

Appendix NOP

Notice of Preparation



CITY OF OAKLAND

Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND WATERFRONT BALLPARK DISTRICT PROJECT

The City of Oakland's Bureau of Planning is preparing an Environmental Impact Report ("EIR") for the Oakland Waterfront Ballpark District Project ("Proposed Project") at Howard Terminal. The City is requesting comments on the scope and content of the EIR. A description of the Proposed Project and its location, together with a summary of the probable environmental effects that will be addressed in the EIR are included herein. Pursuant to California Environmental Quality Act Guidelines §15063(a), the City has **not** prepared an Initial Study.

The EIR for the Proposed Project is being prepared in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et. seq.) and the State CEQA Guidelines (Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, §§15000 et. seq.). The EIR for the Proposed Project is also being prepared under the new California Assembly Bill 734 judicial streamlining legislation (California Environmental Quality Act: Oakland Sports and Mixed-Use Project) that added new provisions to CEQA as Public Resources Code § 21168.6.7 for the Proposed Project. The 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. Pursuant to Guidelines §15082(a), upon deciding to prepare an EIR, the City as lead agency must issue a Notice of Preparation (NOP) to inform the Governor's Office of Planning and Research, trustee and responsible agencies, and the public of that decision.

The purpose of the NOP is to provide information describing the project and its potential environmental effects to those who may wish to comment regarding the scope and content of the information to be included in the EIR. Guideline §15082(b) states: "... [E]ach responsible and trustee agency and the Office of Planning and Research shall provide the lead agency with specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR. The response at a minimum shall identify: (A) The significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the Office of Planning and Research, will need to have explored in the Draft EIR; and (B) Whether the agency will be a responsible agency or trustee agency for the project." This notice is being sent to responsible or trustee agencies and other interested parties. Responsible and trustee agencies are those public agencies, besides the City of Oakland, that have a role in considering approval and/or carrying out the project. The City encourages responsible and trustee agencies and the Office of Planning and Research to provide this information to the City, so that the City can ensure that the Draft EIR meets the needs of those agencies. Once the Draft EIR is published, it will be sent to all responsible or trustee agencies and to others who respond to this NOP or who otherwise indicate that they would like to receive a copy. The Draft EIR will also be available for review at the City of Oakland at the address identified immediately below.

SUBMITTING COMMENTS IN RESPONSE TO THIS NOP: The City encourages comments to be submitted electronically via the following link: <http://comment-tracker.esassoc.com/tracker/oaklandsportseir/>. Comments that address the scope of the Draft EIR may also be directed in writing to: Peterson Vollmann, Planner IV, City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612, by hand

delivery or mail, by email to PVollmann@oaklandca.gov, or by fax to (510) 238-4730. Mr. Vollmann may be reached by phone at (510) 238-6167. Time limits mandated by State law require that the City must receive comments within 30 days after publication of this notice; however, the City will receive comments through January 7, 2019, 38 days after publication of this notice. Responses to the NOP must be received via the above web address, mailing or e-mail address or fax by 5:00 p.m. on **Monday, January 7, 2019**. Please reference Case File Number **ER18-016** in all correspondence. Comments and suggestions as to the appropriate scope of analysis in the EIR are invited from all interested parties and will be received at the EIR Scoping Meetings to be held before the City Planning Commission, as noticed below.

Commenters should focus comments on potential impacts of the Proposed Project on the physical environment. Commenters are encouraged to identify ways that potential adverse effects resulting from the Proposed Project might be minimized and to identify reasonable alternatives and mitigation measures to the Proposed Project.

EIR SCOPING MEETINGS:

The **City of Oakland Planning Commission** will conduct a public scoping meeting on the EIR for the Oakland Waterfront Ballpark District Project on **Wednesday December 19, 2018 at 6:00 p.m.** in the Council Chambers in **Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA.**

The **City of Oakland Landmarks Preservation Advisory Board** will conduct a public scoping meeting on the historic and cultural resource aspects of the Proposed Project on **Monday December 17, 2018 at 6:00 p.m.** in the Council Chambers, **Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA.**

PROJECT TITLE: Oakland Waterfront Ballpark District Project (Case File No. **ER18-016**)

PROJECT LOCATION: Approximately 55 acres that comprises the Charles P. Howard Terminal and adjacent parcels, located at the Port of Oakland along the Inner Harbor of the Oakland-Alameda Estuary (See Figure 1, Site Location). The site is bound generally by the Oakland Estuary Middle Harbor on the south; Jack London Square on the east; Union Pacific railroad tracks and the Embarcadero on the north; and the heavy metal recycling center, Schnitzer Steel, on the west (see Figure 2, Site Boundary and Context).

PROJECT SPONSOR: Oakland Athletics Investment Group, LLC d/b/a The Oakland Athletics

PROJECT SITE OWNERS: City of Oakland acting by and through the Port of Oakland, Dynegy Oakland, LLC, and PG&E

EXISTING CONDITIONS: Maritime support uses for short term tenants. Existing uses and activities include but are not limited to: truck parking, loaded and empty container storage and staging, and longshore training facilities. The Project Site was previously used as a maritime container terminal until 2014. Howard Terminal is designated as Berths 67 through 69 within the Port of Oakland. Berths 67 and 68 were constructed in the early 1980's, and Berth 69 was constructed in the mid 1990's. The site includes a marginal wharf structure approximately 75' wide. A below grade rock dike sits adjacent to the Oakland Inner Harbor as the site's shoreline. The remaining site is

understood to be on grade pavement. Four cranes are located on Howard Terminal that were used to load/unload ships when the area was an active shipping facility. Howard Terminal is currently used by short term tenants.

Existing regional access to the Project Site exists via both Interstate 880 and Interstate 980, with on-ramps to each within one mile of the Project Site. The Project Site is located about one mile, a 20- to 25-minute walk, from three BART stations including West Oakland, 12th Street Downtown, and Lake Merritt. Railroad tracks are adjacent to the north boundary of the Project Site and there are several at-grade crossings of the railroad tracks nearby, including two directly into the Project Site. There is an Amtrak / Capital Corridor train station about one-half mile from the Project Site, transit bus service is within one-quarter mile, and the Jack London Ferry Terminal is immediately adjacent to the east of the Project Site.

The City of Oakland, acting by and through the City Council, controls the General Plan designation of the Project Site, which currently has a land use designation of “General Industrial” and the “Industrial General (IG)” zoning designation. In addition, areas of Howard Terminal fronting the Oakland Estuary (to the south) are designated within the Bay Conservation and Development Commission (BCDC) jurisdiction and are State Public Trust lands.

The Project Site is included in the list of Hazardous Waste and Substances sites in the Department of Toxic Substances Control (DTSC) EnviroStor database, one of the lists meeting the “Cortese List” requirements (<http://www.calepa.ca.gov/sitecleanup/corteselist/>, accessed October 2018).

PROJECT DESCRIPTION: The Project Sponsor proposes to develop the Howard Terminal property with the following key initial plan elements:

- Demolish existing buildings on the Project Site, except the existing power plant and the existing container cranes, which may be retained;
- Address any hazardous materials that may be present on the Project Site;
- Construct:
 - 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
 - Approximately 2.27 million square feet of adjacent mixed use development, 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;
 - New and expanded utility infrastructure; and
 - New signage and lighting;
- Construct/provide improved access from the surrounding neighborhood and regional transportation networks, which could include, but may not be limited to:
 - an expanded shuttle and/or bus service (“rubber-tire trams”); and

- a new network of public streets and sidewalks that provide connectivity to and through the Project Site, and pathways that lead directly to the waterfront and related amenities.
- 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 (GHG) emissions; and
- Phase development of the Proposed Project, with a target completion date of Spring 2023 for construction of Phase 1, including the ballpark, associated infrastructure, and potentially some ancillary development.

The Proposed Project may also consider one or more variants or options, potentially including but not limited to:

- New elevated pedestrian connections over the railroad tracks and improvements to existing at-grade crossings;
- An aerial tram or gondola above Washington Street extending from downtown Oakland near 12th Street BART to Jack London Square;
- Development of a portion of an existing power plant and removal of adjacent tanks;
- Altered edge configuration of the existing wharf to enhance public views and provide additional boat access/active water uses; and/or
- Extension of Embarcadero West to Middle Harbor Road and a new ramp from the existing Adeline Street overpass for new direct access to the Project Site.

ANTICIPATED ENTITLEMENTS AND APPROVALS: Discretionary approvals required for development of the Proposed Project are anticipated to include, but may not be limited to, the following:

- City Council approval of amendments to the General Plan and Planning Code after recommendation by the Planning Commission;
- Board of Port Commissioners approval of project transactional documents (e.g. leases and conveyance agreements);
- All necessary development permits and entitlements from the City & the Port;
- Port and State Lands Commission approval of a Trust Settlement and Exchange Agreement addressing public trust issues affecting the Project Site; and
- Bay Conservation and Development Commission (BCDC) Major Permit and Amendment to the BCDC and Metropolitan Transportation Commission (MTC) Seaport Plan.

PROBABLE ENVIRONMENTAL EFFECTS AND PROPOSED SCOPE OF THE EIR: The EIR will analyze and disclose the direct and indirect potentially significant impacts that would result from construction and operation of the Proposed Project under Existing Plus Project and Cumulative conditions (Guidelines §§15126.2, 15130), in addition to other analysis scenarios that may be appropriate for the EIR. Where significant impacts are identified, the EIR will describe potentially feasible mitigation measures that could minimize significant adverse impacts (Guidelines §15126.4). It is anticipated that the Proposed Project may have environmental impacts on aesthetics, air quality, biological resources, cultural resources, hazards, land use, noise and vibration, population and housing, public services, public utilities, transportation and circulation, hydrology and water quality, and growth inducement. It is anticipated that the Proposed Project would have no impact or less-than-significant impacts on


agricultural and forestry resources. Nevertheless, the EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA and the CEQA Guidelines, including but not limited to the following:

- Aesthetics, Shadow and Wind (including Light, and Glare)
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural and Historic Resources (including Tribal Cultural Resources)
- Geology and Soils (including Geological and Seismic Hazards)
- Greenhouse Gas Emissions /Global Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise and Vibration
- Population and Housing (including Growth Inducement)
- Public Services (including Police Services, Fire Protection Services, Parks and Schools);
- Recreation
- Transportation and Circulation
- Public Utilities and Service Systems (including Energy Demand and Conservation)

The Draft EIR will evaluate cumulative impacts of the Proposed Project, including the effects of other past, present, and reasonably foreseeable projects in the vicinity (Guidelines §15130).

The Draft EIR will also identify and examine a range of reasonable alternatives to the Proposed Project, including, but not limited to, a No Project Alternative (Guidelines §15126.6) and an alternative site (e.g. the Oakland Coliseum site).

November 30, 2018
Case File Number: **ER18-016**

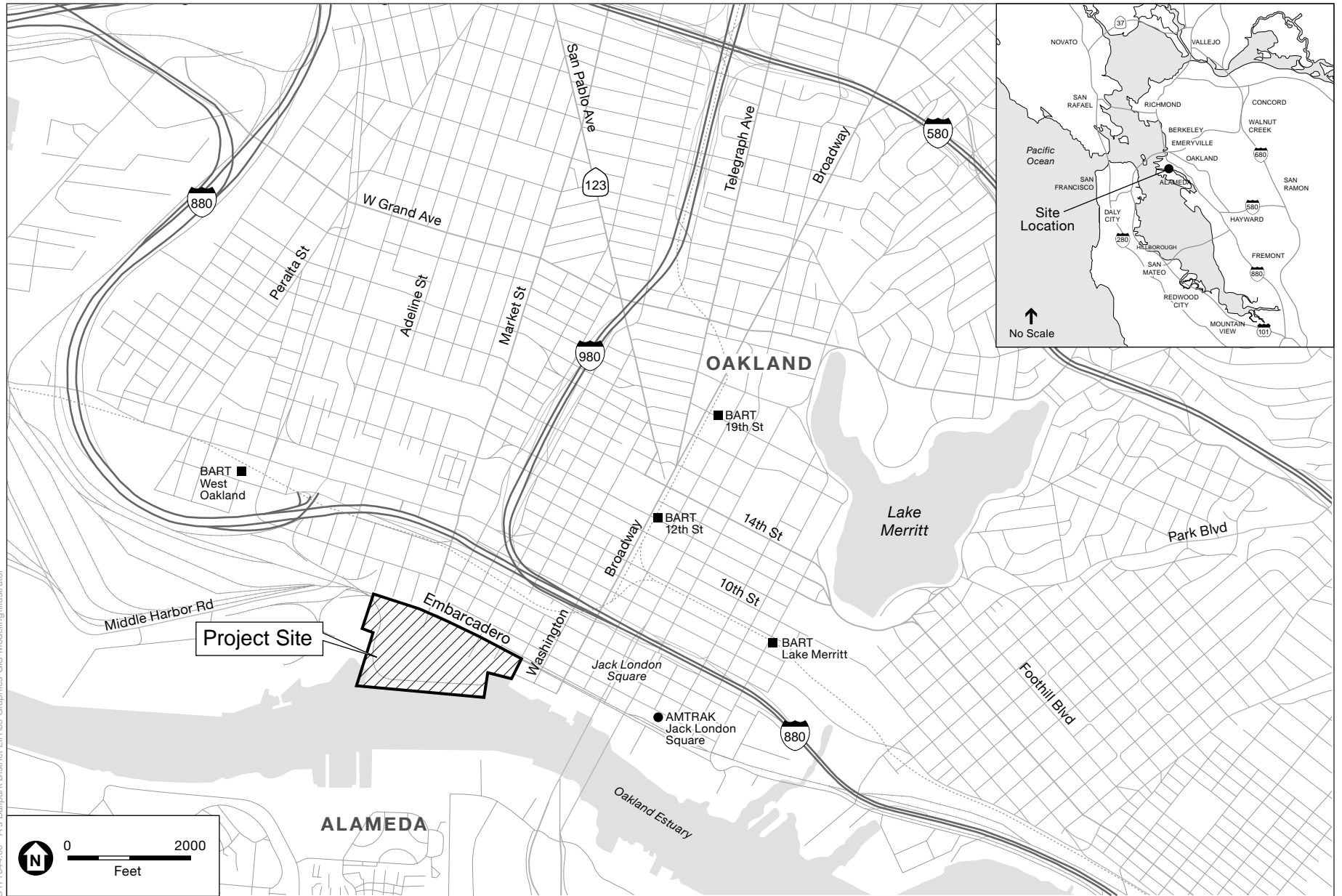


Ed Manasse, Bureau of Planning
Environmental Review Officer

Attachments:

- Figure 1, Project Location Map
- Figure 2, Site Boundary and Context

D:\71044.00 - A's Ballpark District EIR\05 Graphics-GIS-Modeling\Illustrator



SOURCE: ESA, 2018



Figure 1
Project Location



SOURCE: City of Oakland, Bureau of Planning

Figure 2
Site Boundary and Context

List of Commenters on the NOP for the Oakland Waterfront Ballpark District EIR

Agency

- 1 Alameda County Department of Environmental Health (ACDEH)
- 2 Alameda County Transportation Commission (Alameda CTC)
- 3 Alameda-Contra Costa Transit District (AC Transit)
- 4 Bay Area Air Quality Management District (BAAQMD)
- 5 Bay Area Rapid Transit District (BART)
- 6 California Department of Transportation (Caltrans)
- 7 California Public Utilities Commission (CPUC)
- 8 California State Lands Commission
- 9 Capitol Corridor Joint Powers Authority (CCJPA)
- 10 City of Alameda
- 11 East Bay Municipal Utility District (EBMUD)
- 12 Port of Oakland
- 13 San Francisco Bay Conservation and Development Commission (BCDC)
- 14 Water Emergency Transportation Authority (WETA)

Organization

- 15 Industry Coalition (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)
- 16 Oakland Heritage Alliance (1)
- 17 Oakland Heritage Alliance (2)
- 18 Pacific Maritime Association (PMA)
- 19 Pacific Merchant Shipping Association (PMSA)
- 20 San Francisco Bar Pilots Association
- 21 San Francisco Bay Trail Project
- 22 San Francisco Bay Area Water Trail
- 23 The American Waterways Operators (AWO)
- 24 Union Pacific Railroad Company (UPRR)

Individual

- | | |
|---------------------------|----------------|
| 25 Adam Bink | 39 Ray Kidd |
| 26 Allison Bliss | 40 Rod Borba |
| 27 Camille Holser | 41 Shannon Way |
| 28 Cyndy Johnsen | |
| 29 Fredrick Schermer | |
| 30 Gary Patton | |
| 31 Gregorio de Masi | |
| 32 Jolene Mattson | |
| 33 Lauren Westreich | |
| 34 Mercedes Rodriguez (1) | |
| 35 Mercedes Rodriguez (2) | |
| 36 Nikki Bas | |
| 37 Phoenix Armenta | |
| 38 Raphael Gilbert | |

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: Notice of Preparation (NOP) of a draft EIR for the Oakland Waterfront Ballpark District Project
Date: Friday, January 18, 2019 1:23:27 PM
Attachments: [Attachment 1 and GeoTrackerInstructions 2017-12-14.pdf](#)
[Attachement 2 LOP File Naming Convention.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: Khatri, Paresh, Env. Health [mailto:paresh.khatri@acgov.org]
Sent: Friday, January 18, 2019 1:11 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>; Browder, Ronald, Env. Health <ronald.browder@acgov.org>
Subject: RE: Notice of Preparation (NOP) of a draft EIR for the Oakland Waterfront Ballpark District Project

Hello Peterson,

My apologies, attached are the two Attachments referenced in the letter.

Sincerely,

Paresh Khatri

From: Vollmann, Peterson <PVollmann@oaklandca.gov>
Sent: Friday, January 18, 2019 11:12 AM
To: Khatri, Paresh, Env. Health <paresh.khatri@acgov.org>
Cc: Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>; Browder, Ronald, Env. Health <ronald.browder@acgov.org>
Subject: RE: Notice of Preparation (NOP) of a draft EIR for the Oakland Waterfront Ballpark District Project

Paresh-

The letter cites two attachments, which were not included in the pdf that was sent.

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: Khatri, Paresh, Env. Health [<mailto:paresh.khatri@acgov.org>]

Sent: Thursday, January 17, 2019 3:23 PM

To: Vollmann, Peterson <PVollmann@oaklandca.gov>

Cc: Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>; Browder, Ronald, Env. Health <ronald.browder@acgov.org>

Subject: Notice of Preparation (NOP) of a draft EIR for the Oakland Waterfront Ballpark District Project

Dear Mr. Vollmann:

Please find attached Alameda County Department of Environmental Health's comments in response to the Draft EIR.

Sincerely,

Paresh C Khatri
Supervising Hazardous Materials Specialist
Local Oversight & Site Cleanup Program Manager
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Ph: 510-777-2478

Fax: 510 -337-9335

<http://www.acgov.org/aceh/index.htm>

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January 17, 2019

Peterson Vollmann
Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project

Dear Mr. Vollmann:

Alameda County Department of Environmental Health's (ACDEH) Local Oversight Program is respectfully providing comments in response to the subject notice. There are several known open and closed environmental cleanup sites on and in the vicinity of the subject project. As such, residual contamination remains in the soil and groundwater at the environmental cleanup sites. Therefore, impacted soil and/or groundwater may be encountered during construction activities at the subject site. It is recommended that precautions are taken to ensure construction worker safety with the preparation of a construction soil and groundwater management plan. It is also recommended that a regulatory oversight agency is involved if contamination is suspected or encountered at the site.

Thank you for the opportunity to provide comment. Please feel free to contact me at (510) 777-2478 or paresh.khatri@acgov.org should you have any comments or concerns regarding this letter.

