1: To use historic preservation to foster economic vitality and quality of life in Oakland by maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties; establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future; and preserving and encouraging a city of varied architectural styles and environmental character, and...
This does not mention Historically Registered or listed properties, just old ones, under which PL qualifies.
- City of Oakland Planning Chapter 17.136: Design Review Procedure ... future individual cumulative development projects would be subject to Design review. Design review considers the visible features of a project and the project's relationship to its physical surroundings. Although independent of CEQA and the EIR process, design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, colors, appurtenances, potential shadowing effects on adjacent properties, and other characteristics.
Clearly issues here with several of the Proposed's attributes.
- *This images best sums up the grossly out of scale development being proposed. Reduced Project Alternative 4 (6.2.4) which restricts heights to 100ft exc for hotel and ballpark would get far closer.*

I-334-30

- AES 2 Summary: "Despite the substantial change in visual character due to implementation of the proposed Project, the Project would be generally consistent with the City's policies regarding visual character and quality. The proposed Project would be consistent with Oakland General Plan policies OS-9.3, OS-11, OS-11.2, and T6.2, which reflect the City's desire to improve the visual quality of streetscapes, improve major entrances to City neighborhoods, and to create, maintain, and enhance civic open spaces. "
Uncertian how they support this claim, any design professional would tell you Fig 4.1.20 does not support any city development policies aside from being a nice group of isolated buildings.
- *Views of the Project Site - does not mention views from our neighborhood which are significantly impacted. People live here!*
- *Visual Character of surrounding Area - North, "Low Visual Quality", describes PL but not by address, and generally dimisses the area as not of interest.*
- City of Oakland Scenic Resources Policy OS-10.1 : View Protection. Protect the character of existing scenic views in Oakland, paying particular attention to: (a) views of the Oakland Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline;
They report ignores the complete loss of shoreline views from anywhere north of the site.
- AES 1 Summary (4.1.39) - "proposed Project would generally be consistent with Oakland General Plan Policies OS-10.1 and OS-10.3, which strive to protect and enhance existing scenic views, because the proposed Project would enhance access to—and views of—the waterfront and historic resources in the Project vicinity "
Unsure how this claim is true.
- *Solar Panels, Existing are all far away. Does not consider future solar installations such as the one considered at PL*

I-334-31

- *Cal Solar Shade Program - No shadow cast >10% at any time between 10-2. Applies only to new trees and shrubs.*
- Impact AES 4 - *Looking at nearest panels at 101 Myrtle - deemed insignificant impact* "Solar panels on buildings at 101 Myrtle Street and 655 Third Street would be shaded throughout the day on the winter solstice. While this additional shading during the winter would reduce the ability of solar panels at this address to collect sun power, the reduced amount of energy able to be

RESPONSE

I-334-31 Regarding potential future installation of solar collectors, see Response to Comment I-307-3-5. Regarding existing solar installations at 101 Myrtle Street and 655 Third Street, the function of those buildings would not be "substantially impaired" because alternative sources of energy would be available. (The limitation on shadow being cast between 10:00 a.m. and 2:00 p.m., pursuant to the State of California's Solar Shade Control Act [Public Resources Code Section 25980 et seq.] applies specifically to landscaping [trees and shrubs] and is not applicable to the proposed Project.) It is noted that the cost of building operations is not a relevant concern under CEQA.

I-334 Andrew Peters

COMMENT

I-334-31

I-334-32

I-334-33

I-334-34

produced at this address would not substantially impair the function of the building. This is because the solar equipment consists of photovoltaic solar panels used to generate electricity (as opposed to heat or hot water) and any loss in energy can be made up for with additional power drawn from the local provider, PG&E, with no impairment to the functionality of the building *Thereby increasing the carbon emissions of neighboring structures while we strive for Leed Platinum. And increasing the operating costs of neighboring structures.*

- Impact AES 5 - Significant and Unavoidable. ... "During the rather lengthy construction period, a particular building configuration resulting from development of one or more individual structures could result in localized wind conditions that would be different than those reported for the Project at completion of Phase 1 or at full buildout. It is possible that such individual building(s) could cause the wind hazard criterion to be exceeded, perhaps for one or more years. " *Restrict Building Hts to less than 100' and this is avoidable.*
- *They even discuss the importance of spill light,* "Residential uses are considered light-sensitive because they are typically occupied during the overnight hours, and are occupied by persons who have expectations of privacy and the ability to generally sleep undisturbed by obtrusive lighting", *but again conveniently neglected our building,* **"No residential uses are proximate to these receptors**..." *While this is true statement, they conveniently did not place any receptors on our building.*

Conclusion

For the above reasons, we respectfully request that the City not consider, certify, or approve the DEIR or Project unless and until both are substantially revised to correct their many legal defects, and such revised Project and DEIR are recirculated for further, required public review and comment.

Thank you for providing us the opportunity to comment on this ill-conceived, proposed Project, and please do not hesitate to contact me if you have any questions regarding the above.