Sincerely,



Digitally signed by Paresh
C Khatri
Date: 2019.01.17 15:22:27
-08'00'

Paresh C. Khatri
Local Oversight & Site Cleanup Program Manager
Alameda County Department of Environmental Health

ENCLOSURES:

Attachment A Responsible Party(ies) Legal Requirements / Obligations
Attachment B File Names for Electronic Report

DISTRIBUTION LIST:

Ronald Browder, ACDEH, (Sent via electronic mail to: ronald.browder@acgov.org)
Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)
Electronic File

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: April 4, 2018
	PREVIOUS REVISIONS: April 4, 2018, July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	ISSUE DATE: June 16, 2006
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: File Names for Electronic Reports

Format: REPORT_NAME_R_YYYY-MM-DD
Ex: SWI_R_VOL1_2006-05-25

LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS	
Document Name	Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Entitlement	DEV_ENTITLE
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L

Fact Sheet	FACT_SHT
Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Acknowledgement Statement for Site Management Plan	SMP_ACK_L
Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R

Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury)	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R

**LOP and SLIC
ACEH OUTGOING LETTERS AND CASE FILE DOCUMENTATION**

Document Name	Abbreviation File Name= Abbreviation + Date (yyyy-mm-dd)
90 Day Letter	90D_L
CAP Approval	CAP_AP_L
RP Certification of Public Notice	CAP_CERT_L
CAP Public Participation Letter	CAP_PP_L
CAP Public Participation Letter to RP	CAP_PPRP_L
Certified Mail Receipt	CERT_MAIL_RECEIPT
Cleanup and Abatement Order	CAO_L
Closure Public Participation Letter	CL_PP_L
Closure Package (Letter, RACC, Summary, Deed Restriction)	CLOS_L
Correspondence	CORRES_L
Deed Restriction	DEED_L_ (Copied from CLOS_L_)
Directive Letter containing Public Notice and/or Landowner request form	DIR_PP_L
Directive Letter (Landowner form, site management requirements, well decommission scheduling prior to closure of PP, copy of PP to all RPs)	DIR_L
Enforcement	ENF_L
Enforcement Referral Letter	ENF_REF_L
Extension Approval Letter	EXT_AP_L
Extension Denial Letter	EXT_DNY_L
Fund Requests	FUND_REQ_L
Final Voluntary Remedial Action Agreement	FVRAA_date
GeoTracker info	GEOTRACK_R
Late Letter	LATE_L
List of Landowners Forms	LNDOWNR_F
Land Use Covenant	LUC_L
Mailing List for Public Notice in Excel Format	MAIL_PP
Maps & Assessor's Parcel Information	MAPS_ASSESSOR (no date)
Meeting Agenda, Minutes, Sign in Sheet	MEETING
Miscellaneous Letter	MISC_L
New Landowner Letters	LNDOWNR_REQ_L
Notice of Responsibility	NOR_L
Notice of Violation	NOV_L
Phone Log	PHONE_LOG
Photos	PHOTO
Post Closure Monitoring	PCMP_L
QA/QC Checklist (confidential)	QAC_report name_date
Responsible Parties Information	RPINFO_L_DATE OF THE LETTERHEAD

Returned Mail	RTN_MAIL_date
Site Visit/Inspection Report	SITEVISIT_R
Transfer Letter	TRANS_L
UST Permit	UST_PRMT
Voluntary Remedial Action Notice to State Agencies	VRA_NOTICE
Voluntary Remedial Action Request Form from RP	VREQ_F

From: [Vollmann, Peterson](#)
To: [Crescentia Brown](#); [Jillian Feyk-Miney](#); [Hillary Gitelman](#)
Subject: FW: Alameda CTC Response to the NOP for the Oakland Waterfront Ballpark District Project DEIR
Date: Friday, January 4, 2019 12:02:17 PM
Attachments: [AlaCTC Response to the NOP of a DEIR for the Oakland Waterfront Ballpark District Project.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: Christopher Marks [mailto:CMarks@alamedactc.org]
Sent: Friday, January 4, 2019 11:24 AM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Saravana Suthanthira <ssuthanthira@alamedactc.org>
Subject: Alameda CTC Response to the NOP for the Oakland Waterfront Ballpark District Project DEIR

Hi Peterson,

Please see Alameda CTC's comments on the NOP for the Oakland Waterfront Ballpark District Project DEIR attached to this email. Thank you for giving Alameda CTC an opportunity to provide these comments.

Best,
Chris G. Marks, Associate Transportation Planner
Alameda County Transportation Commission
1111 Broadway, Suite 800, Oakland, CA 94607
510.208.7453 direct dial | 510.208.7400 main line
Email: cmarks@alamedactc.org Website: www.alamedactc.org
Facebook: www.facebook.com/AlamedaCTC Twitter: [@AlamedaCTC](https://twitter.com/AlamedaCTC)

[MissionStmnt1](#)





December 28, 2018

Peterson Vollmann, **Planner IV**
City of Oakland Planning Bureau
250 Frank H Ogawa Plaza, Suite 2214
Oakland, CA 94612

SUBJECT: Response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project

Dear Mr. Vollmann,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project. The project site is located at the Port of Oakland along the Inner Harbor of the Oakland-Alameda Estuary. The site is approximately 55 acres, including the Charles P. Howard Terminal and adjacent parcels. It is bordered by Jack London Square to the East, the Oakland Estuary Middle Harbor to the South, Union Pacific railroad tracks and the Embarcadero to the North, and the Schnitzer Steel heavy metal recycling center to the West. The project site currently offers maritime support uses for short-term tenants, and was previously used as a maritime container terminal until 2014. The proposed project would demolish existing buildings on the site and build a new open-air Major League Baseball park with a capacity of approximately 35,000 people, up to 4,000 residential units, approximately 2.27 million square feet of adjacent mixed use development, a performance venue, a 300-400 room hotel, new and expanded utility infrastructure, and new signage and lighting. The proposed project would also construct or provide improved access from surrounding neighborhoods and regional transportation networks, potentially including expanded bus or shuttle service and a new network of public streets and sidewalks.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Basis for Congestion Management Program (CMP) Review

- The proposed project will generate at least 100 p.m. peak hour trips over existing conditions, and therefore the CMP Land Use Analysis Program requires the City to conduct a transportation impact analysis of the project. For information on the CMP, please visit: http://www.alamedactc.org/app_pages/view/5224

Use of Countywide Travel Demand Model

- The Alameda Countywide Travel Demand Model should be used for CMP Land Use Analysis purposes. The CMP requires local jurisdictions to conduct travel model runs themselves or through a consultant. The City of Oakland and the Alameda CTC signed a Countywide Model Agreement on May 28, 2008. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of

a sample letter agreement is available upon request. The most current version of the Alameda CTC Countywide Travel Demand Model was updated in June 2018 to be consistent with the assumptions of Plan Bay Area 2040.

Impacts

- The DEIR should address all potential impacts of the project on the Metropolitan Transportation System (MTS) and Congestion Management Program (CMP) roadway networks.
 - MTS roadway facilities in the project area include: I-880, I-980, SR-24, 7th Street, 8th Street, 11th Street, 12th Street, 14th Street, Middle Harbor Road, Market Street, Broadway, Embarcadero, the Webster Tube, and the Posey Tube.
 - For the purposes of CMP Land Use Analysis, the Highway Capacity Manual 2010 freeway and urban streets methodologies are the preferred methodologies to study vehicle delay impacts.
 - The Alameda CTC has not adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see Chapter 6 of the 2017 CMP for more information).
- This project should identify and coordinate with other significant improvement projects in the area (such as the Oakland-Alameda Access Project) sponsored by Alameda CTC that are already in advanced project development stages. These projects did not include the proposed project during the project development and impact analyses. An impact assessment and potential mitigation, as appropriate, should be included in the DEIR.
- The DEIR should address potential impacts of the project on Metropolitan Transportation System (MTS) transit operators.
 - MTS transit operators potentially affected by the project include: AC Transit, BART, and the San Francisco Bay Ferry. In addition, Capitol Corridor and Amtrak operate intercity passenger rail in the project area.
 - Transit impacts for consideration include the effects of project vehicle traffic on mixed flow transit operations, transit capacity, transit access/egress, need for future transit service, and consistency with adopted plans. See Appendix J of the 2017 CMP document for more details.
- The DEIR should consider impacts to freight and passenger rail safety and performance. The project site is located close to the Oakland Jack London rail station, active freight railyards, and the Port of Oakland.
- The DEIR should address potential impacts of the project to cyclists on the Countywide Bicycle Network.
 - Countywide bicycle facilities in the project area include: Planned extension of the East Bay Greenway and the Bay Trail
 - Impacts to consider on conditions for cyclists include effects of vehicle traffic on cyclist safety and performance, site development and roadway improvements, and consistency with adopted plans. See Appendix J of the 2017 CMP document for more details.

- **The DEIR should address potential impacts of the project to pedestrians in Pedestrian Plan Areas of Countywide Significance as defined by the Countywide Pedestrian Plan.**
 - **The Project overlaps with an Area of Countywide Pedestrian Significance:**
 - **The site is located within a ½ mile of a transit corridor**
 - **Proximity to the Oakland Central Business District**
 - **Impacts to consider on conditions for pedestrians include effects of vehicle traffic on pedestrian access and safety, site development and roadway improvements, and consistency with adopted plans. See Appendix J of the 2017 CMP document for more details.**

Mitigation Measures

- **Alameda CTC's policy regarding mitigation measures is that to be considered adequate they must be:**
 - **Adequate to sustain CMP roadway and transit service standards;**
 - **Fully funded; and**
 - **Consistent with project funding priorities established in the Capital Improvement Program of the CMP, the Countywide Transportation Plan (CTP), and the Regional Transportation Plan (RTP) or the Federal Transportation Improvement Program, if the agency relies on state or federal funds programmed by Alameda CTC.**
- **The DEIR should discuss the adequacy of proposed mitigation measure according to the criteria above. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and the effect on service standards if only the funded portions of these mitigation measures are built prior to Project completion. The DEIR should also address the issue of transit funding as a mitigation measure in the context of the Alameda CTC mitigation measure criteria discussed above.**
- **Jurisdictions are encouraged to discuss multimodal tradeoffs associated with mitigation measures that involve changes in roadway geometry, intersection control, or other changes to the transportation network. This analysis should identify impacts to automobiles, transit, bicyclists, and pedestrians. The HCM 2010 MMLOS methodology is encouraged as a tool to evaluate these tradeoffs, but project sponsors may use other methodologies as appropriate for particular contexts or types of mitigations.**
- **Given the size and significance of project in trip generation, the DEIR should consider using TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, shuttles, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Alameda CTC CMP Menu of TDM Measures and TDM Checklist may be useful during the review of the development proposal and analysis of TDM mitigation measures (See Appendices F and G of the 2017 CMP).**
- **The DEIR should identify impacts and propose mitigation measures related to freight and passenger rail services and the safety of vehicle, pedestrian, and bicycle traffic going in and out of the Port of Oakland and the Jack London Amtrak station due to the project site's proximity to the these facilities, and the overall complex traffic operations in the area.**

Peterson Vollmann
December 28, 2018
Page 4

Thank you for the opportunity to comment on this NOP. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner at (510) 208-7453, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Suthanthira", with a long horizontal flourish extending to the right.

Saravana Suthanthira
Principal Transportation Planner

cc: Chris G. Marks, Associate Transportation Planner

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: AC Transit comments on NOP for Ballpark District
Date: Monday, January 7, 2019 4:02:42 PM
Attachments: [Oakland Waterfront Ballpark District Project.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: Nathan Landau [mailto:NLandau@actransit.org]
Sent: Monday, January 7, 2019 3:21 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Claudia Burgos <cburgos@actransit.org>; Maryam Paracha <MParacha@actransit.org>; Robert Del Rosario <RDelRosa@actransit.org>
Subject: AC Transit comments on NOP for Ballpark District

Pete, please find attached AC Transit's comments on the Notice of Preparation for the Oakland Waterfront Ballpark District Project Environmental Impact Report. Thanks.

Nathan Landau



Alameda-Contra Costa Transit District

Michael Hursh, General Manager

January 7, 2019

Peterson Vollmann
Planner IV
Oakland Bureau of Planning
250 Frank Ogawa Plaza, Suite 2214
Oakland, CA 94612

Re: Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project

Dear Mr. Vollmann:

The Ballpark District Project

Thank you for the opportunity to comment on the City of Oakland's **Notice of Preparation of a Draft EIR for the Oakland Waterfront Ballpark District**. If built out as proposed, the 55 acre Ballpark District would represent a major addition to the Jack London Square area and Downtown Oakland. The Ballpark District would not only include a 35,000 seat baseball park but also up to 4,000 residential units, some 2,270,000 square feet of commercial space (with thousands of potential employees), a performance venue with capacity of up to 3,500, and a 300-400 room hotel. The specific locations of these facilities within the overall Howard Terminal site are not identified in the NOP.

AC Transit has long supported transit-oriented development. The Ballpark District could constitute the largest single transit-oriented development project in Oakland's history. It could reclaim a site which is only minimally used today. AC Transit is prepared to work with the City of Oakland and the *Oakland Athletics* organization as they advance planning for the Ballpark. There are significant transportation and traffic challenges brought on by the ballpark. We look forward to be included in resolving these challenges.

AC Transit operates bus transit services throughout Oakland and surrounding cities. Today the Ballpark District is served by only three bus lines, lines 72, 72M and 72R. The current level of bus service would not be adequate for a development of the magnitude proposed here and the expected game day crowds. Achieving positive TOD outcomes in the Ballpark District will require an integrated program of transit, pedestrian, roadway, and urban design improvements. The EIR should lay out how this program will be designed, funded, managed, and constructed.

AC Transit's Concerns about the Project

AC Transit has three broad concerns about a project of this magnitude in this location.

- The transit and transportation needs of the area, including game attendees, employees, residents, hotel guests, or others must be met by means other than private automobiles.
- The existing bus network is not capable of transporting game day-sized crowds efficiently.
- The impact of new automobile trips on the existing bus transit system must be reported in the EIR and steps taken to minimize the impacts.

Mode Split

The EIR must estimate the number of car and transit trips made by attendees at the ballpark, the performance venue, and surrounding areas. The EIR should place emphasis on assessing how to create and support high capacity modes of transit to the site. Given the potential for increased traffic-related delays to transit service, the EIR should also include intersection level operational analysis in these areas.

The 12th Street/City Center BART station, followed by West Oakland and Lake Merit stations will presumably be the most important transit hubs for visitors coming from outside Downtown Oakland. Smaller numbers of visitors would likely use the ferry terminal and the Amtrak station. On game days, transit must be able to move thousands of people from the BART stations to the ballpark. However, even on non-game days, there could be substantial travel demand from residents, workers, hotel guests, and other visitors. The EIR should project these travel volumes and estimate the split between different modes of transportation. The EIR should also anticipate how needed transportation network improvements, including public transit will be funded.

Transit Facilities Needed

Handling large volumes of visitors will require high capacity surface transit facilities connecting the 12th Street BART station to the ballpark site. These facilities are needed both to transport baseball fans and others to the area and to protect existing bus operations. New bus facilities will be needed at the 12th Street BART station, along the route, and at the ballpark.

- **12th Street BART Station Bus Improvements:** New or expanded bus stops and layover zones will be needed at or near 12th Street and Broadway. These should be designed and operated to be convenient to passengers transferring between BART and awaiting buses. The start times of weekday evening home games mean that fans will be arriving during already busy afternoon peak periods.
- **Broadway Bus Lanes:** A dedicated lane along Broadway would serve both ballpark and other bus trips. A dedicated bus lane on Broadway from 12th Street to the Ballpark will allow buses to make this trip quickly and efficiently, maximizing the number of trips between the site and the BART station. Broadway from 7th Street to 20th Street is the most important transit spine in the East Bay. During peak hours here there are approximately 30 bus trips per hour per direction, or a total of one per minute.

- **Stadium Bus Passenger Facilities:** Passenger loading and bus layover facilities will also be needed at the ballpark end. While AC Transit generally stops curbside, an off-street terminal may be required to handle a large number of waiting passengers and the high volume of bus trips serving the ballpark.
- **New Bus Routes:** The City should work with AC Transit to develop and fund potential routes which can serve both the ballpark and other area destinations.

Avoiding Auto Dependence

As reflected in the City of Oakland's planning policies, it is not desirable to rely on the private car or Transportation Network Companies to bring in most visitors to the Ballpark District. Today, with almost no development on the site, the roadway system, especially Interstate 880, is already congested. High levels of parking would not only consume valuable land, but would also induce excessive auto trips—an issue the EIR should analyze. The EIR should also analyze and propose demand-based parking pricing, given the large variations in parking pricing likely under this proposal. The EIR should also discuss the need for wayfinding for multiple modes – pedestrians, (including those with mobility impairments), transit passengers, and drivers – both to efficiently guide travelers and to discourage excessive numbers of automobile trips.

AC Transit looks forward to working with the City, the Oakland A's and others to develop transit-oriented solutions for the Ballpark District. Best practices for stadium development put those stadia in city cores with lively districts and not with acres of parking surrounding them. We are excited to see this happen in Oakland.

Sincerely,



Michael Hursh
General Manager

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: Oakland Waterfront Ballpark District Project Comment Letter
Date: Monday, January 7, 2019 4:05:59 PM
Attachments: [NOP Howard Terminal Letter - BAAQMD.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: Areana Flores [mailto:aflores@baaqmd.gov]
Sent: Monday, January 7, 2019 4:04 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Henry Hilken <HHilken@baaqmd.gov>
Subject: Oakland Waterfront Ballpark District Project Comment Letter

Good afternoon Mr. Vollmann,

Attached is a comment letter for the NOP of a DEIR for the Oakland Waterfront Ballpark District Project at Howard Terminal. For any questions regarding this letter, please contact Areana Flores, Environmental Planner, at (415)749-4616 or by email at aflores@baaqmd.gov

Thank you,



Areana Flores | Environmental Planner
Bay Area Air Quality Management District
375 Beale St, Suite 600 | San Francisco, CA 94105
Phone: 415.749.4616 | aflores@baaqmd.gov



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

January 7, 2019

Peterson Vollmann
Planner IV
City of Oakland
Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94612

RE: Oakland Waterfront Ballpark District – Notice of Preparation of a Draft Environmental Impact Report

Dear Peterson Vollmann,

The Bay Area Air Quality Management District (Air District) staff has reviewed the Notice of Preparation (NOP) for the Oakland Waterfront Ballpark District (Project) Draft Environmental Impact Report (DEIR). The proposed Project could result in significant regional & local air quality impacts in the San Francisco Bay Area Air Basin and the West Oakland Community, a community identified by the Air District's Community Air Risk Evaluation (CARE) program and Assembly Bill (AB) 617 as disproportionately impacted by air pollution.

Air District staff recommends the DEIR include the following information and analysis:

1. The DEIR should provide background information on the Bay Area Air Basin's attainment status for all criteria pollutants and the implications for the region if these standards are not attained or maintained by statutory deadlines. In addition, the DEIR should provide background information regarding existing sources of air pollution and air pollution concentrations in the West Oakland Community. The DEIR should include a discussion of the health effects of exposure to air pollution in general and the existing health impacts occurring in the West Oakland Community specifically.
2. As identified by the Air District's CARE program and AB 617, the West Oakland Community is currently cumulatively impacted with air pollution, which makes any additional air pollution from this Project a potentially significant localized impact. The project should use a no net increase of any air pollutant as the significance threshold to base impacts and mitigation requirements.
3. The Project may require Air District permits for demolitions/renovations, internal combustion engines > 50 horsepower, boilers, and other stationary equipment that may cause air pollution. The DEIR should disclose all potential stationary sources of air pollution and disclose daily and annual emissions from these sources. The following type of permits may be required:

ALAMEDA COUNTY
John J. Bauters
Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY
John Gioia
David Hudson
(Chair)
Karen Mitchoff
Mark Ross

MARIN COUNTY
Katie Rice
(Vice Chair)

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Rafael Mandelman
Hillary Ronen
Tyrone Jue
(SF Mayor's Appointee)

SAN MATEO COUNTY
David Canepa
Carole Groom
Doug Kim

SANTA CLARA COUNTY
Margaret Abe-Koga
Cindy Chavez
Liz Kniss
Rod G. Sinks
(Secretary)

SOLANO COUNTY
James Sperring
Lori Wilson

SONOMA COUNTY
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



-
- a. Asbestos J-Number Permit: Issued for demolitions and renovations of buildings and structures that may contain asbestos. To apply online use the following link <http://www.baaqmd.gov/permits/asbestos>.
 - b. Authority to Construct: Issued before construction and after Air District engineers review project to ensure it will comply with air quality laws. To apply online use the following link <http://www.baaqmd.gov/permits/apply-for-a-permit>
 - c. Authority to Operate: Issued after project is built and compliance is demonstrated. Must be renewed annually. To apply online use the following link <http://www.baaqmd.gov/permits/apply-for-a-permit>
4. The DEIR should list the Air District as a responsible agency with permitting approval required for stationary sources of air pollution.
 5. The DEIR should quantify the Project's potential construction and operational emissions from all sources, including restaurants and food vendors, for ozone precursors, particulate matter, toxic air contaminants, and greenhouse gases. The Air District's CEQA Guidelines (May 2017) provide guidance on how to evaluate project alone and cumulative air quality impacts. The GHG impact analysis should include an evaluation of the Project's consistency with the California Air Resources Board 2017 Scoping Plan and State and Air District climate stabilization goals for 2050. Please be advised that the Air District is in the process of updating the CEQA guidelines/thresholds. You may download a copy of the CEQA Guidelines from the Air District's website <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>.
 6. The DEIR should estimate and evaluate the potential health risk to existing and future sensitive populations within the Project area from toxic air contaminants (TAC) and fine particulate matter (PM_{2.5}) as a result of the Project's construction and operation. Air District staff recommends that the DEIR include a cumulative site-specific health risk assessment that includes all stationary and mobile sources from this project and the existing sources within the West Oakland Community, including the Port of Oakland. We encourage consultants and lead project managers to meet with Air District staff prior to conducting the health risk assessment to discuss the methodology and assumptions that should be included in the assessment.
 7. The DEIR should include a description of the cleanup/remediation that has occurred at the Project Site, including the nature of the contamination, and any remaining site cleanup/remediation. The emissions associated with the remediation should be included in the cumulative health risk assessment and emission estimates associated with this project.
 8. The DEIR should evaluate all feasible mitigation measures, both onsite and offsite, for all potentially significant air quality and GHG impacts identified in the DEIR. The DEIR should prioritize onsite mitigation measures, followed by offsite mitigation measures within the West Oakland Community and near the proposed Project. Examples of potential emission reduction measures that should be evaluated and considered include, but are not limited to:

-
- Implementing green infrastructure in the West Oakland Community and fossil fuel alternatives in the development and operation of the Project, such as solar photovoltaic (PV) panels, electric heat pump water heaters, and solar PV back-up generators with battery storage capacity.
 - Implementing a zero-waste program consistent with SB 1383 organic waste disposal reduction targets including the recovery of edible food for human consumption.
 - Prohibiting the use of diesel fuel on-site, consistent with the Air District's Diesel Free By '33 initiative (<http://dieselfree33.baaqmd.gov/>)
 - Develop an offsite mitigation program in collaboration with the City of Oakland and Port of Oakland to eliminate the use of diesel fuel at the Oakland Army Base and Port of Oakland.
 - Providing funding for zero emission transportation projects in the West Oakland Community, including a neighborhood electric vehicle program, community shuttle/van services and car sharing, and enhancement of active transportation initiatives, among others.
 - Create an on-going community engagement process through a Community Benefits Agreement (CBA) with the West Oakland Community to develop an enforceable mitigation plan that includes long term resilience measures, climate justice and adaptation plans, funding, and other resources to ensure measurable and tractable improvements to air quality in the community.
9. The DEIR alternative analysis should include analysis of a project site outside of an AB 617 community.
 10. The DEIR should evaluate the Project's consistency with the Air District's 2017 Clean Air Plan (2017 CAP). The DEIR should provide a table that lists relevant 2017 CAP measures to the Project in one column and the Project's consistency with the measures in the second column. The 2017 CAP can be found on the Air District's website <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.
 11. The DEIR should evaluate the Project's consistency with the City of Oakland's West Oakland Specific Plan and Climate Action Plan.
 12. The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing project alone and cumulative air quality impacts. These tools include guidance on quantifying local emissions and exposure impacts. View and download tools at <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.
 13. The DEIR should include all appendices or technical documents relating to the air quality, toxic air contaminant and GHG analysis, such as emissions assessment calculation and the health risk assessment files. Without all the supporting air quality documentation, Air District staff may be unable to review the air quality and GHG analyses.