Sincerely,

Andrew Peters and Naoko Kudo
Phoenix Lofts
737 2nd St #406
Oakland CA, 94607

RESPONSE

I-334-32 Draft EIR Chapter 6, *Alternatives*, includes Alternative 4, Reduced Project Alternative, which would not develop any new buildings taller than 100 feet, other than the proposed ballpark and hotel(s). As stated on Draft EIR p. 6-35, this alternative "would likely result in fewer wind hazards" than would the proposed Project. However, the site's waterfront location and the height of the hotel(s) and ballpark would likely result in a significant and unavoidable impact on pedestrian winds, albeit at lesser intensity than that of the Project.

I-334-33 See Responses to Comments I-307-4-1 and O-36-11.

I-334-34 This comment is predicated on other comments in this submittal; see Responses to Comments I-334-1 through I-334-33. As explained in Consolidated Response 4.3, *Recirculation of the Draft EIR,* although information has been added to the Draft EIR in response to comments and as City-initiated updates, no significant new information (e.g., leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR. Consequently, the Draft EIR need not be recirculated.

I-335 Marcus Holder

COMMENT

RESPONSE

From: MARCUS HOLDER
To: pvollmann@oaklandca.gov
Subject: Stadium Project EIR comment site shut down before 4pm
Date: Tuesday, April 27, 2021 4:42:09 PM
Attachments: Comments.DEIR.Howard Term Proj_04.27.21MH.pdf

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello Pete Vollmann,
I think you are the person I need to contact about this.
I attempted to upload the attached .pdf at approximately 3:40pm(certainly before the 4pm deadline) on 4/27/21 as a comment to the EIR for the Howard Terminal Stadium Project. It said "Project does not exist." However I had entered a blank comment (I had trouble figuring out how to load the .pdf) successfully as Marcus Holder only minutes before at the same address.
I would like to have the attached .pdf added as a comment to the Howard Terminal Stadium Project EIR. If you can't do this would you please direct me how to get this done?
Thank you.
Sincerely,
Marcus Holder

I-335 Marcus Holder

COMMENT

Marcus Holder
I am a resident of and own a home in Alameda about 1 mile from the proposed stadium.
I came to live in Oakland in 1986 and have lived in or/and owned homes there or Alameda since then.
Some of my family lives in Oakland now.

Below are items which are not addressed or inadequately addressed in the present EIR.
They need to be addressed by further study. This EIR is inadequate.

Included in the EIR must be the impact of abandoning the resources put into the existing Sports Complex in East Oakland. The EIR must contain a comparison of the Environmental Impact of a new stadium at the existing East Oakland site. An EIR of only the Port of Oakland site does not give a true picture of the Environmental impact of the reality of what is happening -- the abandoning of the existing already built up (infrastructure, mitigation, etc.) site. Building of the new site is abandoning of the old so this must be part of the study. As should be the impact of building a stadium at the East Oakland site.
I-335-1
The problems and concerns listed below would not exist at the East Oakland site. They either never existed there or have already been solved there in part by investment of public resources. Many of these problems likely can never be solved at the Port of Oakland site or if they can, it will be through massive investment of public resources.

Traffic problems, concerns and questions must be studied and addressed.

Alameda -
Backup in the Webster Tube going into Alameda and the Posey Tube going into Oakland plus traffic congestion that will occur in downtown Oakland, West Alameda and North Alameda as vehicles cross the island to find another bridge to go into Oakland.
I-335-2
Public transit will be adversely affected major bus routes use the Tubes and the Posey Tube is the way people in the West End of Alameda are able to access BART.
Safety concerns with the congestion and likely blockage by traffic of the Alameda Tubes in the event of individual and public safety emergencies.

Oakland
Parking problems, concerns and questions must be studied and addressed.
I-335-3
Presently there is inadequate parking in the West Oakland, Downtown, China Town and Jack London neighborhoods. The proposed stadium complex would potentially bring upwards of 38,500 people into the area. Where will they park? How will it affect the existing residents and businesses?
Public Transit problems, concerns and questions must be studied and addressed.
This site is remote from BART by over a mile. Direct access by buses is limited by active railroad tracks and narrow city streets.
Traffic Congestion problems, concerns and questions must be studied and addressed.
Especially in surface streets in the Port of Oakland, in the West Oakland, Downtown, China Town and Jack London neighborhoods. Increased truck traffic with loss of Howard Terminal.

Intercity/Intestate Highways -- I80/980/580/880 and Bay Bridge Corridor
I-335-4
Traffic Congestion problems, concerns and questions must be studied and addressed.
This Port of Oakland stadium site stands in the heart of the mousetrap one of, if not the nexus of Bay Area even Northern California highway traffic. The back up at the Broadway area at the start of East bound 880 is consistent and legendary. Just directly from the city streets this complex serves the second busiest port on the west coast and the United States Post Office Oakland Bulk Mail Facility

RESPONSE

I-335-1 See Draft EIR Section 7.3.2 and Consolidated Response 4.15, *Urban Decay*, which examines potential effects at the Coliseum site if the A's relocate. See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*, including references to the Coliseum Area Specific Plan (CASP) EIR, which analyzes the impacts of future investments in the Coliseum site.

I-335-2 Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3.