We encourage the City of Oakland, applicant and DEIR consultants to meet with Air District staff to discuss the air quality analysis during the environmental review process. If you have any questions regarding these comments, or would like to schedule a meeting, please contact Areana Flores, Environmental Planner, at (415) 749-4616, or aflores@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Director John J. Bauters
BAAQMD Director Pauline Russo Cutter
BAAQMD Director Scott Haggerty
BAAQMD Director Nate Miley
WOEIP Ms. Margaret Gordon
WOEIP Brian Beveridge

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: BART Letter of Comment on Notice of Preparation (NOP) for the Oakland Waterfront Ballpark District Project
Date: Monday, January 7, 2019 4:55:12 PM
Attachments: [BART Letter of Comment - NOP Oakland Waterfront Ballpark District.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: Charlie Ream [mailto:Charlie.Ream@bart.gov]
Sent: Monday, January 7, 2019 4:53 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Val Menotti <vmenott@bart.gov>
Subject: BART Letter of Comment on Notice of Preparation (NOP) for the Oakland Waterfront Ballpark District Project

Hello Peterson, please find attached a comment letter from BART for the Howard Terminal development. Please keep me posted on key milestones in the environmental process for this project.

Have a nice day,

Charlie Ream, Senior Planner
BART Planning, Development & Construction
510-464-6178 (office) 510-507-8708 (cell)
charlie.ream@bart.gov



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2019

January 7, 2019

Bevan Duffy
PRESIDENT

Rebecca Saltzman
VICE PRESIDENT

Grace Crunican
GENERAL MANAGER

Peterson Vollmann
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

RE: Letter of Comment on Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project

DIRECTORS

Deborah Allen
1ST DISTRICT

Mark Foley
2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn, Ph.D.
4TH DISTRICT

John McPartland
5TH DISTRICT

Elizabeth Ames
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Duffy
9TH DISTRICT

Dear Mr. Vollmann,

The San Francisco Bay Area Rapid Transit District (BART) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project. As a key regional transportation provider to the area, BART looks forward to working closely with the City of Oakland on this exciting Project.

BART's Strategic Plan Vision is to support a sustainable and prosperous Bay Area by connecting communities with seamless mobility. BART supports the goal of the Oakland Waterfront Ballpark District to create a vibrant community of housing, jobs, and special event programming within proximity to high-quality transit. The Howard Terminal site is approximately 1-mile walking distance to 3 BART Stations – West Oakland, 12th Street/Oakland City Center, and Lake Merritt. Incentivizing transit travel to the stadium and establishing seamless transit connections to the site will lower the demand for single-occupancy vehicle trips, allow for the construction of fewer parking spaces, reduce the impact on surface transit routes, and allow more people to access the stadium via low-emission public transportation. Below is a list of comments and potential transit mitigation measures for the new ballpark and waterfront development at Howard Terminal to consider as the environmental process progresses:

TRANSIT DEMAND MANAGEMENT

- **Reduced or free BART fares for stadium event attendees:** The cost of parking is high at a stadium. However, when split amongst several people, parking costs can be on par with paying for BART passes for a family or larger group. BART is open to discussing options for electronic ticketing options that could offer free or reduced BART passes to people who take BART to and from games.
- **Limit the construction of new parking facilities:** The amount of parking provided by this development will determine a great deal about how the stadium, the 4000 units of proposed housing, and the 2M+ square feet of office space will interact with the surrounding city. The environmental impact report should clearly discuss the tradeoffs inherent in proposing large amounts of parking. BART is in support of low parking ratios for residential and commercial uses to encourage people to take transit, walk, or bike to their destination rather than drive and park a single-occupancy vehicle.
- **Incentives for spreading travel demand:** Baseball games and other stadium events have the potential to create a concentrated demand for transit service in the minutes leading up to first pitch and directly after the event. The stadium project

should investigate options for incentivizing people to stagger travel to and from games or events to spread out the demand for transit over a longer time.

STATION ACCESS

- **Improve pedestrian path from BART to new stadium site:** Safe and efficient connections to and from BART stations are essential to make it easy and desirable for Howard Terminal patrons, residents, and visitors to use BART.
- **Improve pedestrian path from 12th Street/City Center Station to new proposed gondola:** The gondola proposal is an interesting concept to move people from 12th Street/City Center BART to and from the Howard Terminal site. More study is needed to ensure that this gondola will meet the demand for people traveling to the stadium from 12th Street/City Center. If the gondola moves forward, improvements should be made to the pedestrian path of travel to the new facility to create a seamless transit connection to the stadium.
- **Signage, wayfinding:** For people taking BART to the Howard Terminal site, the pathway from the train doors to the stadium gates should be clear and recognizable to tourists and locals alike.

SYSTEM CAPACITY

- **Study BART capacity implications:** In general, BART seeks to increase and optimize ridership on the BART system (such as through attracting off-peak trip generators like a ballpark) through partnerships that foster transit-oriented development and improve access to the BART system. The DEIR for this Project should conduct a forecast of increased BART ridership related to the stadium and new development that includes expected ridership at each station and direction. The DEIR should also analyze project-specific and cumulative impacts on BART line haul capacity and service, station access, and station capacity. This is particularly important for the PM Peak period and post-event surge peaks.
- **Platform screen door or other platform capacity measures:** If the Howard Terminal stadium and development proposal moves forward, there is a need to forecast travel demand and crowding at 12th Street/City Center Station. Stadium events in the PM peak hour could increase the load on the platforms at 12th Street beyond acceptable levels, hampering the ability of BART to serve the needs of commuters and stadium-goers. BART is currently piloting a platform screen door retrofit on one platform edge at 12th Street which will increase platform capacity.

We welcome the opportunity to provide further input as more detailed designs for the Howard Terminal ballpark and development are developed. As the DEIR progresses, we recommend that the Oakland Athletics coordinate with all transit agencies that serve the Howard Terminal and Downtown Oakland to develop a transit plan that includes the input of all stakeholders, including Capital Corridor, AC Transit, San Francisco Bay Ferry, and others. We look forward to participating in the design and transportation planning elements as part of the CEQA process.

Sincerely,



Val Menotti
Chief Planning & Development Officer
BART Planning, Development & Construction

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: Caltrans comment letter for Oakland Waterfront Ballpark District - NOP
Date: Monday, January 14, 2019 2:16:19 PM
Attachments: [04-ALA-2018-00379 Oakland Waterfront Ballpark District NOP 2019JAN09.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: Ramirez, Jannette P@DOT [mailto:jannette.ramirez@dot.ca.gov]
Sent: Monday, January 14, 2019 2:14 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; Maurice, Patricia@DOT <patricia.maurice@dot.ca.gov>; Finney, Jean@DOT <jean.finney@dot.ca.gov>
Subject: Caltrans comment letter for Oakland Waterfront Ballpark District - NOP

Good afternoon Peterson Vollmann:

Please find attached a soft copy of the Oakland Waterfront Ballpark District – NOP comment letter. The original letter has been mailed to you at:

City of Oakland
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Thank you for including Caltrans in the environmental review process. Should you have any questions regarding this letter or require any additional information, please feel free to contact me at (510) 286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,

Jannette Ramirez

Associate Transportation Planner
Local Development - Intergovernmental Review
California Department of Transportation, District 4
111 Grand Avenue, MS 10D
Oakland, CA 94612
(510) 286-5535 office (510) 286-5559 fax

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

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*Making Conservation
a California Way of Life*

January 14, 2019

SCH # 2018112070

GTS # 04-ALA-2018-00379

GTS I.D. 13581

ALA - 880 - 30.37

Peterson Vollmann, Planner IV
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Oakland Waterfront Ballpark District – Notice of Preparation of a Draft Environmental Impact Report

Dear Peterson Vollmann:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Notice of Preparation (NOP). Additional comments may be forthcoming pending final review.

Project Understanding

The project sponsor proposes to develop the Howard Terminal property and construct: a new privately funded 35,000 person capacity Major League Baseball park; up to 4,000 residential units of varying affordability and types; 2.27 million square feet (sf) of adjacent mixed use development, including retail, commercial, office, cultural, entertainment, flex light industrial/manufacturing, and recreational uses; a 300-400 room hotel; a performance venue with a capacity of up to 3,500 individuals; new and expanded utility infrastructure; and new signage and lighting. The Oakland Waterfront Ballpark District is also referred to as "the project" and "the proposed district". The project is located 0.28 miles from the Interstate (I)-880 / Market Street on- and off-ramps and 0.5 miles from the I-880 / 5th Street on- and off-ramps.

The project would also include the following key initial plan elements: demolish existing industrial buildings on the project site, except the existing container cranes which may be retained; address any hazardous materials that may be present on the project site;

construct/provide improved access from the surrounding neighborhood and regional transportation networks, which could include, but may not be limited to an expanded shuttle and/or bus service ("rubber-tire trams") and a new network of public streets and sidewalks that provide connectivity to and through the project site, and pathways that lead directly to the waterfront and related amenities; 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, with no net increase of GHG emissions; and phased development of the proposed project. The target completion date is Spring of 2023 for the construction of Phase 1, including the ballpark, associated infrastructure, and potentially some ancillary development.

The proposed district may also include one or more variants or options, potentially including but not limited to: new elevated pedestrian connections over the Embarcadero railroad tracks and improvements to existing at-grade crossings; an aerial tram or gondola above Washington Street extending from the downtown Oakland 12th Street BART Station, over I-880 to Jack London Square; development of a portion of an adjacent existing power plant and removal of adjacent tanks; altered edge configuration of the existing wharf to enhance public views and provide additional boat access/active water uses; and/or extension of Embarcadero West to Middle Harbor Road and a new ramp from the existing Adeline Street overpass for new direct access to the project site. Caltrans requests the Lead Agency quantify the number of parking spaces proposed in the Draft Environmental Impact Report (DEIR).

Operational Analysis

In addition to a VMT analysis, please provide trip generation, trip distribution, and trip assignment estimates for this project. To avoid traffic conflicts such as inadequate weaving distances and queues spilling back onto the freeway, the project should evaluate the adequacy of freeway segment operations in the project vicinity, including vehicle interaction with bicyclists and pedestrians at the off-ramps given the new land uses. Project-generated trips should be added to existing and future cumulative scenario traffic volumes to avoid traffic conflicts due to queue formation at the I-880 and I-980 off-ramps listed below. The analysis should identify if adequate storage capacity is available for turning movements at the listed intersections and freeway off-ramps and determine whether queues will spill back onto the freeway mainline. Demand volumes should be used for this type of evaluation rather than output volumes or constrained flow volumes.

- I-980 and 11th St;
- I-980 and 12th St;
- I-880 and Market St;
- I-880 and 7th St;
- I-880 and Union St;
- I-880 and Oak St;
- I-880 and Broadway;
- I-880 and Jackson St.

Transportation Impact Fees

Caltrans commends the Lead Agency for its Transportation and Capital Improvement Impact Fee Program and suggests applying it to the proposed district's significant transportation impacts. The Lead Agency should identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified and incorporated in the Conditions of Approval. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. For example, providing improved markings and wayfinding on streets to cross under I-880 and I-980 underpasses and a new estuary overcrossing that would connect Alameda and Oakland, as studied in the *City of Alameda Estuary Crossing Study Final Feasibility Study Report* (2009) (see *Caltrans District 4 Bike Plan's* Appendix A) would both improve connectivity in the proposed project area and encourage active transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan_ProjectList.pdf

Vehicle Trip Reduction

Given the project's intensification of use, all the measures listed below should be considered in the project's Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures will be critical to facilitate efficient transportation access to and from the project location, reduce transportation impacts associated with the project, and promote smart mobility.

- Project design to encourage walking, bicycling and transit access;
- Extending the San Francisco Bay Trail through the project site along the harbor;
- Transit fare incentives such as such as free or discounted transit passes on a continuing basis;
- Free transit service to Amtrak and BART;
- Real-time transit information system;
- Bus stop furniture improvements such as shelters, trees and porticos;
- Conveniently located bus stops near building entrances;
- Transit, bicycle and trip planning resources such as a commute information kiosk;
- Secured bicycle storage facilities located conveniently near entrances to minimize detriment of bicycle use due to weather conditions;
- Fix-it bicycle repair station(s);
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Ten percent vehicle parking reductions;
- Parking cash out programs for the commercial uses;
- Unbundled parking for the residential uses;
- Charging stations and designated parking spaces for electric vehicles;

- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;
- Incorporate affordable housing into the project;
- Outdoor areas with patios, furniture, pedestrian pathways, picnic and recreational areas;
- Emergency Ride Home program;
- Transportation Demand Management coordinator;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area, such as the Brooklyn Basin Project; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. We strongly suggest reducing parking supply to encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on the nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:
<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Specific Plan and Capital Improvement Plan

Due to the magnitude and pace of development in the region, Caltrans suggests that the lead agency adopt a Specific Plan for the Oakland Waterfront Ballpark District or incorporate the project into the Downtown Oakland Specific Plan. The specific plan will engage the public in the CEQA process, address the project's environmental and VMT impacts, and reassess economic conditions before the project is operating to create an updated development strategy. The lead agency should strive to obtain multimodal fees on pace with the project's phases, so that mitigation of each phase is aligned with the development as it occurs. The lead agency should also develop a capital improvement plan that identifies the cost of needed improvements and include a scheduled plan for implementation. Developer fees must be identified. These fees should go towards regional transportation improvements.

Freight Planning

Please include an analysis on the amount of truck traffic projected to be generated during both the construction phase and full operation of the proposed project. The analysis should include:

- Measures of existing and forecast Average Annual Daily Truck Trips (AADTT) entering and exiting the proposed project area.
- Potential impacts to I-880, I-980 and I-80. Local streets should also be included in the

analysis, including the three main surface access roads into the Port of Oakland: Adeline Street, 7th Street, Maritime Street.

- Potential impacts associated with cargo shipping traffic, including any impacts or delays for ships accessing or departing from the various Port of Oakland terminals located along the Inner Harbor.
- Impacts to the 1,500-foot diameter Inner Harbor Turning Basin located adjacent to the Howard Terminal.
- Existing and forecasted freight and passenger rail traffic along the Embarcadero West corridor.
- On-site short and long-term truck delivery and parking locations as well as on-site electric truck charging stations to improve safety and air quality. Please consider in this discussion that the San Francisco Bay Area is a non-attainment area for PM 2.5 which is primarily generated through the combustion of diesel fuel from trucks and other heavy-duty equipment.

System Planning

The DEIR should analyze optimization of the Amtrak/Capital Corridor service, including analysis of the proposed Adeline Street overpass impacts on current and future rail operations. Considering the district's potential to significantly increase rail passenger demand, the DEIR should explore the potential for a transportation hub at the Jack London Square Station or a second Amtrak platform west of the tracks to accommodate passengers traveling to the project site.

Aerial Tram/Gondola

If a gondola type transportation facility is to be included in the final transportation improvement plan, a Right of Way Use Agreement and associated project approval and Encroachment Permits will be required if the proposed gondola enters or crosses within Caltrans right-of-way. The aerial tram or gondola may require a Project Initiation Document (PID) depending on the cost of construction within State right-of-way and the complexity of the project. Please coordinate with Caltrans regarding:

- Requirements for project approval;
- Securing a Right-of-Way Use Agreement;
- Ensuring adequate clearance over I-880 is established;
- Placing supports for the aerial tram/gondola outside of State right-of-way; and,
- A maintenance and inspection agreement between Caltrans and the owner/operator of the proposed tram.

Lead Agency

As the Lead Agency, the City of Oakland is responsible for all project mitigation, including any needed improvements to the State Transportation Network. The project's fair share contribution, financing, scheduling, implementation responsibilities and Lead Agency monitoring should be fully discussed for all proposed mitigation measures. Furthermore, since this project meets the criteria to be deemed of statewide, regional, or areawide significance per CEQA Guidelines

Peterson Vollmann, City of Oakland
January 14, 2019
Page 6

Section 15206, the DEIR should be submitted to MTC, the Association of Bay Area Governments and the Alameda County Transportation Commission for review and comment.

Thank you again for including Caltrans in the environmental review process. Please contact us for coordination on the project. We look forward to working with the City of Oakland. Should you have any questions regarding this letter, please contact Jannette Ramirez at (510) 286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

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

A link to the Commission's General Orders and Public Utilities Code can be found here <http://www.cpuc.ca.gov/crossings>.

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 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.
 - Signaling 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.

- 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,

A handwritten signature in black ink, appearing to read 'Felix Ko', with a stylized flourish at the end.

Felix Ko, PE
Senior Utilities Engineer
Rail Crossings and Engineering Branch
505 Van Ness Ave
San Francisco, CA 94102

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](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Oakland Waterfront NOP comment ltr FINAL DRAFT.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: 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



CALIFORNIA STATE LANDS COMMISSION

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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

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.

- 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.

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.

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/>

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>

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 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.

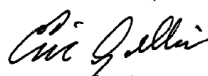
⁴ <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak069022.pdf>

- 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 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

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
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LOGO_H_cmyk





January 7, 2019

Mr. Peterson Vollmann
Planner IV
City of Oakland Bureau of Planning
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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-

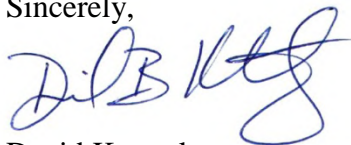
four (24) hour period. A stadium with capacity for 35,000 persons that requires many to cross active rail tracks is of great concern. The presence of thousands of pedestrians able to cross these active mainline tracks at-grade would create significant safety concerns and potentially disrupt passenger 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.

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 Embarcadero 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



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
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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

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.

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

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

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

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [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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(510) 627-1174
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PortLogoSm





January 7, 2019

Peterson Vollmann
Planner IV
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250 Frank H. Ogawa Plaza, Suite 2214
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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):

- 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;

- 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

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/>.

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>.

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 (*Sterna 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

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

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.

- 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.

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

21. The buildings must adhere to any applicable height limitations set by the Federal Aviation Administration utilizing the 7460 Process.

22. 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

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

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.

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

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.

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

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [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

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; 5CH# 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.



From reviewing the NOP, it appears the project would be partially located within BCDC's jurisdiction. The Commission has "Bay" jurisdiction over all areas of San Francisco Bay subject to tidal action, which is defined by the shoreline that extends up to mean high tide, except in marsh areas, where the shoreline is five feet above mean sea level. The Commission's Bay jurisdiction also includes all areas formerly subject to tidal action that were filled since September 17, 1965. At Howard Terminal, which was significantly redeveloped in the 1980s and 1990s, the Bay jurisdiction will therefore include all areas subject to tidal action at any point between September 17, 1965 and the present, even areas that are at present solid earth or pile-supported wharf structures.

The Commission also has a "shoreline band" jurisdiction over an area 100 feet wide lying inland and parallel to the shoreline. Because the shoreline has been significantly altered since 1965, that shoreline band will be located farther than 100-feet from the present-day shoreline.

The DEIR should map and describe what elements of the project would occur within the Commission's permitting jurisdiction, distinguishing between the Bay and shoreline band jurisdictions.