See Consolidated Response 4.21, *AC Transit Congestion Impacts,* which addresses transit congestion in the vicinity of the Webster and Posey Tubes. See also Response to Comment A-10-1.

I-335-3 See Consolidated Response 4.7, *Parking Considerations*.

I-335-4 Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3.

Draft EIR p. 4.15-2 states that the West Oakland, Downtown, and Lake Merritt BART stations are within the transportation analysis study area and are considered in the analysis. Draft EIR Figures 4.15-41 through 4.15-46 document the resulting automobile, transit, pedestrian, and bicycle trips generated by the non-ballpark development and by a ballpark event. These Project trips were analyzed to identify the CEQA-related and non-CEQA-related impacts to the transportation system that are presented in the Draft EIR.

The City did require for informational purposes a detailed operation analysis of the Project (see Draft EIR Appendix TRA.3). All the infrastructure improvements identified through analysis as well as the management strategies for the Project are addressed in Section 4.15.4, *Transportation Improvements* (Draft EIR pp. 4.15-86 through 4.15-149) with the following primary sections and page numbers:

- Site Access Routes and Circulation Overview (pp. 4.15-86 through 4.15-93)
- Railroad Crossing Improvements (pp. 4.15-93 through 4.15-94)
- Off-Site Transportation Improvements (pp. 4.15-94 through 4.15-98)

I-335 Marcus Holder

COMMENT

RESPONSE

- Graphics of Off-Site Transportation Improvements (pp. 4.15-99 through 4.15-116)
- Description of Corridor Improvements (pp. 4.15-117 through 4.15-133)
- Collisions and Improvements (pp. 4.15-133 through 4.15-136)
- Transportation Management for Ballpark (pp. 4.15-137 through 4.15-143)
- Transportation Management for Non-Ballpark (pp. 4.15-143 through 4.15-148)
- Considered and Discarded Strategies (pp. 4.15-148 through 4.15-149)

See also Draft EIR Section 4.15.5, *Port Operations* (pp. 3.15-149 through 4.15-157), which describes the Project's implications on the transportation network serving the Port, and Impact TRANS-6, which addresses the traffic volume-to-capacity ratios on area freeways and local streets that are part of the Congestion Management Program road network.

I-335 Marcus Holder

COMMENT

which serves a wide area.
Congestion in this area will affect the entire I80/980/580/880 and Bay Bridge Corridor.

I-335-5

Economic and Infrastructure Impact on the Port of Oakland problems, concerns and questions must be studied and addressed.
Destruction of Howard Terminal will reduce the Port of Oakland freight capacity likely by at least 10-15%? How much must be assessed. What impact will it have present and future Port capacity?
Capacity for new larger ships with constraints on the turning basin directly adjacent to the project area.
As well as safety concerns with the turning basin.
The future use of direct on dock rail and direct rail links from the Port. Direct rail is a big part of why L.A. port is so heavily used. Rail and especially direct rail is better economically and environmentally.
What impact would the Port of Oakland stadium site have on future direct dock to rail?
These are only a few of the questions that need to be addresed about the Port.

I-335-6

Safety problems, concerns and questions must be studied and addressed.
In particular related to interface of large numbers of pedestrians and vehicles with active rail road tracks directly adjacent to the site and as they run through the entire area.

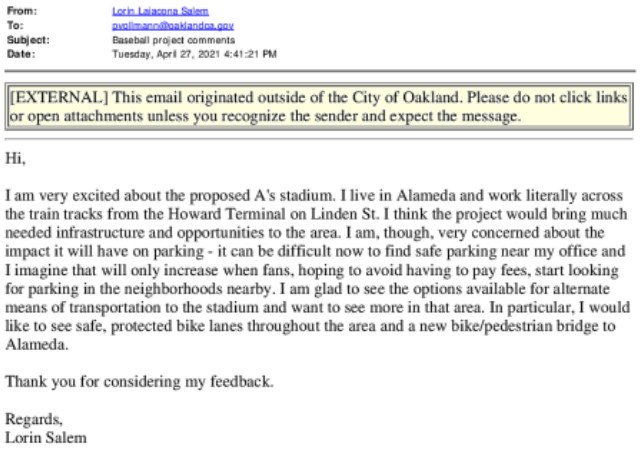
RESPONSE

I-335-5 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-335-6 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-336 Lorin Salem

COMMENT



From: Lorin Laiacona Salem
To: pwillmann@oaklandca.gov
Subject: Baseball project comments
Date: Tuesday, April 27, 2021 4:41:21 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

I-336-1 I am very excited about the proposed A's stadium. I live in Alameda and work literally across the train tracks from the Howard Terminal on Linden St. I think the project would bring much needed infrastructure and opportunities to the area. I am, though, very concerned about the impact it will have on parking - it can be difficult now to find safe parking near my office and I imagine that will only increase when fans, hoping to avoid having to pay fees, start looking for parking in the neighborhoods nearby. I am glad to see the options available for alternate means of transportation to the stadium and want to see more in that area. In particular, I would like to see safe, protected bike lanes throughout the area and a new bike/pedestrian bridge to Alameda.

I-336-2

Thank you for considering my feedback.