Land Use. The DEIR should reflect that the project occurs within a Bay Plan-designated Port Priority Use Area (see Bay Plan Map No. Five). The Commission has designated on the Bay Plan maps those areas which should be reserved for priority land uses on the Bay shoreline, such as seaports. Within a Port Priority Use Area, any proposed project must be consistent with the Bay Plan development policies related to Ports (page 51). Those policies state, in part, that "Port Priority Use Areas should be protected for marine terminals and directly-related ancillary activities," and that other uses are permissible only if they "do not significantly impair the efficient utilization of the port area." Therefore, issuance of a permit for the project as described in the NOP could not occur unless the boundaries of the Port Priority Use Area on Bay Plan Map No. Five were revised to avoid the project site.

Seaport Plan. The NOP correctly identifies that the project would require an amendment to the Commission's San Francisco Bay Area Seaport Plan. The Seaport Plan expands on and provides more detail for the Bay Plan policies related to ports and Port Priority Use Areas. To consider removing a port priority use area designation, the Seaport Plan requires that BCDC evaluate the impact of a proposed deletion on the region's capacity to handle the amount of ocean-going cargo projected to pass through the Bay Area ports. Under the provisions of the Seaport Plan, to approve the requested amendment the Commission must determine that eliminating the potential future use of the area for port purposes will not negatively affect the region's cargo handling capacity and will not increase the need to fill the Bay for future port development.

One of the foundations upon which the Commission's port designations are based is a forecast of the volume of the different cargo types that are expected to be handled at the Bay Area ports. As the plan forecast expires in 2020, the Commission requires an updated forecast and other background information provided in the plan to make a determination. This information should be provided as part of the DEIR.

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.

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

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 McAtteer-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

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.

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.achele@bcdca.gov.

Sincerely,



CODY AICHELE-ROTHMAN
Coastal Planner

CAR/gg

cc: State Clearinghouse



January 7, 2019

Mr. Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Subject: WETA Scoping Comments on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (Case File No. ER18-016)

Dear Mr. Vollmann,

Thank you for the opportunity to comment on the Notice of Preparation ("NOP") of an Environmental Impact Report ("EIR") issued by the City of Oakland ("City") for the Oakland Waterfront Ballpark District Project ("Project"). The Project represents an exciting opportunity to revitalize the Oakland waterfront by creating a new world class home for the storied Oakland Athletics baseball team alongside other critically needed residential and mixed-use development. Given the potential of this project to generate a substantial number of new trips to the project area, it will be essential that the project sponsors coordinate with public transit operators to minimize potential traffic congestion impacts. The Water Emergency Transportation Authority ("WETA") looks forward to working with the City and Project Sponsor to explore potential transit solutions.

WETA has a strong interest in the Project as the operator of ferry service from the Jack London Square (Oakland) terminal, located adjacent to the proposed project, and as the regional agency mandated by the State to oversee the provision of new water transit services on San Francisco Bay. WETA presently operates service from the Oakland terminal to Downtown San Francisco, the City of South San Francisco, and across the estuary to the City of Alameda. Since 2012, ridership on the Oakland/Alameda service has increased by 115%, placing significant strain on the current system. Many peak period trips on the Oakland/Alameda route to San Francisco operate at full capacity, resulting in passengers left behind at the dock.

In response to growing demand for ferry service from Oakland, WETA's 2016 Strategic Plan calls for a doubling of service frequency from the Oakland terminal over the next 2-3 years. By 2023, WETA plans to operate 15-minute peak period frequencies on the Oakland/Alameda-San Francisco route and 30-minute peak period frequencies on the Oakland/Alameda-South San Francisco route. With these planned service expansions, the Oakland terminal will be at capacity prior to completion of the Project. If the City or Project Sponsor desires to serve the Project with WETA service from new markets, such as Vallejo or Richmond, the Project must include the construction of adequate new terminal infrastructure. Furthermore, if new ferry service to the Project is anticipated, the City and Project Sponsor shall coordinate these plans with WETA as required by Senate Bill 976, the State legislation establishing WETA as the

regional agency responsible for operating public ferry services in the Bay Area, planning new service routes, and coordinating ferry transportation responses to emergencies.

In the event that new ferry terminal infrastructure is included in the Project, WETA advises that the City and Project Sponsor initiate coordination at the earliest opportunity possible. Such coordination should include the determination of landside and waterside design requirements, as well as consultation concerning the potential of new ferry infrastructure to serve as a resource in the event of a major emergency. Water transportation emergency response capabilities include the mobilization of first responders and transport of evacuees during or in the immediate aftermath of a regional disaster.

To facilitate review of the Project under the California Environmental Quality Act, we offer the following scoping comments regarding issues and potential impacts of the Project of concern to WETA:

- **Impacts on Existing Transit:** The EIR should include a full accounting of increased passenger use of the Oakland terminal and potential impacts to the WETA system attributable to the Project, during both regular and special event service. The Project should clearly identify the types and frequency of events (esp. baseball games) that will be hosted at Project facilities, including day of the week, start time, and duration. To the extent the Project requires any modification to WETA facilities, the Project Sponsor is fully responsible for mitigating both direct and indirect impacts.
- **Impacts of New Water Transit:** The Project should clearly identify any proposed new water transit service, including both regular and special event service that will be provided as part of the Project. The EIR should take into full account any potential impacts that new ferry service could have on the WETA system, including, but not limited to berthing availability, new vessel procurement requirements, operating and maintenance needs, and compliance with applicable regulatory requirements. To the extent the Project requires any new or modified WETA facilities or vessels, the Project Sponsor is fully responsible for mitigating both direct and indirect impacts.
- **Pedestrian Circulation:** The Project must include a plan for landside queuing of ferry passengers. Landside queues for the ferries can be very long, especially for large event crowds. The EIR should identify and mitigate potential impacts to passenger queuing to ensure ferry riders aren't disrupted by heavy event day pedestrian traffic. WETA is working with the Metropolitan Transportation Commission to develop regional wayfinding and signage products which could be deployed near the ferry terminal in Oakland. Additional wayfinding and signage for the stadium should work cohesively with this regional signage standard.
- **Water Vessel Circulation:** The Project is likely to increase recreational watercraft use near the stadium during events and game days, similar to McCovey cove at AT&T Park in San Francisco. However, unlike McCovey Cove, the Alameda Estuary is a working waterway with heavy vessel traffic throughout the day, including ferries, large container ships, recreational vessels and personal watercraft. The EIR should take into account the impacts to ferry services of increased vessel congestion in the estuary.

Peterson Vollmann

January 7, 2019

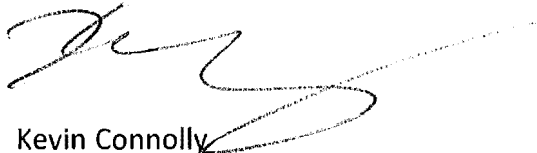
Page 3

- **Ticketing Facilities:** The EIR should address potential Project impacts on customer service and ticketing facilities. WETA currently offers an on-site facility at the Visit Oakland office to for customer service and ticket sales. Additional ticketing and customer service facilities may be required to assist with large event crowds.

Thank you for considering our comments. WETA requests to be added to the mailing list for all notices, documents, and other information related to the Project. Please direct such correspondence to:

Kevin Connolly
Manager, Planning and Development
Water Emergency Transportation Authority
Pier 9, Suite 111, The Embarcadero
San Francisco, CA 94111

Sincerely,



Kevin Connolly
Manager, Planning & Development

Cc: Nina Rannells, WETA Executive Director
Michael Gougherty, WETA
Taylor Rutsch, WETA
Andrew Thomas, City of Alameda
Matthew Nichols, City of Oakland

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: Coalition Comments on NOP DEIR
Date: Monday, January 14, 2019 5:28:58 PM
Attachments: [Coalition NOP DEIR letter 011419 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: John McLaurin [mailto:jmclaurin@pmsaship.com]
Sent: Monday, January 14, 2019 5:22 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Subject: Coalition Comments on NOP DEIR

Attached you will find comments submitted by a coalition of interest groups on the proposed development project at Howard Terminal. Please let us know if you have any questions.



Schnitzer



CUSTOMS BROKERS AND FORWARDERS ASSOCIATION
OF NORTHERN CALIFORNIA

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

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 Factually 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 factually 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

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.

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.

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*

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 rezoning. 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 Conveyer 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	✓	

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

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.

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).

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.

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.

Relatedly, given that the identified Project Location and specific maps limited to Howard Terminal only, it is possible that, even though this project could impact CalTrans rights, it is unaware of the impending variant of the aerial tram system. The NOP should affirmatively notify OPR that this DEIR should specifically be identified as subject to the rules for projects impacting state transportation assets and CalTrans should be given a specific opportunity to ask for a hearing under Public Resources Code §21083.9.

Given the Complexity of the Project, an Initial Study Should Be Completed and the Public Should Be Provided With a Realistic EIR Development Timeline Based Upon the Results of the Initial Study

The Oakland A's have sought (and apparently been granted already in several respects) an exceptional and unusual timeline for completion of the entirety of the EIR process from scratch to completion in less than one year, according to the NOP and related City staff reports.

In addition to seemingly ignoring the very first component of the CEQA process, the review of an Application for completeness (see above), the City has also dispensed entirely with the second foundational step of the CEQA process, the Initial Study. A NOP is then typically issued regarding the project upon completion of the Initial Study.

The City is not following that process, however, and instead relies on 14 CCR §15063(a) for the justification not to prepare an Initial Study. Therefore, there is no Initial Study for the public or the City staff to rely on or comment on at this NOP stage, and because the City jumped straight to this NOP, it is attempting to create an expedited process for this Applicant. Aside from the notation of the ability of the City to sidestep an Initial Study, there is no actual justification for short-circuiting the Initial Study process given in the NOP.

This plainly ignores the balance of §15063, which details the myriad of good planning reasons why an Initial Study should still be completed for projects that will obviously require an EIR in any event. Most notably, §15063(d), which would require an Applicant to truly and effectively submit an initial Project Description, which is missing in this situation, and an initial identification of actual environmental impacts.

Notably, this sleight of hand does not even remotely relieve the City of going through an exercise of examining a panoply of environmental impacts just as if they had completed a study – indeed, as the NOP states, the EIR will still need to “evaluate the full range of environmental issues contemplated for consideration under CEQA” – but it does deprive the public of the benefit of the Initial Study on the front end of the CEQA process prior to issuance of the NOP.

Given the complexity of the project and the uncertainty associated with the foundational issues of Project Description, we would respectfully request that the NOP be withdrawn until after the completion of an Initial Study and then recirculated with a realistic timeframe which is developed after analysis of the preliminary environmental issues which need to be addressed in any Howard Terminal EIR process.

NOTICE REQUEST

This submission shall also serve as an official written request of Notice for any and all meetings conducted under the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code (CEQA), upon which the public has access and/or noticing rights. Each of the signatories hereby additionally requests these Notices in both written and email format to the addresses and contacts of record listed as Attached herein.

Respectfully Submitted,

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From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#)
Subject: FW: Oakland Athletics Howard Terminal EIR Scoping – 1 Market Street
Date: Monday, December 17, 2018 1:08:26 PM
Attachments: [2018-12-17-Howard-Terminal-LPAB.pdf](#)
[PG&E Station C SHRI Form.pdf](#)
[Camden Yards Baltimore8.pdf](#)
[Camden Yards Baltimore1.pdf](#)
[Camden Yards Baltimore9.pdf](#)
[Camden Yards Baltimore3.pdf](#)
[Camden Yards Baltimore10.pdf](#)
[Camden Yards Baltimore12.pdf](#)
[Coors Field2.pdf](#)
[Coors Field3.pdf](#)
[Coors Field5.pdf](#)
[Coors Field6.pdf](#)
[Coors Field7.pdf](#)
[Coors Field9.pdf](#)

Here are comments that I received on the NOP if you can upload it onto the tracker.

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From: Daniel Levy [mailto:dlouislevy@gmail.com]
Sent: Monday, December 17, 2018 11:32 AM
To: Peter Birkholz <pbirkholz@gmail.com>; Stafford Buckley <stafford@garden-restoration.com>; Nenna Joiner <nenna08@gmail.com>; Klara Komorous <klara@ktarch.com>; Vince Sugrue <vincexsugrue@gmail.com>; marcusjohnson.lpab@gmail.com; timmm@mithum.com; Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Marvin, Betty <BMarvin@oaklandca.gov>; Gilchrist, William <WGilchrist@oaklandca.gov>
Subject: Oakland Athletics Howard Terminal EIR Scoping – 1 Market Street

Dear Landmarks Board Committee Members and Staff,

Please find attached a letter from Oakland Heritage Alliance concerning LPAB review of the A's Howard Terminal EIR scoping at 1 Market Street. Thank you!

Daniel Levy
OHA Boardmember



December 17, 2018

(By electronic transmission)

To:

Oakland Landmarks Advisory Board
Pete Vollmann, Planner
City of Oakland
Oakland, California

Subject: Oakland Athletics Howard Terminal EIR Scoping – 1 Market Street

Dear Landmarks Preservation Advisory Board and Staff,

We appreciate the opportunity to comment on the Howard Terminal EIR Scoping. We met with the A's prior to this meeting on December 11, 2018 and thank them for including Oakland Heritage Alliance in the community process.

Below are our comments with regards to the scoping:

1) Study impacts to all portions of the PG&E Station C (Rated A1+ in OCHS). All wings of the plant are all historic. The various renderings and site plans from the A's show demolition of different portions of the PG&E Station. While we understand that plans are very preliminary at this time and that Vistra Energy may want to continue to operate part of the plant, we want to make sure that all three wings of this plant are studied. These building frontages include the portions on MLK Jr. Way, Embarcadero West, and Jefferson. We would like clarification as to how these buildings are to be used and how they will be restored.

2) Study an alternative design that defers to PG&E Station C (A1+). To further reduce impacts to Station C, please study an alternative whose design defers to the station. This deference could be made by different uses of materials and massing.

3) Study impacts of the gondola on historic resources in Old Oakland and in Jack London Square. In addition to studying impacts to Old Oakland, please study impacts to the Western Pacific Depot, the Parker Electric Manufacturing Co, and Union Machine Works Building, all located near 3rd and Washington Streets.

4) Study an alternative to the gondola which also fulfills its objectives. Are there alternatives which have no impacts on historic resources, have a similar capacity, and provide a greater

investment at the street level? Please study an enhanced pedestrian experience, a Bus Rapid Transit line, and streetcar as alternatives to connecting 12th Street BART and the site.

5) Study the impacts to the USS Potomac and Lightship Relief (both US National Historic Landmarks and on the National Register). Will these boats remain in place or be moved? If they are to be moved, we hope that a new secure location is provided for these resources as a mitigation.

6) We do hope to see a more definite site plan as soon as possible. It is hard to determine what the impacts to resources might be without knowing what the project entails. This includes plans for the Howard Terminal site, the PG&E Station C, as well as footprints and heights along the gondola route.

Thank you for the opportunity to comment. These comments are somewhat preliminary, so we may submit additional comments to staff prior to the January 7, 2019 deadline.

Please contact Christopher Buckley at (510) 523-0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835-1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,

Tom Debley, President
Oakland Heritage Alliance

Attachments:

- 1) Color photos of PG&E Station C (below)
- 2) Photos of reuse of historic structures in ballparks (separate)
- 3) SHRI Form for PG&E Station C (separate)

cc: William Gilchrist, Betty Marvin





HISTORIC RESOURCES INVENTORY

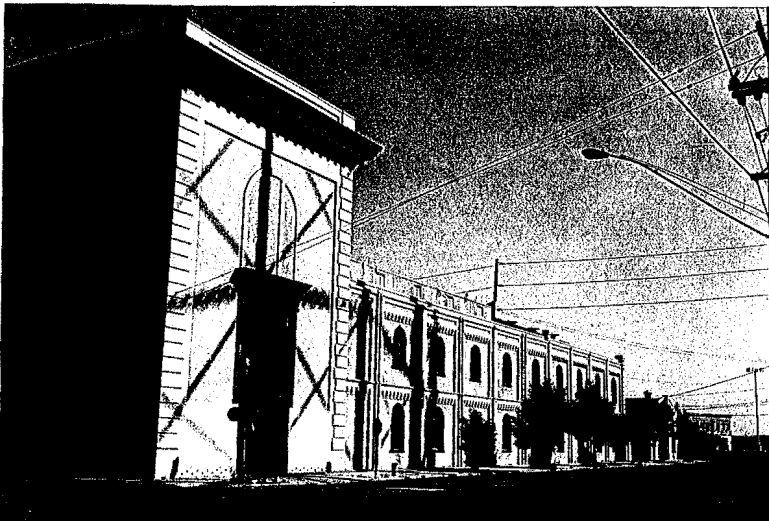
IDENTIFICATION

1. Common name: Pacific Gas and Electric Company Station C
2. Historic name: Same
3. Street or rural address: Multiple, see Continuation page 3
City _____ Zip _____ County _____
4. Parcel number: 0-410-7 and 1-125-5 (portion)
5. Present Owner: P.G. & E. Co. Address: 1919 Webster St.
City Oakland Zip 94612 Ownership is: Public _____ Private X
6. Present Use: Electric Power Plant Original use: Same

DESCRIPTION

- 7a. Architectural style: Beaux Arts derivative power station
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

P.G. & E. Co. Station C consists of three buildings of related uses and appearance, constructed in several sections at various periods from 1888 through 1938. Beaux Arts stylistic elements unify the exterior of the whole complex through monumental scale, generously quined piers, round-headed windows set each in its own panel, and a Classically derived cornice. The thrust of the complex is horizontal because of the large land area (more than a square block) and because most segments are articulated as if they were one story tall under the horizontal of the overhanging cornice. Sanborn maps describe this appearance as "1 (story) = 4," "1 = 2" and "3 = 4," and by heights respectively of 60 ft., 32 ft. and 42 ft. Access to the complex is through a gate in the fence between 50 and 64 Grove Street. The complex's unity has recently been enhanced by painting all the elements in a single color scheme of cream on quoins, piers and simple horizontal elements; tan on panels; and dark brown on cornices and openings. Street trees have also been planted along Grove and the south side of Embarcadero West.



(see continuation page 5)

8. Construction date:
Estimated _____ Factual 1888-1938
9. Architect See Continuation
Page 3
10. Builder See Continuation
Page 3
11. Approx. property size (in feet)
Frontage _____ Depth _____
or approx. acreage 2.10
12. Date(s) of enclosed photograph(s)

219-10 Pacific Gas & Electric Co.
Station C (Grove St. south from
Embarcadero) 5/82

- 13. Condition: Excellent Good Fair Deteriorated No longer in existence
- 14. Alterations: Various interior removals; large windows on Embarcadero facade infilled; most surfaces painted.
- 15. Surroundings: (Check more than one if necessary) Open land Scattered buildings Densely built-up
Residential Industrial Commercial Other:
- 16. Threats to site: None known Private development Zoning Vandalism
Public Works project Other:
- 17. Is the structure: On its original site? Moved? Unknown?
- 18. Related features: None

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

P.G. & E. Co. Station C is important as a monumental Beaux-Arts-ornamented industrial complex constantly devoted to a single use--the production of electricity--ever since about 1889. Designers involved have included architect Walter J. Mathews, engineer Henry C. Vensano and architect Ivan C. Frickstad. The complex includes the second electrical generating plant ever built in Oakland. Today, according to the Montclarion of 12 Oct. 1982, p.9, it "is capable of producing 165,000 kilowatts of electricity, enough to supply about 40% of Oakland's electric needs." Although the price of such consistent use has been a continual restructuring and updating of technology, the utility company has added to the original structures with only partial demolitions, has kept the same buildings since 1938, and in its most recent reworking--1979 according to the Montclarion--has sensitively refurbished the street facades while removing interior court-side parts of the structures and installing new equipment.

The company began locally as the Oakland Gas Light Company, which according to the Tribune (see continuation page 10)

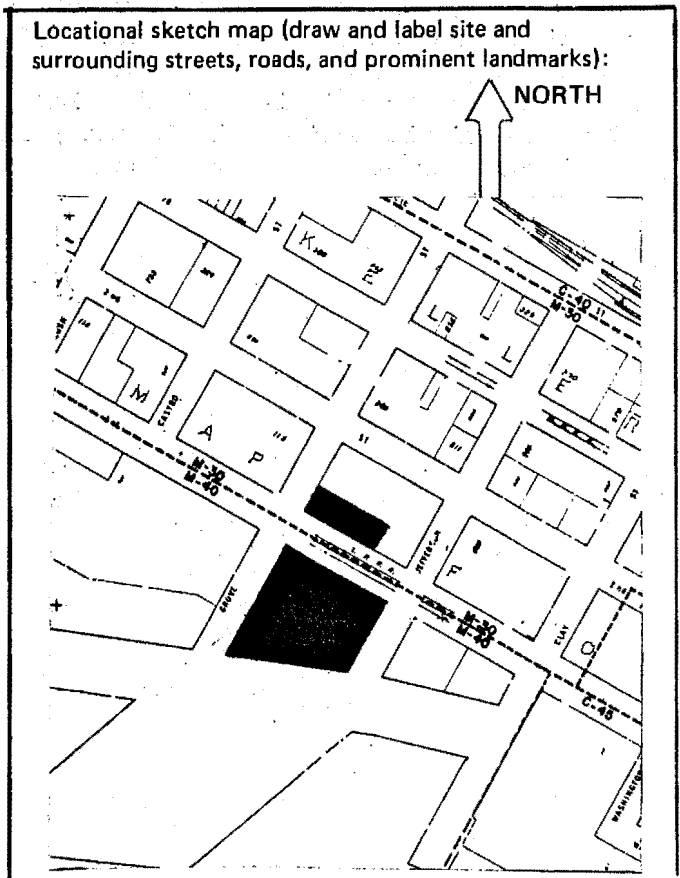
- 20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
 Architecture 2 Arts & Leisure
 Economic/Industrial 1 Exploration/Settlement
 Government Military
 Religion Social/Education

21. Sources (List books, documents, surveys, personal interviews and their dates). P.G. & E., Properties Owned & Operated, 1911: 168-69.

Pacific Service Magazine, May 1914: 404.

Tribune Yearbook, 1939: 56-57
(see continuation page 13)

- 22. Date form prepared January 31, 1985
 By (name) Staff
 Organization Oakland Cultural Heritage Survey
 Address: One City Hall Plaza, 6th Floor
 City Oakland Zip 94612
 Phone: (415) 273-3941





HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas & Electric Co. Station C

Address Historic Name	Date Cost	Architect Builder	Source
601-45 Embarcadero/51 Jefferson St./64 Grove St. Pacific Gas & Electric Co. Station "C" constructed as:	1888-1938 See below	Multiple, see nine components below	Multiple, see nine components below
601 Embarcadero	1928 \$150,000	Ivan C. Frickstad P.G. & E.	Permit #A30632 (includes c.635 Embarcadero & 51 Jefferson)
605 Embarcadero	1920 \$27,000	Henry C. Vensano (E) (attrib.) Cahill & Vensano	Permit #58348
629 Embarcadero	1908 \$35,000	Henry C. Vensano (E) Unknown	Permit #13399
c.635 Embarcadero	1928	See 601 Embarcadero	See 601 Embarcadero
645 Embarcadero	1937-38 \$100,000	Ivan C. Frickstad P.G. & E.	Permit #70575
64 Grove St. *	1889-90	Unknown Unknown	Sanborn map 1889
c.74 Grove St.*	1888-89 \$40,000	Unknown Unknown	<u>Oakland Enquirer</u> , 25 July 1888
51 Jefferson St.	1928	See 601 Embarcadero	See 601 Embarcadero
c.75 Jefferson St.	c.1912-14 Unknown	Unknown Unknown	Hegemann, <u>Report...</u> , 1915: 39
628 Embarcadero/106 Grove St. P.G. & E. Station "C" Switch & Control House	1937 \$80,000	Ivan C. Frickstad (A) A.H. Markwart (E) P.G. & E. (B)	Permit #A67752
50 Grove St. Standard Electric Co. Substation DEM	1899-1900 \$2,544	Walter J. Mathews Unknown	<u>California Architect & Building News</u> , 9-1899: vi

*Historic name: Oakland Gas, Light and Heat Company Electric Light Works.



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

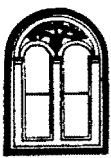
7b. Description (continued from page 1)

601-45 Embarcadero/51 Jefferson Street/64 Grove Street is a C-plan with each facade a composite of three or four major construction projects. The Grove Street facade is a painted brick structure, the others steel frame reinforced concrete with stucco veneer. The main facade, 601-45 Embarcadero, occupies the whole city blockfront 300 feet long. Monumental in scale and 60 feet high, it is divided into 15 vertical panels each containing a single tall, narrow, round-headed window most of which has recently been stuccoed over, leaving a slit in the center. Panels are paired between quoined piers, except for the single easternmost panel, at Jefferson, which has a rectangular window. Except for this single panel, there are no differences between the five sections constructed in four building campaigns over a 30-year period (see continuation pages 3 and 4). Each successive designer respected and continued the design of his predecessor(s) to create the rhythmically decorated monumental block we see today. The panels rest on an unadorned base into which piers extend. Over all is a boxed cornice of galvanized metal on consoles, surmounted by a paneled parapet that conceals the flat roof. This principal block extends in harmonious returns along the first portion of each cross street. Each return features a Classical bracketed entablature over a giant-scale equipment-and-truck door of metal.

The main building's Grove Street facade begins at the Embarcadero corner with a return of the principal facade and continues with the two oldest sections, c. 74 and 64 Grove Street, which are matched, two-story, 32'-high, gable-ended brick structures with quoins, piers, a corbeled cornice and a corbeled belt course of brick. Quoined piers are at the corners and at the meeting of the two buildings, five bays from the southern end. Each facade is divided into nearly square panels defined by piers, the belt course and the cornice. Within each panel is a pair of round-headed windows, sometimes (originally always) with pairs of arches as the transom tracery. Downstairs windows have deeper reveals than upstairs ones, reflecting the decreasing thickness of the structural brick walls. The gable is decorated with stepped projecting bricks imitating barge boards. The corner piers terminate with a crenelated box above the roof line. The corbeling of cornice and belt course is incised into small segments rather like consoles. This segmented effect, the panels, the quoins and the round-headed windows became themes for the monumental facade on Embarcadero. A photograph published by the Oakland Tribune in 1898 shows these sections going all the way up to Embarcadero, with seven bays north of the joint between 64 and c.74 Grove instead of the present four bays. This original seven-bay building was four bays wide on Embarcadero instead of the present two bays, and the Oakland Tribune Annual of 1890 announced its dimensions as 80' (on Embarcadero) x 120'. Apart from the partial demolitions and changed chimneys, 64 and c.74 Grove retain their original appearance, though the interior is now open from ground to roof.

The Jefferson Street facade is basically a lower structure than the monumental facade on Embarcadero and its return at the corner. Though 32' high, c.75 Jefferson Street appears as a single story, with cornice, parapet and quoined piers matching those on the monumental facade. The center section has three bays with simple panels adjoining the corner bay, then three similar-sized bays with small-paned metal windows in triple banks topped by a single wire glass panel and triple transoms. All are now painted over except the clear transoms. Plain panels, quoins and windows were all rebuilt in 1928, but apparently with little change. 51 Jefferson Street, the 1928 addition to the south, is about half the length of the center section; it has a more complicated rhythm. Most of it extends slightly from the facade plane as a pavilion; its fenestration is more vertical as the mullions separating wider banks of windows extend through the horizontal panel, and there are side lights.

(see continuation page 6)



HISTORIC RESOURCES INVENTORY

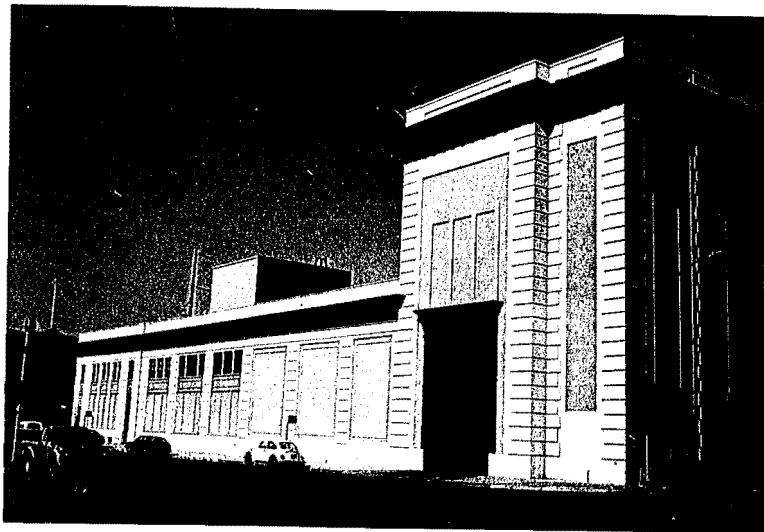
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Street or rural address: Pacific Gas and Electric Company Station C

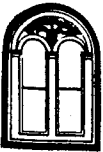
7b. Description (continued from page 1)

628 Embarcadero/106 Grove St. is a L-plan monumental structure surrounding but not touching the northeast corner of Embarcadero and Grove Street. Flat-roofed, it is constructed of reinforced concrete with form marks visible on the exterior. Nevertheless its ornamentation echoes that of the main block across the street: quoins at all corners, piers separating its sides into vertical panels, substantial but simple base and a Classical entablature emphasizing horizontality. About 42' high, the L-plan's foot is a little less tall than its stem, but the cornice is repeated. The building presents great blank walls, broken by the quoins and paneling, by 2 or 3 tiny square windows and by a small door.

50 Grove Street is a small, 1½-story, gable-ended rectangular brick structure. Like the other buildings of the P.G. & E. complex, it is divided by piers and corner quoins into bays: 2 on the end facing Grove, 4 on the north facade. An incised and corbeled belt course matching those on 64 and c.74 Grove Street divides each bay into an attic section and an almost square, panel-like section containing a round-headed double-casement window rather similar to those at 64 Grove Street. One bay on Grove contains, instead, a large equipment-and-truck entrance with unadorned metal doors. Other differences from 64 and c.74 Grove Street are that the piers are clusters of 3, and the corner piers terminate without crenelated boxes.



217-23 Jefferson St. elevation
P.G. & E. Station C 5/82

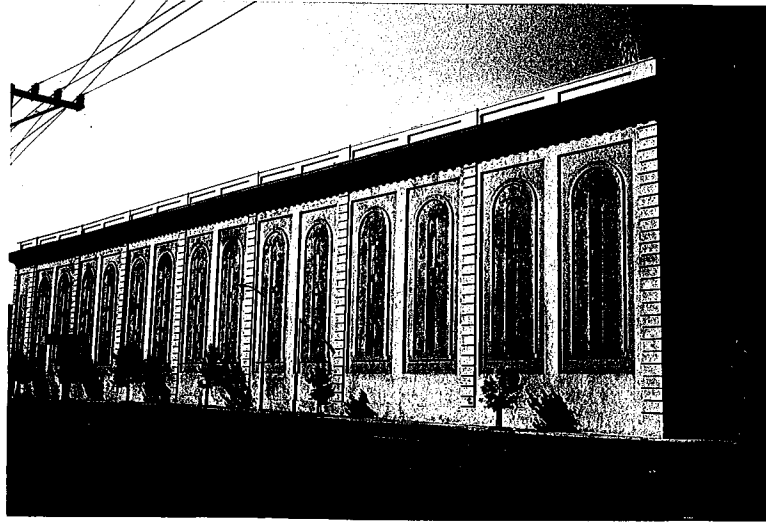


HISTORIC RESOURCES INVENTORY

CP

Pacific Gas and Electric Company Station C

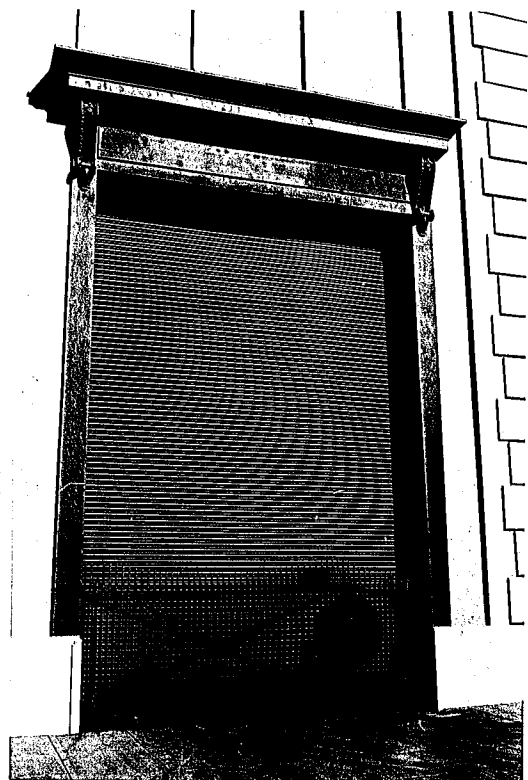
Street or rural address: _____



217-15 601-45 Embarcadero
(P.G. & E. Station C) 5/82



217-24 601 & 605 Embarcadero
(P.G. & E. Station C) 5/82



217-27 Detail, Jefferson at
Embarcadero 5/82



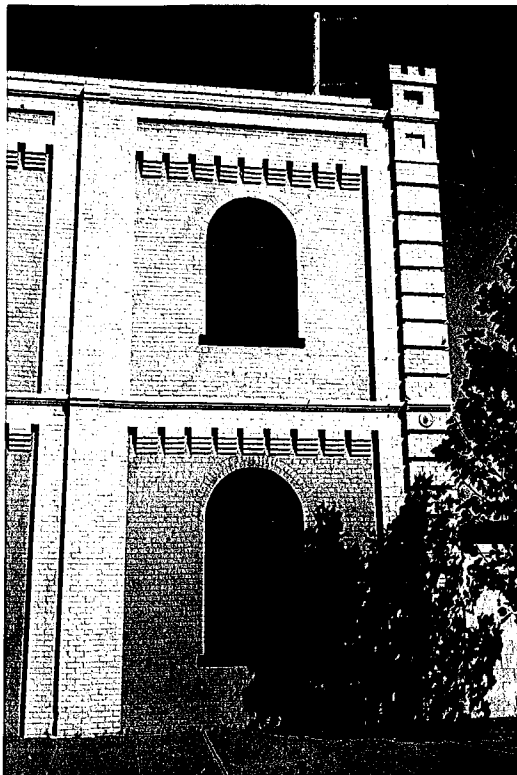
HISTORIC RESOURCES INVENTORY

CP

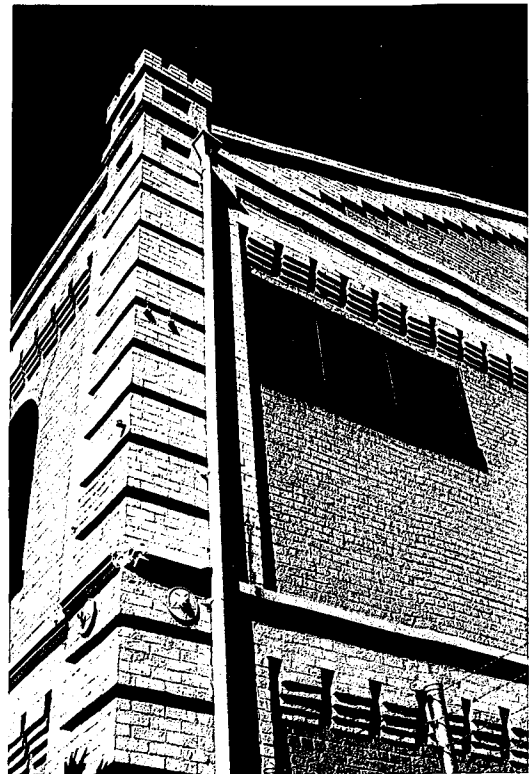
Street or rural address: Pacific Gas and Electric Company Station C



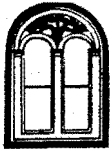
219-13 64 & c.74 Grove St.
(P.G. & E. Station C) 5/82



219-17 Bay detail, 64 Grove St.
5/82



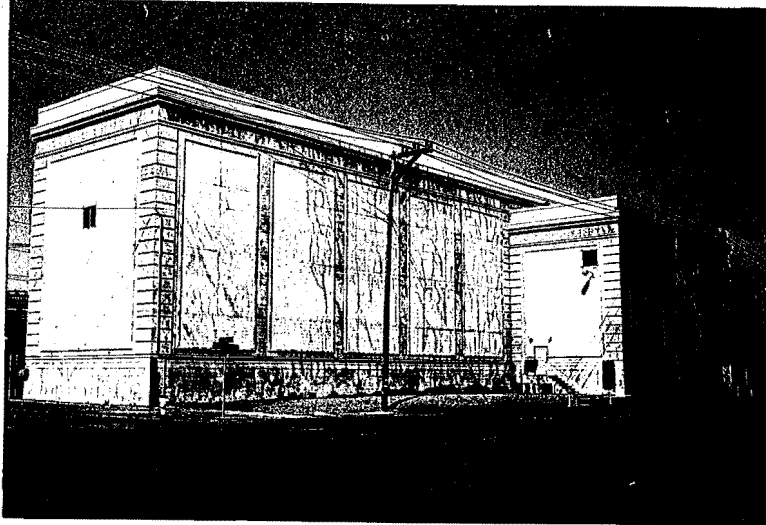
219-15 Corner detail, 64 Grove St.
5/82



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C



219-22 628 Embarcadero/106 Grove St.
(P.G. & E. Station C) 5/82



219-12 50 Grove St.
(P.G. & E. Station C) 5/82



HISTORIC RESOURCES INVENTORY

Street or rural address: Pacific Gas and Electric Company Station C

19. Historical and/or Architectural Importance (continued from page 2)

Annual of 1890, p.20, was incorporated in 1866 by Anthony Chabot, James Freeborn, H.H. Haight and Joseph G. Eastland. In 1870 it acquired the waterfront marsh land between Castro and Clay Streets, and began the process of reclamation and construction. When electric lighting began to appear in competition with gas light, the company decided to produce both, the first company on the West Coast to do so. Coleman in P.G.& E., p.41, reports that it reincorporated in 1884 as the Oakland Gas Light & Heat Co., which built its first electric plant in 1885. This plant proving inadequate to projected needs, on 25 July 1888 the Oakland Enquirer, p.2, noted commencement of a new electric power plant, four bays of whose original 7-bay length exists today as c.74 Grove Street. With a salt-water supplied Hamilton-Corliss steam engine and dynamos costing \$60,000, the new plant was expected to quintuple the company's electric production capacity. The article estimated \$40,000 for building construction.

The 1889 Sanborn map and a photograph published in the Tribune Annual of 1898 together indicate that shortly after completion of c.74 Grove Street the Oakland Gas Light & Heat Co. constructed the matching 5-bayed power plant addition known as 64 Grove Street.

The man whom the Enquirer noticed in 1888 as the company's secretary was a Bostonian named John A. Britton, who began working for Oakland Gas Light about 1875 (Coleman, p.155-56). Through hard work, night school and marrying boss Van Leer Eastland's step-daughter, he became president of the company in 1900, at the age of 45. Britton played a role in the successive mergers of local and generating enterprises that resulted finally in the Pacific Gas & Electric Company. He was director and vice-president of the closely held California Central Gas & Electric, then general manager of P.G.& E. for its first 20 years.

Meanwhile the small building at 50 Grove Street had been erected in 1899-1900 for the Standard Electric Co., which Coleman (p.147) indicates was mostly a transmission company, though it was also building the Electra hydroelectric power plant on the Mokelumne River. In the Grove Street building it handled power from the Bay Counties Company's Colgate hydroelectric plant via the first high-power cables ever to cross the Carquinez Strait. This power Standard Electric delivered to Oakland Gas Light & Heat's system just a few feet away at 64 Grove Street. No wonder mergers produced the unified P.G.& E.

The California Architect & Building News for September 1899, p. xiii, stated this "Building, Grove near First" (Embarcadero) for Standard Electric Company, projected to cost \$2544, was by Walter J. Mathews, architect. Mathews (1850-1947) maintained one of the Bay Area's longest-lived architectural practices, beginning in 1874 as junior partner of his father Julius C. Mathews, suspending in 1883 for a year's educational travel in England, Germany and France, and continuing thenceforth on his own well into old age. He built residences, business buildings, government buildings, banks, and department stores--4 miles worth by 1911. He designed structures in San Francisco, Los Angeles, San Luis Obispo, Redondo Beach and on Angel Island, but especially in his home city of Oakland. Here he built the First Unitarian Church (681-85 14th Street, 1890), the Easton or Union Savings Bank Building (1300 Broadway, 1904), the Will Rogers Hotel (371-75 13th Street, 1906), the Metcalf House (1909), and the Central Bank Building (1400-16 Broadway, 1926, in association with George Kelham) (see SHRI forms). He was consulting architect for the Hotel Oakland and the Oakland Auditorium. The Standard Electric plant is one of his very few known industrial buildings.

(see continuation page 11)



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

19. Historical and/or Architectural Importance (continued from page 10)

The next addition to the P.G. & E. complex, 629 Embarcadero, is the subject of Oakland building permit #13399, issued Aug. 1908, for a \$35,000 "one-story steel and corrugated iron power station" designed by Henry C. Vensano, engineer. A photograph published in 1911 by P.G. & E. in Properties Owned & Operated shows this building as the earliest section of the present Embarcadero facade. Four bays wide, it has all the design elements characteristic of the whole facade: tall and narrow round-headed windows set in panels, piers with rusticated quoins marking each pair of panels, box cornice with consoles, paneled parapet masking the roof, and the plain base. The permit's "corrugated iron" probably was the side surface material.

Henry Vensano (1881-1960), therefore, created the design of the Embarcadero facade, which his successors copied and expanded. Born in San Francisco of an Italian father and a California-born mother of Maine parentage, he earned a degree in civil engineering from the University of California in 1903 and worked briefly for the Minneapolis Steel & Machinery Company. By the 1908 San Francisco Directory he was civil engineer for the San Francisco Gas & Electric Co., which soon merged into the P.G. & E. In nearly 10 years with the Company he supervised several large power developments, including Oakland's Substation C. Next he went into a partnership with Edward G. Cahill, a business that later developed into the giant Cahill Construction Company, but without Vensano. With Cahill or later alone, Vensano is credited in his obituary (S.F. Examiner, 9 Oct. 1960, p. 15/1) with "numerous industrial buildings, 17 dams and three Sacramento River pumping stations." In 1936 he joined the Golden Gate International Exposition (Treasure Island Fair of 1939-40) as chief of construction and assistant works director, becoming director of works in 1940. He was Director of San Francisco's Department of Public Works 1942 to 1950.