Regards,
Lorin Salem

RESPONSE

I-336-1 See Consolidated Response 4.7, *Parking*.

I-336-2 See Response to Comment I-309-1.

I-337 Scott Barry

COMMENT

I-337-1

From: Scott Barry
To: Lake, Betsy
Subject: Howard Terminal Stadium Vote- BEFORE SUMMER RECESS!
Date: Friday, April 23, 2021 10:30:40 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello,
I am reaching out on behalf of all excited A's fans in Oakland and throughout the Bay Area to encourage the Oakland City Council to vote (YES!) on the Howard Terminal Stadium project before Summer recess!

The Howard Terminal project is vital to the City of Oakland and will provide a plethora of life-changing improvements for its residents including new parks and open space, cleaner air quality, housing, and jobs. Perhaps most importantly, it will serve as a symbol of pride. Let's make this happen!

LET'S GO OAKLAND!

image.png

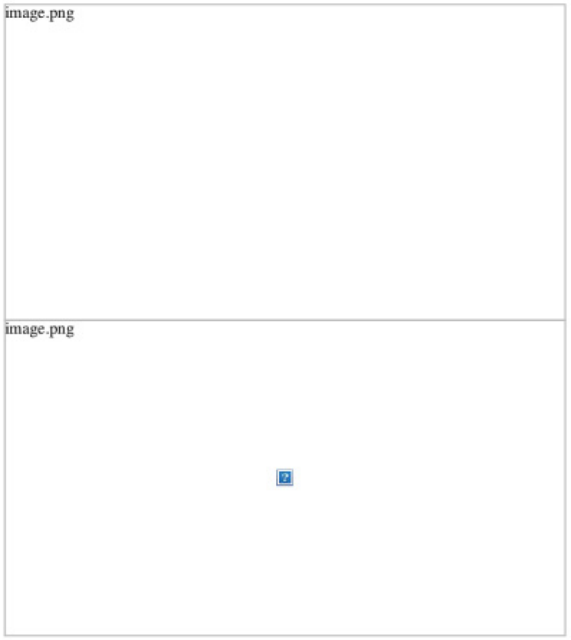
RESPONSE

I-337-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-337 Scott Barry

COMMENT

RESPONSE



I-338 Nancy Nadel

COMMENT

RESPONSE

From: Eve, Saundra, on behalf of City Administrator"s Office
To: Reiskin, Edward
Cc: Lake, Betsy; Simmons, LaTonda; Luna, Richard
Subject: FW: Howard Terminal
Date: Wednesday, April 28, 2021 8:33:56 PM

FYI.....

From: Harvey, Camille
Sent: Wednesday, April 28, 2021 3:15 PM
To: DL - City Council <council@oaklandca.gov>; DL - Mayor's Staff <mayorstaff@oaklandca.gov>; City Administrator's Office <CityAdministratorsOffice@oaklandca.gov>
Subject: FW:

Good afternoon,

Please see the email we received regarding the EIR for the Howard Terminal.

Thanks,
Camille Harvey, MBA, MA
Executive Assistant to Asha Reed, City Clerk
Office of the City Clerk

From: Nancy Nadel [mailto:nnadel@gmail.com]
Sent: Tuesday, April 27, 2021 4:01 PM
To: City Clerk <CityClerk@oaklandca.gov>
Subject:

Nancy

---------- Forwarded message ---------
To: <nnadel@gmail.com>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

City of Oakland Planning Commission Public Hearing
Re: Environmental Impact Report for proposed ballpark at Howard Terminal

My name is Nancy Nadel. I live in West Oakland. I am writing because I oppose the the proposed development at Howard Terminal for the A's stadium.

The EIR is too long and complicated for the average person to review and understand in

I-338 Nancy Nadel

COMMENT

I-338-1

the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.

The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.

I-338-2

Traffic and pedestrians:
The project will bring way more people to West Oakland, downtown and Chinatown. The Embarcadero West Is already dangerous to pedestrians. There was no analysis of the impact of traffic on Chinatown.
It has been proven that the Coliseum site can handle the traffic and it's proximity to the BART makes it the best location. The Coliseum is a viable solution which should be an option in the analysis.

I-338-3

Air pollution:
The air pollution is already terrible in West Oakland with high levels of asthma in our youth. Increased traffic will make it worse. There are no mitigations that can decrease air pollution to reasonable levels.

I-338-4

Gentrification and Homelessness:
Anyone with working eyesight can see the huge numbers of unhoused people in the streets in West Oakland and yet there is no proposal for affordable housing or anything that will address this dire life and death issue. The project will make economic inequities worse. The DEIR doesn't analyze impacts of displacement and gentrification.The analysis needs to be re-done and the DEIR recirculated.

Our neighborhoods deserve better. No project is worth worsening our inequities in Oakland.

RESPONSE

I-338-1 See Response to Comment I-310-2. The Draft EIR was circulated for public review for a period of 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and was provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27, 2021.

I-338-2 See Response to Comment I-309-1.