Vensano seems also to have designed the second matching section of the Substation's Embarcadero frontage, 605 Embarcadero. Building permit #58348, issued 30 Oct. 1920, calls for a \$27,000 building by Cahill & Vensano. Plans for the 1927 permit (see below) show 8 bays of the facade as pre-existing. So in 1920-21 Cahill & Vensano must have put up a 4-bay addition to the east of Vensano's original 4-bay building of 1908. They matched perfectly.

Before the expansion on Embarcadero, a free-standing P.G. & E. building had been erected at c.75 Jefferson Street. This building appears exactly as at present (though now with some windows painted over) both as pre-existing on the 1927 plans and in a photograph published in 1915 in the Hegemann Report, p.39. No building permit exists; construction must have occurred between the 1911 Sanborn map, where the space is vacant, and the 1915 photo.

On 18 Nov. 1927 building permit #A30632 was approved for \$150,000 for three additions to Station C by I.C. Frickstad. Plans exist, which show the intended work as one bay at the southeast corner of Embarcadero and Jefferson (601 Embarcadero), two bays on Embarcadero west of the previously built 8 bays (c.635 Embarcadero), and the southern section of the Jefferson Street facade (51 Jefferson). Frickstad carefully showed the precise relationships between old and new, with instructions such as "Present quoins to be cut off and rebuilt," or "Dotted lines show existing work (in cornice & parapet)." From these elevations the windows could be restored.

Ivan C. Frickstad appears in San Francisco Directories as a draftsman, independent in 1902, working for Newsom & Newsom in 1903 and for Albert Farr in 1905. He lived

(see continuation page 12)



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

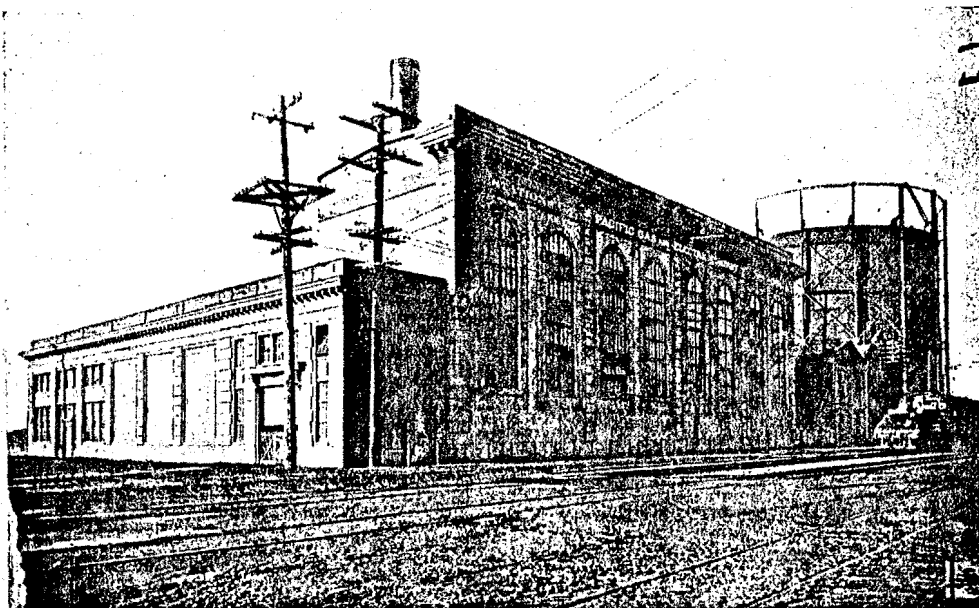
19. Historical and/or Architectural Importance (continued from page 11)

in Oakland and later practiced architecture here. Splendid Survivors, p.176, identifies him as a P.G. & E. "company architect who did a number of substations and office buildings based on prototypes by Willis Polk and Frederick Meyer." Indeed, the bracketed entablature over the Jefferson Street truck entry seems derived from Polk's Jessie Street Substation in San Francisco. However Frickstad's own P.G. & E. buildings are highly rated, and his expansion here of the already extant Embarcadero frontage shows an unusual sensitivity in continuing a good design rather than attempting to supersede it.

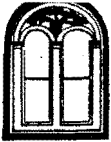
Frickstad is due even more credit for continuing his sensitive copying as late as 1937-38 in the four-bay section completing the full block facade, 645 Embarcadero. His name appears as the designer of the \$100,000 addition on permit #A70575, approved 1 Dec. 1937. The plans include a detailed profile of the Polk-type bracketed entablature above the truck entry on Grove.

A few months earlier, on 12 May 1937, the City had approved permit #A67752 for an \$80,000 3-story concrete Substation across the street at 628 Embarcadero/106 Grove, also by Frickstad. Here, since he was not continuing an extant facade, he interpreted more freely: without the round-headed windows, the consoles or the stucco veneer. However the monumentality and the rhythm, quoins and cornice all carry over from the Vensano-Frickstad facade of 601-45 Embarcadero.

The complex as a whole and two of its three component buildings as individual structures appear eligible for listing on the National Register of Historic Places. When it is 50 years old, 628 Embarcadero/106 Grove Street should also become eligible for listing.



P.G. & E. Station C, 1916 view;
Source: Pacific Service Magazine



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

21. Sources (continued from page 2)

Oakland Enquirer, 25 July 1888: 211.

Montclarion, 12 Oct. 1982: 9.

Illus. Ed. Oak. Trib., 1890: 20.

Hegemann, Werner, Report on a City Plan for the Municipalities of Oakland & Berkeley, 1915: 39-51.

Building Permits & (*)Plans

1908 - #13399, 19 Aug., 1-st. steel & corrug. iron
\$35,000, H.C. Vensano eng'r.

1920 - #58348, 30 Oct., NW Water & Jefferson
\$27,000, Cahill & Vensano

1927*- #A30632, 18 Nov., SW Jefferson & 1st (Embarcadero)
\$150,000, -----

1937/38*- #A70575, finalized 23 Nov. 38, SE 1st & Grove
\$100,000, -----

1937 - #A67752, 12 May, Switch & Control House,
\$80,000, Ivan C. Frickstad

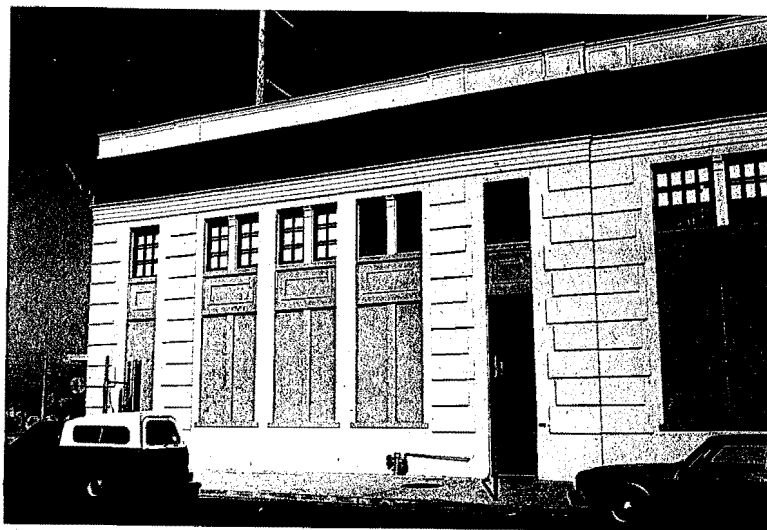
CA & BN XX #9 (20 Sept 1899): xiii .

Coleman, Chas. M., P.G. & E. of Calif., NY 1952, McGraw Hill

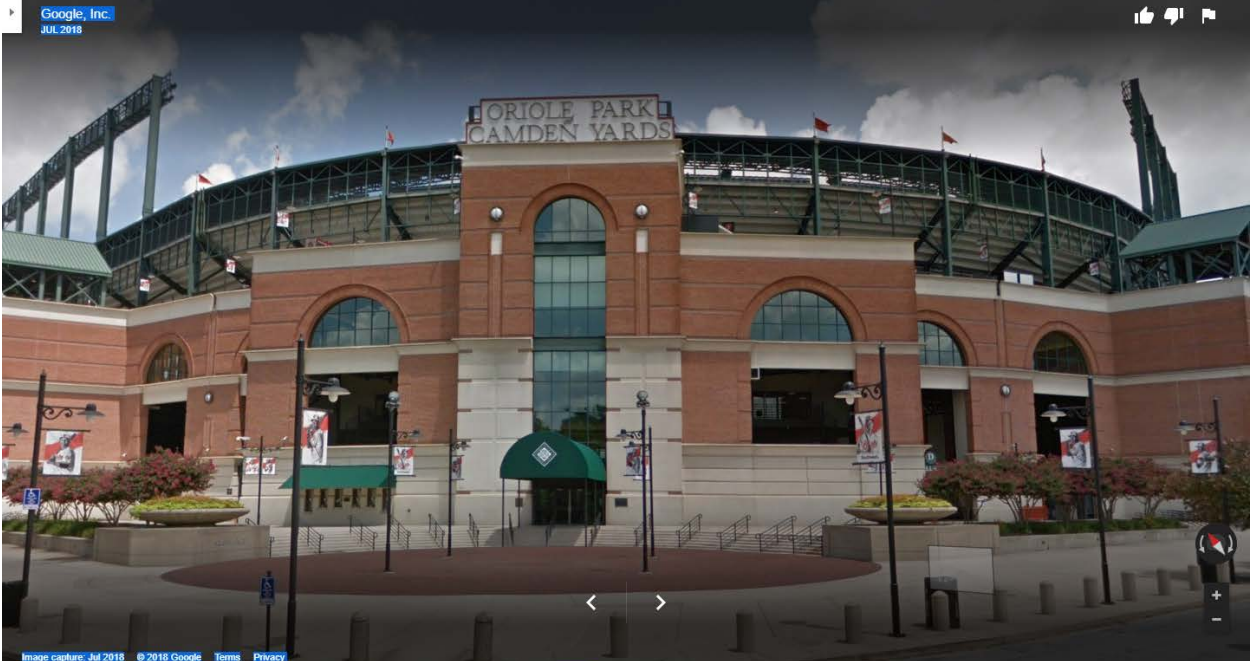
Oakland Cultural Heritage Survey, "Walter J. Mathews" file
"Henry C. Vensano" file
"Ivan C. Frickstad" file

Sanborn Maps 1889-1901,, 1902-1911, 1912-1935, 1912-1947

Pacific Service Magazine, July 1916: 51



217-29 51 Jefferson St.
(P.G. & E. Station C) 5/82



camden yards baltimore - Google | X

https://www.google.com/maps/uv?hl=en&pb=11s0v89c8035c2f465707%3A0x2428d93f0397c539f2m221m21180128013m1212016m161b112m211m11e112m211m11e312m211...

Oriole Park at Camden Yards
John Roche
AUG 2012

Image capture: Aug 2012. Images may be subject to copyright. Terms Privacy

Type here to search

10:41 PM 12/8/2018

This image shows a screenshot of a Google Maps Street View of Oriole Park at Camden Yards. The view is taken from an elevated position, looking down onto the baseball field. The field is green with brown dirt on the bases and pitcher's mound. The stadium seating is visible, with many fans in orange and black. The outfield is lined with advertisements, including GEICO, GULF, and SOUTHWEST.COM. The stadium's facade is a large, multi-story brick building with many windows. The sky is dark, indicating it is nighttime. The browser's address bar shows a Google Maps URL. The Windows taskbar is visible at the bottom, showing the search bar and various application icons. The system tray shows the time as 10:41 PM on 12/8/2018.







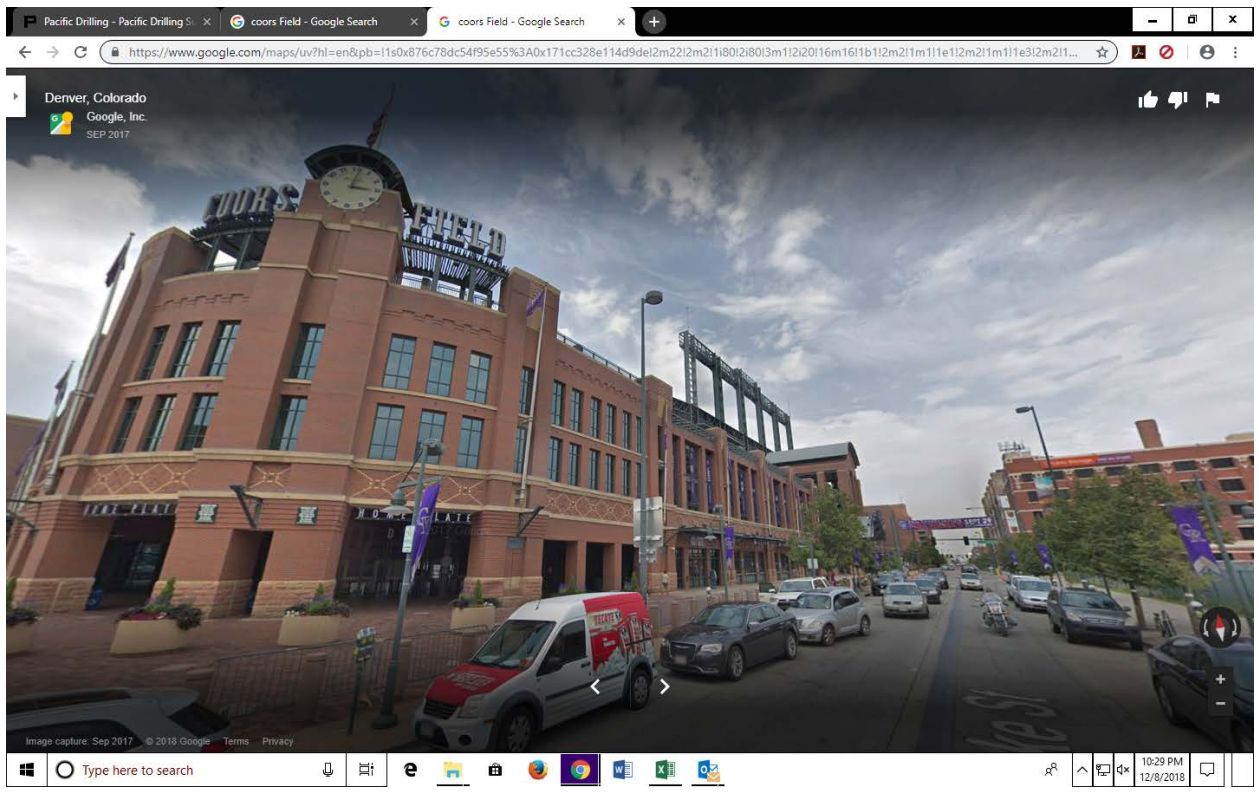


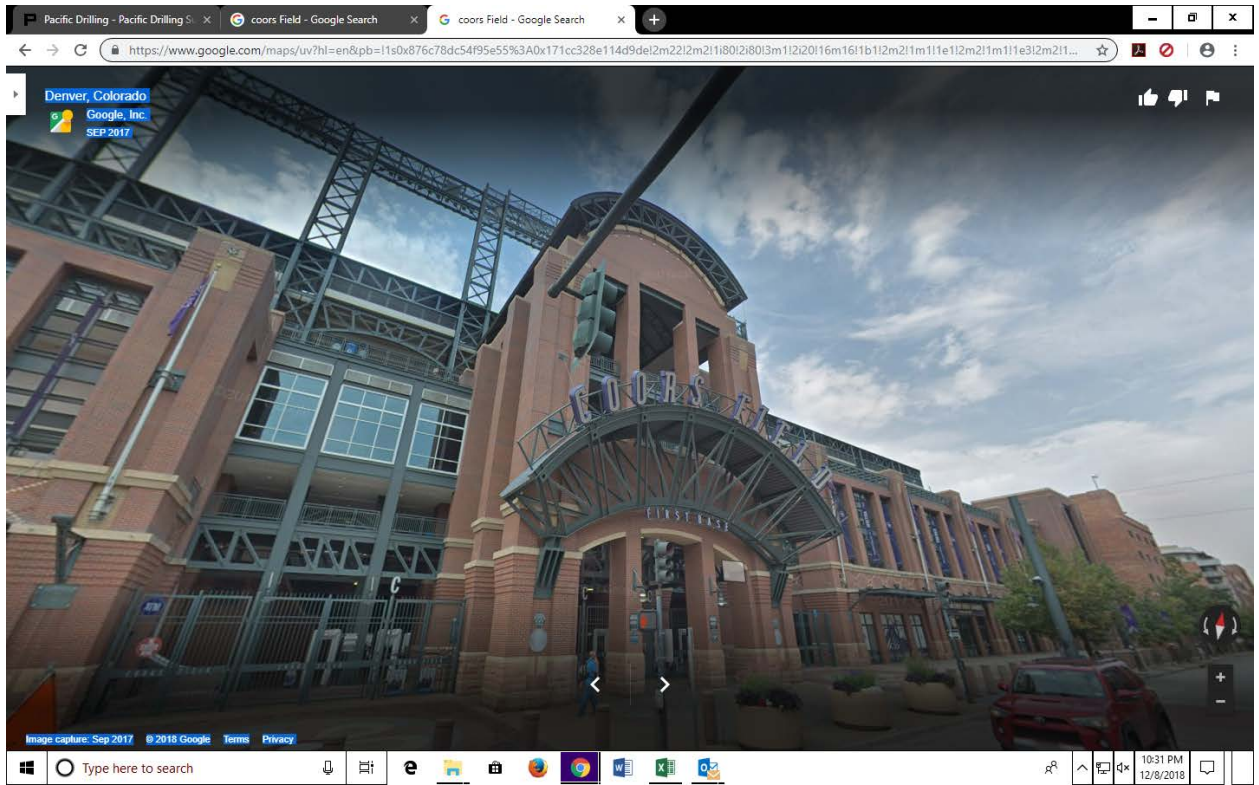
Image capture: Jul 2018 © 2018 Google Terms Privacy



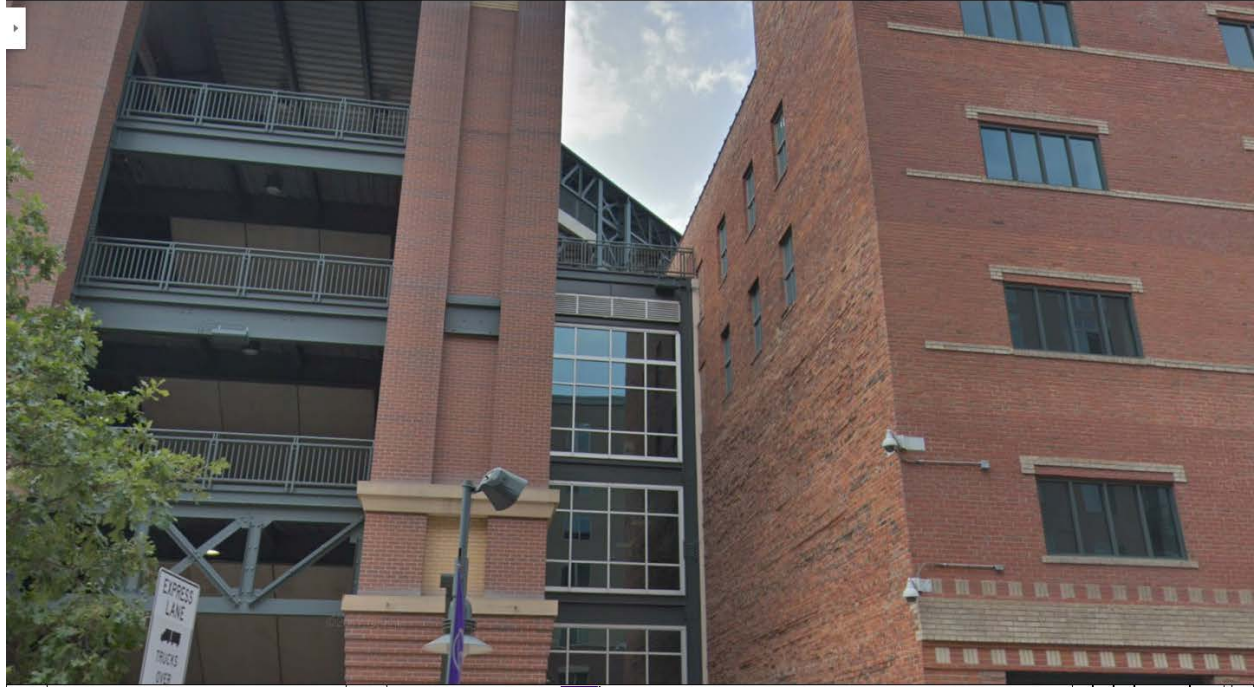


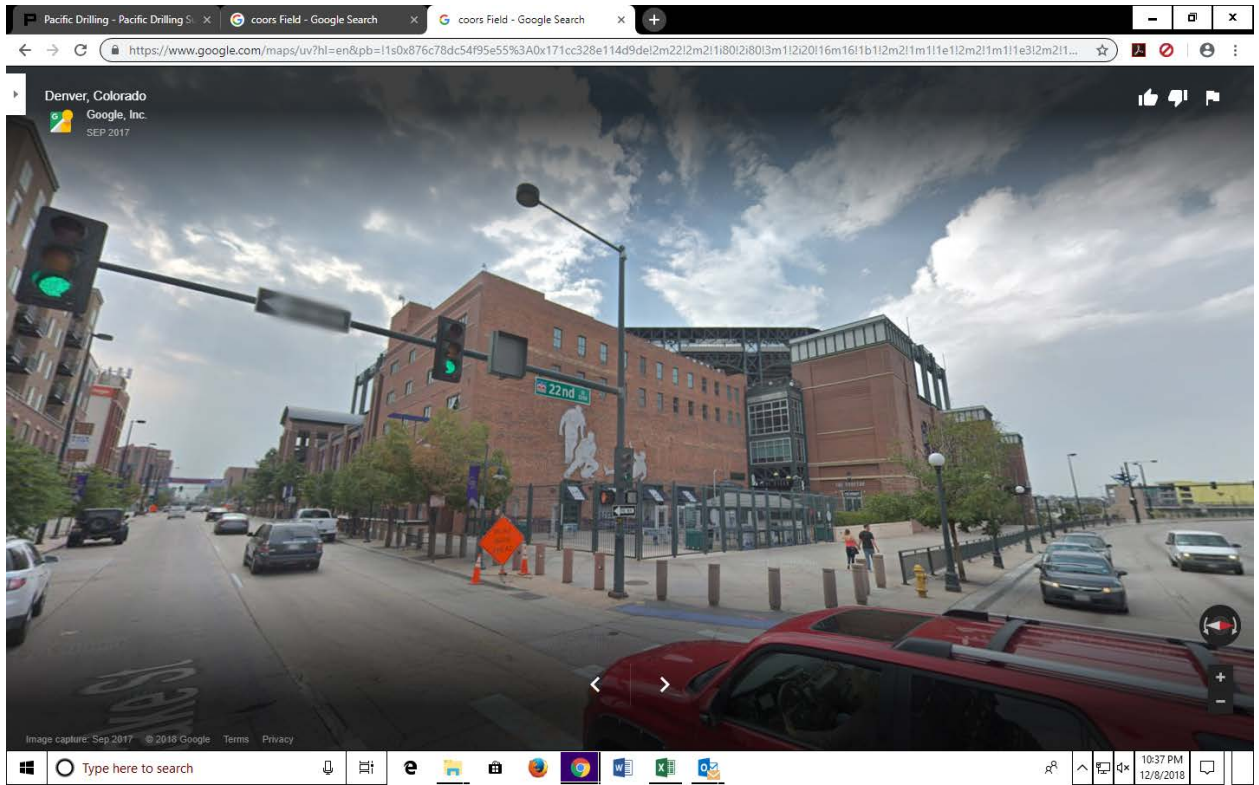
Image capture: Jul 2016 Images may be subject to copyright Terms Privacy











From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: NOP for Howard Terminal Ballpark
Date: Monday, January 7, 2019 4:01:30 PM
Attachments: [2019-1-7-HowardTermBallpkNOP-OHComments.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: Naomi Schiff [mailto:Naomi@17th.com]

Sent: Monday, January 7, 2019 3:12 PM

To: Vollmann, Peterson <PVollmann@oaklandca.gov>; Gilchrist, William <WGilchrist@oaklandca.gov>; Manasse, Edward <EManasse@oaklandca.gov>; Merkamp, Robert <RMerkamp@oaklandca.gov>; Payne, Catherine <CPayne@oaklandca.gov>; Marvin, Betty <BMarvin@oaklandca.gov>

Cc: Jahmese Myres <jmyres.oakplanningcommission@gmail.com>; Amanda Monchamp <amandamonchamp@gmail.com>; Tom Limon <tlimon.opc@gmail.com>; sahar shirazi <sshiraziopc@gmail.com>; Jonathan Fearn <jfearnopc@gmail.com>; cmanusopc@gmail.com; Nischit Hegde <nhegdeopc@gmail.com>; peter birkholz <pbirkholz@gmail.com>; Klara Komorous <klara@ktarch.com>; Timm@mithun.com; stafford@garden-restoration.com Buckley <Stafford@garden-restoration.com>; Vince Sugrue <vincexsugrue@gmail.com>; Nenna Joiner <nenna08@gmail.com>; marcusjohnson.lpab@gmail.com; Noah Rosen <NRosen@athletics.com>

Subject: NOP for Howard Terminal Ballpark

Dear Pete,

Attached please find comments from Oakland Heritage Alliance concerning the Notice of Preparation for the proposed ballpark.

Thank you!

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
[Email naomi@17th.com](mailto:naomi@17th.com)

cell: 510-910-3764



January 7, 2019
(By electronic transmission)
Peterson Vollmann
City of Oakland
Bureau of Planning/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, California 94612

Subject: Notice Of Preparation (NOP) Of A Draft Environmental Impact Report For The Oakland Waterfront Ballpark District Project

Dear Mr. Vollmann,
Following are potential significant project impacts on historic resources that should be addressed in the EIR, along with possible mitigation measures and project alternatives to minimize or avoid these impacts.

1. **IMPACT:** Demolition and/or adverse alteration of all or a portion of Pacific Gas and Electric Company Station C:

Mitigation Measures:

- a. Design the project to preserve all of the historically /architecturally contributing elements within the Station C complex. Note: Although the Notice of Preparation's Project Description suggests that the "existing power plant" will not be included among the buildings to be demolished on the project site, various renderings and other materials presented by the applicant omit at least portions of Station C, notably the Jefferson Street wing. At a meeting with OHA, the applicant appeared unaware that the Jefferson Street portion was a contributing element of Station C.
- b. Require that any modifications to the Station C buildings conform with the Secretary of The Interior Standards for the Treatment Of Historic Properties. Consider restoration of altered portions of the Station C exteriors as part of any adaptive reuse of the Station C buildings.
- c. Require that the design of the new stadium and other buildings are compatible with the Station C architecture, according to the Secretary of the Interior's Standards.
- d. Require that a preservation architect with demonstrated successful experience working with the Secretary of the Interior's Standards and the California Historical Building Code be included in the project design team.

Include the attached California Historic Resources Inventory Form for Station C in the EIR.

2. **IMPACT:** Possible adverse effects of the gondola component on the Old Oakland National Register District.

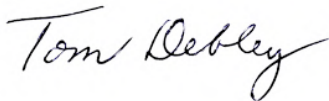
Project Alternatives: Instead of the gondola, provide alternative transportation improvements to facilitate stadium access from BART, including a dedicated light rail, bus or shuttle connecting the stadium to the West Oakland BART station along Third Street.

Mitigation Measures:

- a. Locate the gondola's 10th Street Station within the Convention Center/Hotel to minimize the station structure within the Washington Street and 10th Street rights of way and to retain the openness of the air space within these rights of way to the greatest extent possible.
- b. As an alternative to Measure (a):
 - i. Position as much of the station structure as possible outside the Washington Street right of way alignment to minimize its visual prominence when looking north within the National Register District's important Washington Street visual corridor. This measure would result in most or all of the station structure to be positioned within the 10th Street right of way outside of the Washington Street right away alignment; and
 - ii. Design the station to minimize its architectural prominence and to be as visually subordinate as possible to the District's contributing buildings. Minimize the height of the station structures and use materials and design treatments that maximize transparency. Refer to the Secretary of the Interior's Standards. Include a preservation architect on the station design team with demonstrated experience successfully working with the Standards. Note: preliminary station renderings presented to OHA by the applicant showed a very modernistic design that contrasted excessively with Old Oakland's contributing buildings with the station positioned at an extremely prominent location relative to the District at the north end of Washington Street in front of the convention center.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835-1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,



Tom Debley, President

By electronic transmission:

cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Betty Marvin, Bureau of Planning/Zoning
City of Oakland Planning Commission
City of Oakland Landmarks Preservation Advisory Board
Neil Rosen
Mayor Libby Schaaf
Members of the Oakland City Council

Attached:

PG&E Station C SHRI Form

HISTORIC RESOURCES INVENTORY

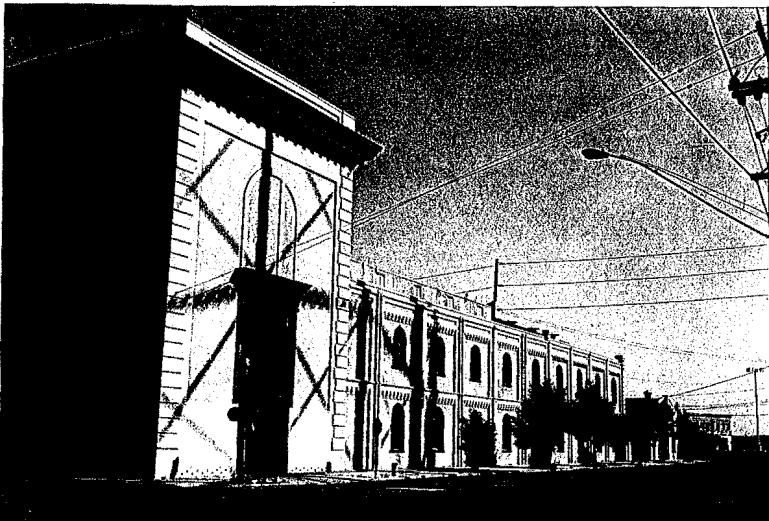
IDENTIFICATION

1. Common name: Pacific Gas and Electric Company Station C
2. Historic name: Same
3. Street or rural address: Multiple, see Continuation page 3
City _____ Zip _____ County _____
4. Parcel number: 0-410-7 and 1-125-5 (portion)
5. Present Owner: P.G. & E. Co. Address: 1919 Webster St.
City Oakland Zip 94612 Ownership is: Public _____ Private X
6. Present Use: Electric Power Plant Original use: Same

DESCRIPTION

- 7a. Architectural style: Beaux Arts derivative power station
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

P.G. & E. Co. Station C consists of three buildings of related uses and appearance, constructed in several sections at various periods from 1888 through 1938. Beaux Arts stylistic elements unify the exterior of the whole complex through monumental scale, generously quined piers, round-headed windows set each in its own panel, and a Classically derived cornice. The thrust of the complex is horizontal because of the large land area (more than a square block) and because most segments are articulated as if they were one story tall under the horizontal of the overhanging cornice. Sanborn maps describe this appearance as "1 (story) = 4," "1 = 2" and "3 = 4," and by heights respectively of 60 ft., 32 ft. and 42 ft. Access to the complex is through a gate in the fence between 50 and 64 Grove Street. The complex's unity has recently been enhanced by painting all the elements in a single color scheme of cream on quoins, piers and simple horizontal elements; tan on panels; and dark brown on cornices and openings. Street trees have also been planted along Grove and the south side of Embarcadero West.



(see continuation page 5)

8. Construction date:
Estimated _____ Factual 1888-1938
9. Architect See Continuation
Page 3
10. Builder See Continuation
Page 3
11. Approx. property size (in feet)
Frontage _____ Depth _____
or approx. acreage 2.10
12. Date(s) of enclosed photograph(s)

219-10 Pacific Gas & Electric Co.
Station C (Grove St. south from
Embarcadero) 5/82



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas & Electric Co. Station C

Address Historic Name	Date Cost	Architect Builder	Source
601-45 Embarcadero/51 Jefferson St./64 Grove St. Pacific Gas & Electric Co. Station "C" constructed as:	1888-1938 See below	Multiple, see nine components below	Multiple, see nine components below
601 Embarcadero	1928 \$150,000	Ivan C. Frickstad P.G. & E.	Permit #A30632 (includes c.635 Embarcadero & 51 Jefferson)
605 Embarcadero	1920 \$27,000	Henry C. Vensano (E) (attrib.) Cahill & Vensano	Permit #58348
629 Embarcadero	1908 \$35,000	Henry C. Vensano (E) Unknown	Permit #13399
c.635 Embarcadero	1928	See 601 Embarcadero	See 601 Embarcadero
645 Embarcadero	1937-38 \$100,000	Ivan C. Frickstad P.G. & E.	Permit #70575
64 Grove St. *	1889-90	Unknown Unknown	Sanborn map 1889
c.74 Grove St.*	1888-89 \$40,000	Unknown Unknown	<u>Oakland Enquirer</u> , 25 July 1888
51 Jefferson St.	1928	See 601 Embarcadero	See 601 Embarcadero
c.75 Jefferson St.	c.1912-14 Unknown	Unknown Unknown	Hegemann, <u>Report...</u> , 1915: 39
628 Embarcadero/106 Grove St. P.G. & E. Station "C" Switch & Control House	1937 \$80,000	Ivan C. Frickstad (A) A.H. Markwart (E) P.G. & E. (B)	Permit #A67752
50 Grove St. Standard Electric Co. Substation DEM	1899-1900 \$2,544	Walter J. Mathews Unknown	<u>California Architect & Building News</u> , 9-1899: vi

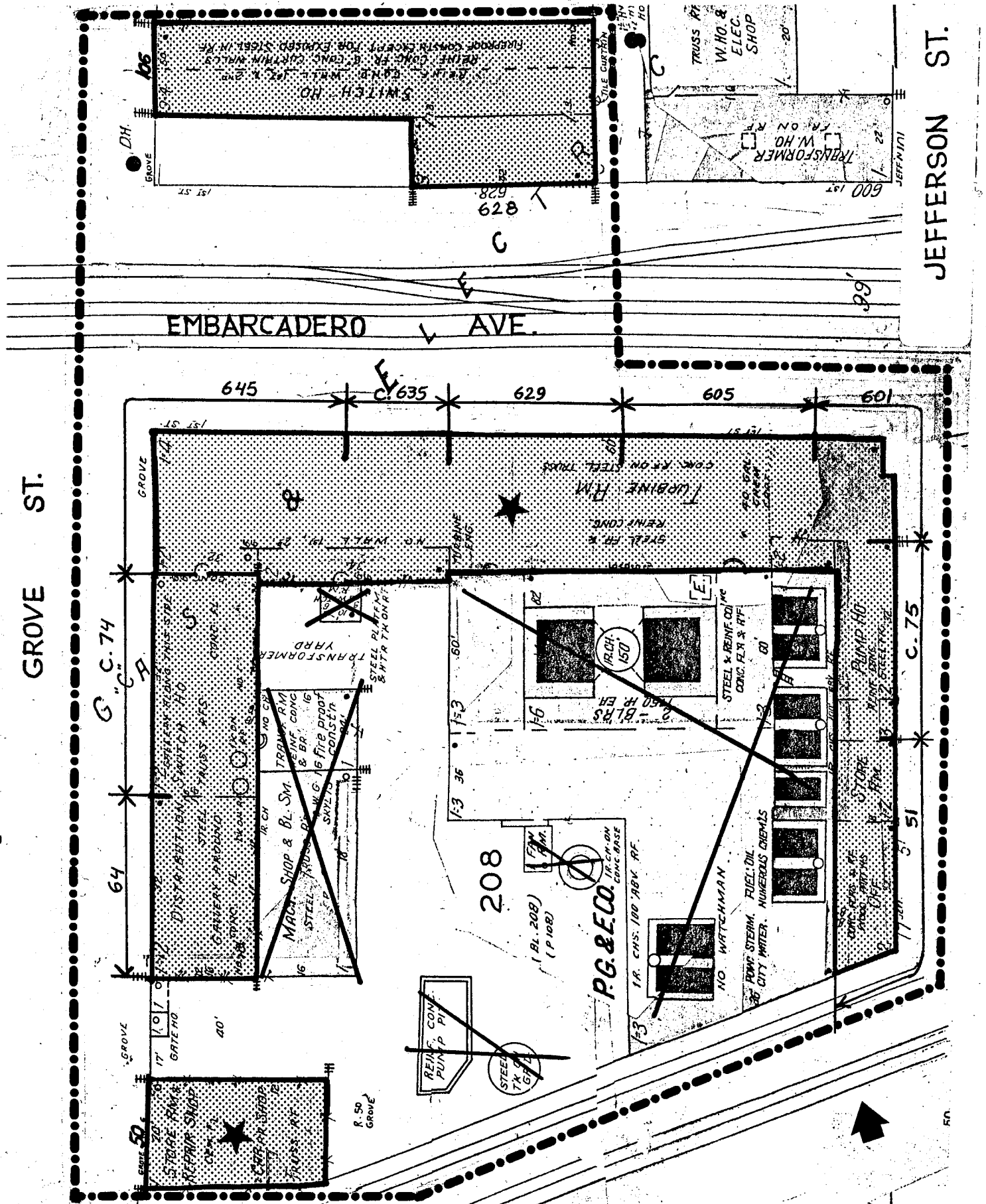
*Historic name: Oakland Gas, Light and Heat Company Electric Light Works.



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas & Electric Co. Station C





HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

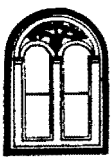
7b. Description (continued from page 1)

601-45 Embarcadero/51 Jefferson Street/64 Grove Street is a C-plan with each facade a composite of three or four major construction projects. The Grove Street facade is a painted brick structure, the others steel frame reinforced concrete with stucco veneer. The main facade, 601-45 Embarcadero, occupies the whole city blockfront 300 feet long. Monumental in scale and 60 feet high, it is divided into 15 vertical panels each containing a single tall, narrow, round-headed window most of which has recently been stuccoed over, leaving a slit in the center. Panels are paired between quoined piers, except for the single easternmost panel, at Jefferson, which has a rectangular window. Except for this single panel, there are no differences between the five sections constructed in four building campaigns over a 30-year period (see continuation pages 3 and 4). Each successive designer respected and continued the design of his predecessor(s) to create the rhythmically decorated monumental block we see today. The panels rest on an unadorned base into which piers extend. Over all is a boxed cornice of galvanized metal on consoles, surmounted by a paneled parapet that conceals the flat roof. This principal block extends in harmonious returns along the first portion of each cross street. Each return features a Classical bracketed entablature over a giant-scale equipment-and-truck door of metal.

The main building's Grove Street facade begins at the Embarcadero corner with a return of the principal facade and continues with the two oldest sections, c. 74 and 64 Grove Street, which are matched, two-story, 32'-high, gable-ended brick structures with quoins, piers, a corbeled cornice and a corbeled belt course of brick. Quoined piers are at the corners and at the meeting of the two buildings, five bays from the southern end. Each facade is divided into nearly square panels defined by piers, the belt course and the cornice. Within each panel is a pair of round-headed windows, sometimes (originally always) with pairs of arches as the transom tracery. Downstairs windows have deeper reveals than upstairs ones, reflecting the decreasing thickness of the structural brick walls. The gable is decorated with stepped projecting bricks imitating barge boards. The corner piers terminate with a crenelated box above the roof line. The corbeling of cornice and belt course is incised into small segments rather like consoles. This segmented effect, the panels, the quoins and the round-headed windows became themes for the monumental facade on Embarcadero. A photograph published by the Oakland Tribune in 1898 shows these sections going all the way up to Embarcadero, with seven bays north of the joint between 64 and c.74 Grove instead of the present four bays. This original seven-bay building was four bays wide on Embarcadero instead of the present two bays, and the Oakland Tribune Annual of 1890 announced its dimensions as 80' (on Embarcadero) x 120'. Apart from the partial demolitions and changed chimneys, 64 and c.74 Grove retain their original appearance, though the interior is now open from ground to roof.

The Jefferson Street facade is basically a lower structure than the monumental facade on Embarcadero and its return at the corner. Though 32' high, c.75 Jefferson Street appears as a single story, with cornice, parapet and quoined piers matching those on the monumental facade. The center section has three bays with simple panels adjoining the corner bay, then three similar-sized bays with small-paned metal windows in triple banks topped by a single wire glass panel and triple transoms. All are now painted over except the clear transoms. Plain panels, quoins and windows were all rebuilt in 1928, but apparently with little change. 51 Jefferson Street, the 1928 addition to the south, is about half the length of the center section; it has a more complicated rhythm. Most of it extends slightly from the facade plane as a pavilion; its fenestration is more vertical as the mullions separating wider banks of windows extend through the horizontal panel, and there are side lights.