Collectively, these mitigation measures represent the transportation plan to support the ballpark events. A draft Transportation Management Plan (TMP) that incorporates all of the above-mentioned mitigation measures is provided in Draft EIR Appendix TRA.1. The TMP includes elements on: ballpark travel management strategies; transit; pedestrian; bicycle; personal automobiles and parking management; ridesourcing and taxis; at-grade rail crossings; pre- and post-event management; curb management; freight; emergency vehicles; communication; and monitoring, refinement, and performance.

The TMP outlines improvements and operational strategies to optimize access to and from the ballpark within the constraints inherent in a large public event, while minimizing disruption to existing land uses and communities. The TMP considers the travel characteristics of ballpark attendees, workers, and all other visitors to the ballpark site. Its primary goal is to ensure safe and efficient access for all people traveling to and from the site, with a focus on promoting pedestrian, bicycle, and transit access, thereby reducing vehicular impacts to the site and surrounding neighborhoods.

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-338-3 The City acknowledges that West Oakland is a community disproportionately affected by air pollution. Draft EIR pp. 4.2-9 through 4.2-11 discuss the existing air quality setting and the high existing community health risks.

The Project would reduce vehicle trips through the Transportation Management Plan (TMP) and Transportation Demand Management (TDM)

I-338 Nancy Nadel

COMMENT

RESPONSE

program, as required by AB 734 and Mitigation Measures TRANS-1a and TRANS-2b (see Draft EIR pp. 4.15-183 and 4.15-193). The air quality and GHG benefits from implementation of these measures are quantified in Section 4.2, *Air Quality*, and Section 4.7, *Greenhouse Gas Emissions*. In addition, Mitigation Measures TRANS-1c, TRANS-1d and TRANS-1e include City requirements to improve the transit and pedestrian facilities in the area.

The Draft EIR does find significant and unavoidable air quality impacts for Impacts AIR-1, AIR-2, AIR-1.CU, and AIR-2.CU. These impacts would be reduced to the maximum extent feasible as required by CEQA through a number of air quality mitigation measures, including Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR 4b, AIR-2b, AIR-1.CU, and AIR-2.CU. These impacts would also be mitigated through transportation Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits.

See also Responses to Comments A-7-51, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.

I-338-4 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-339 Brent Bucknum

COMMENT

RESPONSE

From: Brent Bucknum
To: pvollmann@oaklandca.gov
Subject: EIR comments
Date: Tuesday, April 27, 2021 5:05:29 PM
Attachments: Oakland_As_EIR_Comments.pdf

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Paul,

Please see my comments for Oakland A's EIR.

thank you,

Brent Bucknum

I-339 Brent Bucknum

COMMENT

April 27th 2021

To:

Mr. Peterson Vollmann
Planner IV
City of Oakland
Planning & Building Department
pvollmann@oaklandca.gov

Re: Public Comment on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project

Dear Mr Vollman,

I-339-1 My name is Brent Bucknum and I am an Oakland Resident. I am writing from not only the perspective of a citizen, who has a personal interest in developing the best infrastructure for my community, but also as a professional with a technical background in design and planning healthy, equitable urban green infrastructure. I run an Oakland based environmental engineering firm that focuses on addressing adverse environmental health impacts in environmental justice communities like my own as well as others across the country.

I-339-2 Before reading the EIR, there appeared to be both positive as well as negative potential impacts of the proposed project. On a socioeconomic level, a core negative impact included the disinvestment from East Oakland, a part of our community that needs more investment, not less, to begin to bring some economic equity. Additionally there are numerous transportation related challenges with the Howard Terminal site. The first being what seems to be an intractable land use conflict with uncertain potential future shipping infrastructure demands that are hard to predict and might be better addressed with precautionary conservative use of that land. The other major issue was the lack of adequate transportation infrastructure in Jack London Square, which was already believed by many to be a core reason Jack London Square has still not been successful, with massive vacant commercial space, despite decades of investment. One of the core positive benefits of the project I saw was that it might be able to solve this achilles heel of Jack London, by creating critical mass and bringing significant infrastructure.

I-339-3 Now, after seeing the proposed development plans and reading the Draft Environmental Impact Report, it is even more difficult to support the project. The project team and city have seemed to miss the opportunity to include progressive infrastructure to connect Jack London, Downtown and West Oakland, that would not only better mitigate project impacts, but have major, auxiliary transit and socio economic benefits to those neighborhoods. Additionally, now that the project is significantly a commercial real estate development as opposed to public stadium amenity, it not only causes potentially significant gentrification of the West Oakland community, but also causes environmental impacts that would make the project at its full build out, have unavoidable significant impacts. This impact and trade off, is not an acceptable option legally under state law or politically for a community already impacted by a number of cumulative environmental justice impacts

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RESPONSE

I-339-1 As indicated on Draft EIR p. 3-16, any redevelopment of the Oakland Coliseum site is not part of the Project sponsor's application, and is therefore not part of the Project analyzed in the Draft EIR. Nonetheless, the potential for "urban decay" at the Coliseum site should the A's depart is considered in Section 7.3.2 of the Draft EIR. See Consolidated Response 4.14, *Environmental Justice*, and Consolidated Response 4.15, *Urban Decay*.

I-339-2 See Consolidated Response 4.5, *Truck Relocation*, regarding potential impacts from relocating land uses at Howard Terminal, and see Consolidated Response 4.4, *Port Operations and Land Use Compatibility,* regarding potential Project-related transportation impacts on the Port.

I-339-3 The decision makers will consider whether benefits of the Project outweigh the impacts as required by State CEQA Guidelines Section 15093 (Statement of Overriding Conditions). See Consolidated Response 4.14, *Environmental Justice*. See also Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

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I-339-3 also the lack of forward-thinking, progressive infrastructure design and stronger public-private partnerships to creatively mitigate these impacts.

We will be working with community groups and other stakeholders to vet the project from a more technical perspective and provide more detailed mitigation solutions and detail of more environmentally superior alternatives. Any alternative that increases community impacts, in particular to air pollution are not acceptable, especially considering the AB617 plan adopted by the city and county in 2019.

I-339-4

While option 4, the ballpark and hotel are considered the least impactful, environmentally superior alternative in the EIR, the Coliseum or other sites were likely, strategically, not considered, and if they had seriously been, and should be under a truly rigorous defensible EIR process, these locations would have likely been considered as more environmentally superior alternatives.

On a technical level I also wanted to address Policy CO-12.4, which the EIR references as a potential mitigation strategy.

Policy CO-12.4: Design of Development to Minimize Air Quality Impacts: Require that development projects be designed in a manner which reduces potential adverse air quality impacts. This may include: (a) ***the use of vegetation and landscaping to absorb carbon monoxide and to buffer sensitive receptors***

Within the mitigation solutions, While these vegetated buffers measures are proposed, it does not appear that adequate environment analysis and engineering has been done to justify it as a mitigation measure. They also don't provide any clear site specific analysis or modeling of their proposed impacts. With current state of the technology and best management practices in urban transit engineering air quality and vegetated buffers, the use of fluid dynamics is critical to understanding actual impacts, and is something we would expect in any major infrastructure project let alone an environment justice community.

I-339-5

I was responsible for sculpting the adaptoakland.org plan that laid out strategies and policies for implementing vegetated buffers for air quality. I also serve as a sub-committee member of the AB617 *Health & Living Buffers* steering committee, we are tasked with developing green infrastructure solutions to mitigate emissions and improve health in our community. I have also conducted vegetated buffer research with the BAAQMD, FHWA, NIH and NSF funding.

The goal of vegetative buffers is not to remove carbon monoxide, but rather PM2.5 broadly, which is currently known to be one of the greatest health impacts as well as VOC's which are an emerging pollution of concern regarding health.

Additionally vegetated buffers can not be blanketly proposed as a mitigation measure, but rather require detailed design guidelines, as well as engineering techniques such as fluid dynamics modelling to study, predict and optimize the potential beneficial and detrimental impacts of those buffers on the community. It does not appear the EIR team has utilized any of these industry standards or referenced national and local guidelines and masterplans. The EPA authored Vegetated Buffer Guidelines, that are not addressed in the

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RESPONSE

I-339-4 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*. As explained in Consolidated Response 4.10, the Draft EIR identified the Reduced Development Alternative as environmentally superior precisely because it would result in fewer long-term (operational) air pollutant emissions than any of the other build alternatives.

I-339-5 The comment is incorrect regarding the reference to OSCAR/Safety Policy CO-12.4 (Design of Development to Minimize Air Quality Impacts) as a potential mitigation strategy in the Draft EIR. Mitigation Measure LUP-1c is identified in the Draft EIR to mitigate a potential fundamental land use conflict with nearby or adjacent land uses due to air quality. Mitigation Measure LUP-1c would require the Project sponsor to develop detailed plans and specifications for buffering strategies to be used during Project development, including timing and phasing of implementation to precede on-site sensitive receptors.

Buffering strategies to be used on the Project site would be required to incorporate guidance contained in the California Air Resources Board's *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (2017)[25] and the U.S. Environmental Protection Agency's (USEPA's) *Recommendations for Constructing Roadside Vegetation Barriers to*

[25] CARB, 2017. *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*, April 2017.

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	Improve Near-Road Air Quality (2016).[26] The USEPA's *Best Practices for Reducing Near-Road Pollution Exposure at Schools* (2015), contains similar information to the documents listed above.[27] While the City appreciates the linked resource, it contains much of the same information contained in these guidance documents.

[26] U.S. EPA, 2016. Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality, July 2016.

[27] U.S. EPA, 2015. Best Practices for Reducing Near-Road Pollution Exposure at Schools, November 2015.

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plan.(https://www.epa.gov/sites/production/files/2015-10/documents/ochp_2015_near_road_pollution_booklet_v16_508.pdf)

I-339-6

Additionally, adaptoakland.org, a neighborhood specific masterplan to mitigate air pollution was also not addressed or referenced. Finally, while the study references data one air district monitoring station but none of the other high resolution air pollution data gathered by WOEIP and others, was not utilized to prioritize locations of current impacts let alone future ones, nor the modelling conducted by BAAQMD for the AB617 plan.

I-339-7

There do not appear to be any details of the mitigation measure as to where vegetated buffers are proposed on site, or in the surrounding impacted community and whether their size or location would be effective. While onsite buffers could project people in the hotel and condos, distributed buffers would be required to mitigate community particularly sensitive receptors from the distributed impact of transit and air quality. More industry standard analysis is critical to evaluate the benefits

Sincerely,

Brent Bucknum
Oakland Resident & Environmental Health Engineering Specialist

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RESPONSE

I-339-6 According to adaptoakland.org, "Adapt Oakland is a greening plan that identifies environmental hazards and pairs them with adaptation strategies to create a healthier, more sustainable urban environment." However, Adapt Oakland is not a master plan or specific plan developed by or adopted by the City. It is a third-party plan that has no land use planning authority within the city. Therefore, it is not a plan applicable to the Project and does not need to be discussed in the Draft EIR.

The Draft EIR does incorporate the Bay Area Air Quality Management District's (BAAQMD's) health risk monitoring and modeling data prepared for the West Oakland Community Action Plan (WOCAP) pursuant to AB 617. Impact AIR-2.CU, which evaluates whether the Project, combined with cumulative development and existing background toxic air contaminant (TAC) sources, would contribute to cumulative health risk impacts on sensitive receptors. This analysis uses BAAQMD's citywide health risk modeling data prepared for the WOCAP to determine the background cumulative cancer risk and concentrations of particulate matter 2.5 micrometers in diameter or less at all receptor locations in the modeling domain. These health risk data account for all existing background TAC sources and exposures near the Project site and within the larger West Oakland community. The methods for this analysis are explained on Draft EIR pp. 4.2-59 through 4.2-60, and the results are presented on Draft EIR pp. 4.2-146 through 4.2-153 and in Tables 4.2-22 through 4.2-25.

I-339-7 See Response to Comment I-339-5.

I-340 Carol Curtis

COMMENT

From: Richard Curtis
To: PVollmann@Oaklandca.gov
Subject: Re: DEIR Comment letter templates
Date: Tuesday, April 27, 2021 7:07:31 PM
Attachments: Howard Terminal Template Comment Letter .docx

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

On Wednesday, April 21, 2021, 03:00:39 PM PDT, Richard Curtis <carolteacup@sbcglobal.net> wrote:

I am forwarding this message for information on moving the Coliseum to West Oakland. There will be a planning meeting today at 3:00 pm. Also, there is a template attached for your response by April 27th. C

----- Forwarded Message -----
From: Derrick H. Muhammad <dhmuhammad@gmail.com>
To: carolteacup@sbcglobal.net <carolteacup@sbcglobal.net>
Sent: Wednesday, April 21, 2021, 08:27:30 AM PDT
Subject: Fwd: DEIR Comment letter templates

--------- Forwarded message ---------
From: **Melody Davis** <1melody.davis@gmail.com>
Date: Mon, Apr 19, 2021 at 1:38 PM
Subject: Fwd: DEIR Comment letter templates
T411@gmail.com>, Rabi'a Keeble <zairamyheart@yahoo.com>, Misha Kiyomura <mishajade@gmail.com>, <kiana.gums@gmail.com>, Kim-Shree Maufas <kimshreest@gmail.com>, Linton Johnson <linton@jeffandlinton.com>, <loricorrin@gmail.com>

Please read and send a letter. Thank you.

Good Evening Everyone,

I wanted to share with you the comment letter templates EOSA have drafted for West Oakland and East Oakland individuals and organizations.It is important that we drive attendance to the Planning Commission meeting this Wednesday at 3pm, which I'm sure we're already on top of, and the talking points were sent earlier this morning.

However, we also have less than two weeks now to submit official comment letters, and getting in a high number of "opposition" letters is very important as well. To make this easier for folks, EOSA has drafted templates that can be

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personalized and then submitted to the **official city council link here**. The letters can be personalized to focus on the issue most important to each individual or organization, or simply serve as an example for someone who wants to write their own, and they can upload or copy and paste their comments into the city council portal. Please share these letters with the groups and individuals you've been speaking with that are interested in pushing back against Howard Terminal and encourage them to submit letters as soon as possible. The deadline to submit comments for consideration is **April 27 at 4pm**.

If you need help with sharing the letters, how to submit them, etc. please let me know and I'll get you help.

Thank you everyone!! Sheryl Walton

I-340 Carol Curtis

COMMENT

April 27] 2021

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612
VIA EMAIL
PVollmann@oaklandca.gov

Re: Comments on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016)

Dear Mr. Vollmann:

I-340-1 I am a 76-year-old Oakland Native. I am writing to express serious concerns about the proposal to move the ballpark from East Oakland to West Oakland and the disregard for the residents who live in this part of Oakland. The Coliseum was built in 1964 on property that was seized by imminent domain. This community has invested millions of dollars in the building and upkeep of it. The City of Oakland has failed East Oakland once again by overlooking the economic impact this move will have on our community. Big business and the City Planning Commission have not considered nor included residents in this proposal. It is a Big Business venture against the lives of the people who live here. We have been presented with an inadequate DEIR for the Waterfront project to undermine the protests against a project that will impact both East and West Oakland negatively. The Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project (ER18-016). The DEIR does not provide enough information to inform the public about the potential impacts of the project. I am particularly

I-340-2 concerned that the DEIR doesn't specify if affordable housing will be built, doesn't describe how the toxic contamination at the site will be cleaned up, and doesn't provide information on how the project's air pollution impacts will be mitigated

I-340-3 The DEIR does not provide enough information about affordable housing at the project site. This project's potential impacts on housing prices and gentrification in the surrounding community are very worrying, and it is important for the project to include affordable housing. The DEIR mentions an affordable housing program in a footnote, but it doesn't actually describe what the program entails. The DEIR says that the program might include on-site affordable housing. How many of the 3,000 residential units will be set aside for affordable housing? The DEIR says that the program might include off-site affordable housing. Where exactly would this construction take place, and how many units would be built? The DEIR says that the program may just involve paying impact fees. Would the impact fees be used for local affordable housing, and if so when would it be built? The EIR should provide this information, so that the public can understand the full scope of the project and how it will impact the surrounding community.

RESPONSE

I-340-1 See Consolidated Response 4.10, Alternative 2: *The Off-Site (Coliseum Area) Alternative*, and Consolidated Response 4.15, *Urban Decay*.

I-340-2 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here.

I-340-3 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-340 Carol Curtis

COMMENT

I-340-4

I am also very concerned about toxic contamination at the site, particularly if affordable housing is going to be built on-site. The Howard Terminal site is currently so contaminated with toxic materials that it is illegal to build housing there. The DEIR states that the A's will work with the Department of Toxic Substances Control (DTSC) to clean up the site but does not provide specific information about how the site will be cleaned up, instead promising to create a plan after the City approves the DEIR. The DEIR claims that compliance with DTSC rules and regulations will ensure that the Howard Terminal site is properly cleaned up, but the A's recently sued DTSC for its failure to enforce environmental laws at the Schnitzer Steel facility adjacent to Howard Terminal—and they won that lawsuit. How can the public trust that DTSC's regulation will make the site safe for housing if the A's can't trust DTSC to regulate the neighboring property?

I-340-5

The DEIR states that the project will have significant and unavoidable impacts on air quality and will emit large amounts of greenhouse gases (GHG) but does not provide sufficient information on how these impacts will be mitigated. West Oakland has historically been and continues to be one of the most polluted areas in California, and residents face serious health challenges, including disproportionately higher rates of hospitalization from asthma and air pollution related diseases including cancer, heart disease, and stroke. The project will bring in even more toxic air pollution, along with significant greenhouse gas emissions. The DEIR plans to mitigate this pollution with a Criteria Pollutant Mitigation Plan and a GHG Reduction Plan, which will not be developed until after the city approves this EIR. The DEIR includes a list of mitigation measures that may be included in those plans, but the DEIR doesn't specify which mitigation measures will be included, nor does it provide information or calculations to demonstrate that those future plans will successfully reduce emissions. Even with the future air pollution mitigation plan, the DEIR says that the impacts on air quality will not be properly mitigated and will have significant impacts on the health of the community. The EIR cannot defer mitigation measures, and the A's must do more to reduce emissions and protect the health of the surrounding community

I-340-6

This DEIR does not address what the price of remediation for this move to Howard Terminal will be to the taxpayers of Oakland. We have already paid too much, refurbish the Coliseum site which will minimizes the concerns that we have about the environment and traffic.

Sincerely,

Carol Curtis

RESPONSE

I-340-4 See Response to Comment I-308-1 and Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*.

As explained in Section 4.8, *Hazards and Hazardous Materials,* under *Approach to Analysis*, the proposed Project would be regulated by the various laws, regulations, and policies summarized in Section 4.8.2, *Regulatory Setting*. Compliance by the Project with applicable federal, state, and local laws and regulations is assumed in this analysis, and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now.

The California Department of Toxic Substances Control would enforce applicable laws and regulations. Compliance with many of the laws and regulations is a condition of permit approval.

I-340-5 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for a discussion of mitigation measures, their effectiveness, and inclusion of "all feasible measures" for impacts that would be significant and unavoidable.

I-340-6 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-341 Allene Warren

COMMENT

April 24, 2021

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Ste. 2214
Oakland, CA 94612

RE: Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal

I-341-1

I am a longtime resident and taxpayer living in East Oakland. My concern is that the costs for building the stadium at Howard Terminal and the needed infrastructure improvements have not been fully disclosed. The A's have not provided details or a commitment to fund these improvements – the DEIR leaves that to **future** discussions
Without a full analysis of the economic impact on taxpayers like me, the City should not even consider this proposal.
The A's have led the community to believe that this waterfront development would be privately financed but in truth, the infrastructure improvements would cost upward of $250M that our Mayor has said would fall to the taxpayers to pay in addition to addressing the City's huge budget deficit. The A's must complete an economic study detailing a breakdown of public vs private costs in addition to this environmental report.

The answer to this non transparent proposal is to construct a new stadium on the current (infrastructure ready) Coliseum property.

As an Oakland resident, taxpayer, and A's fan, I urge you to reject the A's plan to build a stadium and luxury condos at Howard Terminal.

Thank you.

Allene L Warren

Allene L Warren

RESPONSE

I-341-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.