(see continuation page 6)



HISTORIC RESOURCES INVENTORY

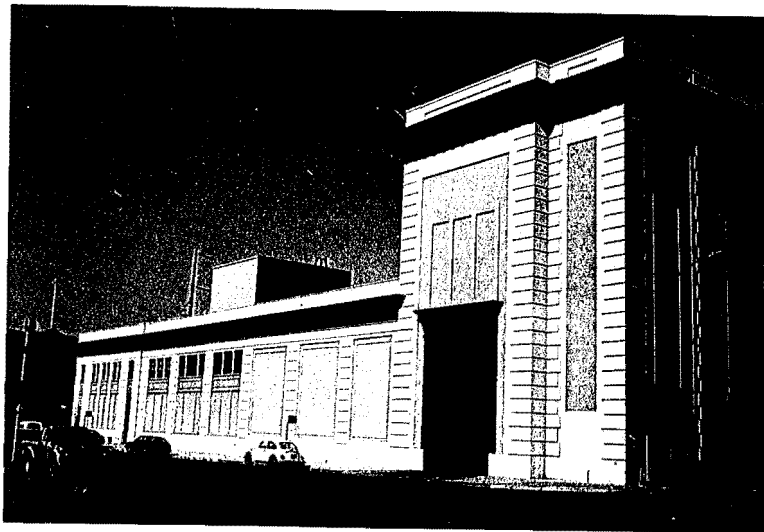
CP

Street or rural address: Pacific Gas and Electric Company Station C

7b. Description (continued from page 1)

628 Embarcadero/106 Grove St. is a L-plan monumental structure surrounding but not touching the northeast corner of Embarcadero and Grove Street. Flat-roofed, it is constructed of reinforced concrete with form marks visible on the exterior. Nevertheless its ornamentation echoes that of the main block across the street: quoins at all corners, piers separating its sides into vertical panels, substantial but simple base and a Classical entablature emphasizing horizontality. About 42' high, the L-plan's foot is a little less tall than its stem, but the cornice is repeated. The building presents great blank walls, broken by the quoins and paneling, by 2 or 3 tiny square windows and by a small door.

50 Grove Street is a small, 1½-story, gable-ended rectangular brick structure. Like the other buildings of the P.G. & E. complex, it is divided by piers and corner quoins into bays: 2 on the end facing Grove, 4 on the north facade. An incised and corbeled belt course matching those on 64 and c.74 Grove Street divides each bay into an attic section and an almost square, panel-like section containing a round-headed double-casement window rather similar to those at 64 Grove Street. One bay on Grove contains, instead, a large equipment-and-truck entrance with unadorned metal doors. Other differences from 64 and c.74 Grove Street are that the piers are clusters of 3, and the corner piers terminate without crenelated boxes.



217-23 Jefferson St. elevation
P.G. & E. Station C 5/82

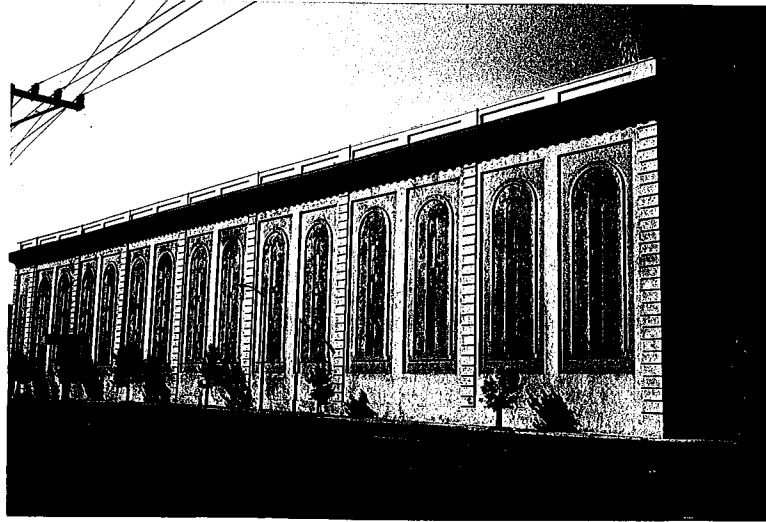


HISTORIC RESOURCES INVENTORY

CP

Pacific Gas and Electric Company Station C

Street or rural address: _____



217-15 601-45 Embarcadero
(P.G. & E. Station C) 5/82



217-24 601 & 605 Embarcadero
(P.G. & E. Station C) 5/82



217-27 Detail, Jefferson at
Embarcadero 5/82



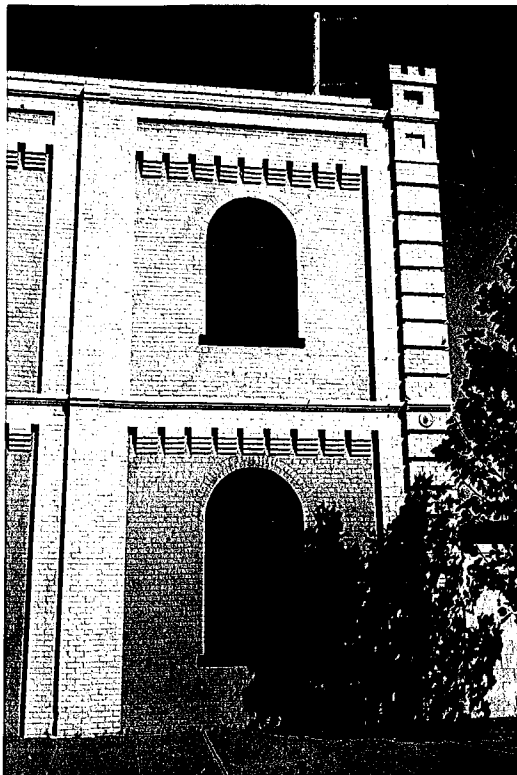
HISTORIC RESOURCES INVENTORY

CP

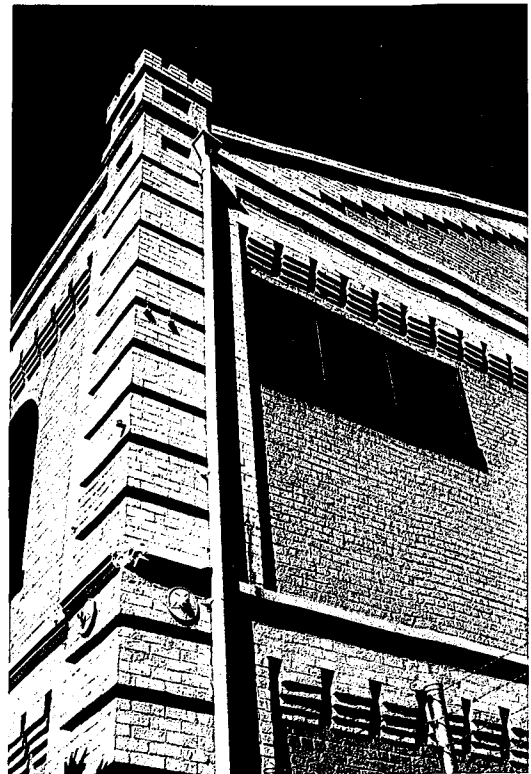
Street or rural address: Pacific Gas and Electric Company Station C



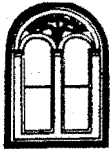
219-13 64 & c.74 Grove St.
(P.G. & E. Station C) 5/82



219-17 Bay detail, 64 Grove St.
5/82



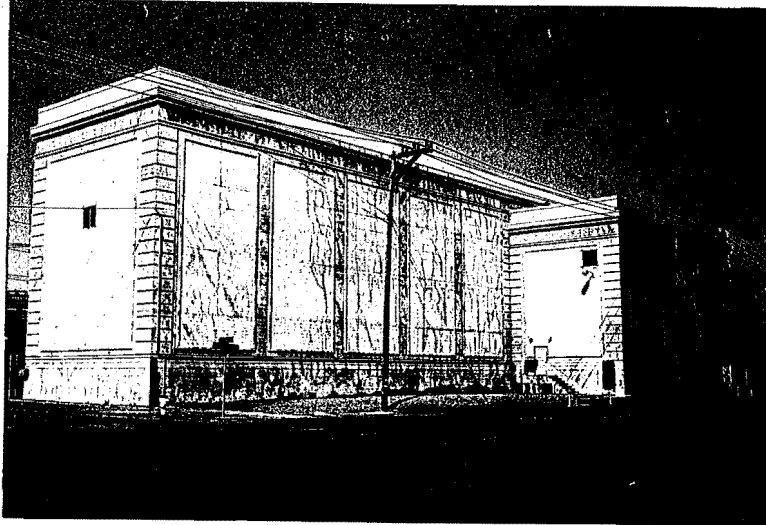
219-15 Corner detail, 64 Grove St.
5/82



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C



219-22 628 Embarcadero/106 Grove St.
(P.G. & E. Station C) 5/82



219-12 50 Grove St.
(P.G. & E. Station C) 5/82



HISTORIC RESOURCES INVENTORY

Street or rural address: Pacific Gas and Electric Company Station C

19. Historical and/or Architectural Importance (continued from page 2)

Annual of 1890, p.20, was incorporated in 1866 by Anthony Chabot, James Freeborn, H.H. Haight and Joseph G. Eastland. In 1870 it acquired the waterfront marsh land between Castro and Clay Streets, and began the process of reclamation and construction. When electric lighting began to appear in competition with gas light, the company decided to produce both, the first company on the West Coast to do so. Coleman in P.G.& E., p.41, reports that it reincorporated in 1884 as the Oakland Gas Light & Heat Co., which built its first electric plant in 1885. This plant proving inadequate to projected needs, on 25 July 1888 the Oakland Enquirer, p.2, noted commencement of a new electric power plant, four bays of whose original 7-bay length exists today as c.74 Grove Street. With a salt-water supplied Hamilton-Corliss steam engine and dynamos costing \$60,000, the new plant was expected to quintuple the company's electric production capacity. The article estimated \$40,000 for building construction.

The 1889 Sanborn map and a photograph published in the Tribune Annual of 1898 together indicate that shortly after completion of c.74 Grove Street the Oakland Gas Light & Heat Co. constructed the matching 5-bayed power plant addition known as 64 Grove Street.

The man whom the Enquirer noticed in 1888 as the company's secretary was a Bostonian named John A. Britton, who began working for Oakland Gas Light about 1875 (Coleman, p.155-56). Through hard work, night school and marrying boss Van Leer Eastland's step-daughter, he became president of the company in 1900, at the age of 45. Britton played a role in the successive mergers of local and generating enterprises that resulted finally in the Pacific Gas & Electric Company. He was director and vice-president of the closely held California Central Gas & Electric, then general manager of P.G.& E. for its first 20 years.

Meanwhile the small building at 50 Grove Street had been erected in 1899-1900 for the Standard Electric Co., which Coleman (p.147) indicates was mostly a transmission company, though it was also building the Electra hydroelectric power plant on the Mokelumne River. In the Grove Street building it handled power from the Bay Counties Company's Colgate hydroelectric plant via the first high-power cables ever to cross the Carquinez Strait. This power Standard Electric delivered to Oakland Gas Light & Heat's system just a few feet away at 64 Grove Street. No wonder mergers produced the unified P.G.& E.

The California Architect & Building News for September 1899, p. xiii, stated this "Building, Grove near First" (Embarcadero) for Standard Electric Company, projected to cost \$2544, was by Walter J. Mathews, architect. Mathews (1850-1947) maintained one of the Bay Area's longest-lived architectural practices, beginning in 1874 as junior partner of his father Julius C. Mathews, suspending in 1883 for a year's educational travel in England, Germany and France, and continuing thenceforth on his own well into old age. He built residences, business buildings, government buildings, banks, and department stores--4 miles worth by 1911. He designed structures in San Francisco, Los Angeles, San Luis Obispo, Redondo Beach and on Angel Island, but especially in his home city of Oakland. Here he built the First Unitarian Church (681-85 14th Street, 1890), the Easton or Union Savings Bank Building (1300 Broadway, 1904), the Will Rogers Hotel (371-75 13th Street, 1906), the Metcalf House (1909), and the Central Bank Building (1400-16 Broadway, 1926, in association with George Kelham) (see SHRI forms). He was consulting architect for the Hotel Oakland and the Oakland Auditorium. The Standard Electric plant is one of his very few known industrial buildings.

(see continuation page 11)



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

19. Historical and/or Architectural Importance (continued from page 10)

The next addition to the P.G. & E. complex, 629 Embarcadero, is the subject of Oakland building permit #13399, issued Aug. 1908, for a \$35,000 "one-story steel and corrugated iron power station" designed by Henry C. Vensano, engineer. A photograph published in 1911 by P.G. & E. in Properties Owned & Operated shows this building as the earliest section of the present Embarcadero facade. Four bays wide, it has all the design elements characteristic of the whole facade: tall and narrow round-headed windows set in panels, piers with rusticated quoins marking each pair of panels, box cornice with consoles, paneled parapet masking the roof, and the plain base. The permit's "corrugated iron" probably was the side surface material.

Henry Vensano (1881-1960), therefore, created the design of the Embarcadero facade, which his successors copied and expanded. Born in San Francisco of an Italian father and a California-born mother of Maine parentage, he earned a degree in civil engineering from the University of California in 1903 and worked briefly for the Minneapolis Steel & Machinery Company. By the 1908 San Francisco Directory he was civil engineer for the San Francisco Gas & Electric Co., which soon merged into the P.G. & E. In nearly 10 years with the Company he supervised several large power developments, including Oakland's Substation C. Next he went into a partnership with Edward G. Cahill, a business that later developed into the giant Cahill Construction Company, but without Vensano. With Cahill or later alone, Vensano is credited in his obituary (S.F. Examiner, 9 Oct. 1960, p. 15/1) with "numerous industrial buildings, 17 dams and three Sacramento River pumping stations." In 1936 he joined the Golden Gate International Exposition (Treasure Island Fair of 1939-40) as chief of construction and assistant works director, becoming director of works in 1940. He was Director of San Francisco's Department of Public Works 1942 to 1950.

Vensano seems also to have designed the second matching section of the Substation's Embarcadero frontage, 605 Embarcadero. Building permit #58348, issued 30 Oct. 1920, calls for a \$27,000 building by Cahill & Vensano. Plans for the 1927 permit (see below) show 8 bays of the facade as pre-existing. So in 1920-21 Cahill & Vensano must have put up a 4-bay addition to the east of Vensano's original 4-bay building of 1908. They matched perfectly.

Before the expansion on Embarcadero, a free-standing P.G. & E. building had been erected at c.75 Jefferson Street. This building appears exactly as at present (though now with some windows painted over) both as pre-existing on the 1927 plans and in a photograph published in 1915 in the Hegemann Report, p.39. No building permit exists; construction must have occurred between the 1911 Sanborn map, where the space is vacant, and the 1915 photo.

On 18 Nov. 1927 building permit #A30632 was approved for \$150,000 for three additions to Station C by I.C. Frickstad. Plans exist, which show the intended work as one bay at the southeast corner of Embarcadero and Jefferson (601 Embarcadero), two bays on Embarcadero west of the previously built 8 bays (c.635 Embarcadero), and the southern section of the Jefferson Street facade (51 Jefferson). Frickstad carefully showed the precise relationships between old and new, with instructions such as "Present quoins to be cut off and rebuilt," or "Dotted lines show existing work (in cornice & parapet)." From these elevations the windows could be restored.

Ivan C. Frickstad appears in San Francisco Directories as a draftsman, independent in 1902, working for Newsom & Newsom in 1903 and for Albert Farr in 1905. He lived

(see continuation page 12)



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

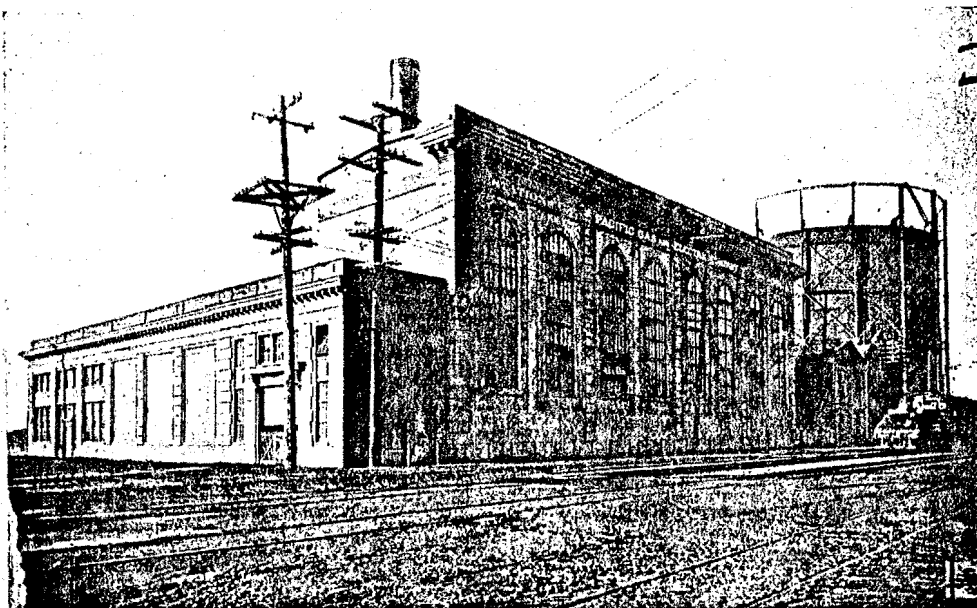
19. Historical and/or Architectural Importance (continued from page 11)

in Oakland and later practiced architecture here. Splendid Survivors, p.176, identifies him as a P.G. & E. "company architect who did a number of substations and office buildings based on prototypes by Willis Polk and Frederick Meyer." Indeed, the bracketed entablature over the Jefferson Street truck entry seems derived from Polk's Jessie Street Substation in San Francisco. However Frickstad's own P.G. & E. buildings are highly rated, and his expansion here of the already extant Embarcadero frontage shows an unusual sensitivity in continuing a good design rather than attempting to supersede it.

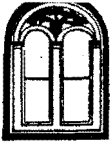
Frickstad is due even more credit for continuing his sensitive copying as late as 1937-38 in the four-bay section completing the full block facade, 645 Embarcadero. His name appears as the designer of the \$100,000 addition on permit #A70575, approved 1 Dec. 1937. The plans include a detailed profile of the Polk-type bracketed entablature above the truck entry on Grove.

A few months earlier, on 12 May 1937, the City had approved permit #A67752 for an \$80,000 3-story concrete Substation across the street at 628 Embarcadero/106 Grove, also by Frickstad. Here, since he was not continuing an extant facade, he interpreted more freely: without the round-headed windows, the consoles or the stucco veneer. However the monumentality and the rhythm, quoins and cornice all carry over from the Vensano-Frickstad facade of 601-45 Embarcadero.

The complex as a whole and two of its three component buildings as individual structures appear eligible for listing on the National Register of Historic Places. When it is 50 years old, 628 Embarcadero/106 Grove Street should also become eligible for listing.



P.G. & E. Station C, 1916 view;
Source: Pacific Service Magazine



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: Pacific Gas and Electric Company Station C

21. Sources (continued from page 2)

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Illus. Ed. Oak. Trib., 1890: 20.

Hegemann, Werner, Report on a City Plan for the Municipalities of Oakland & Berkeley, 1915: 39-51.

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1908 - #13399, 19 Aug., 1-st. steel & corrug. iron
\$35,000, H.C. Vensano eng'r.

1920 - #58348, 30 Oct., NW Water & Jefferson
\$27,000, Cahill & Vensano

1927*- #A30632, 18 Nov., SW Jefferson & 1st (Embarcadero)
\$150,000, -----

1937/38*- #A70575, finalized 23 Nov. 38, SE 1st & Grove
\$100,000, -----

1937 - #A67752, 12 May, Switch & Control House,
\$80,000, Ivan C. Frickstad

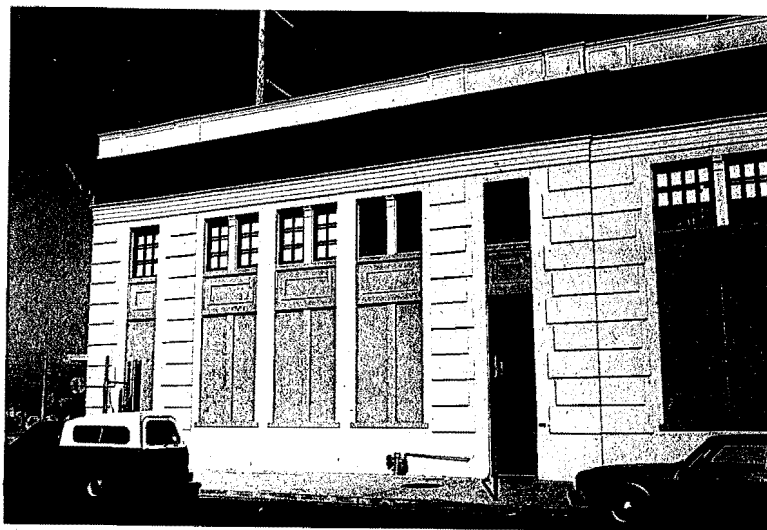
CA & BN XX #9 (20 Sept 1899): xiii .

Coleman, Chas. M., P.G. & E. of Calif., NY 1952, McGraw Hill

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"Henry C. Vensano" file
"Ivan C. Frickstad" file

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Pacific Service Magazine, July 1916: 51



217-29 51 Jefferson St.
(P.G. & E. Station C) 5/82

PACIFIC MARITIME ASSOCIATION

Northern California Area

475 14th Street, Suite 300, Oakland, California 94612
PHONE: (510) 452-1200 FAX: (510) 839-0285

December 21, 2018

Via Fax No. 1-510-238-4730

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Re. Oakland Waterfront Ballpark District Project (Case File No. ER18-016)

Dear Mr. Vollmann,

In reference to (bold and italic added for clarity):

EXISTING CONDITIONS: Maritime support uses for short term tenants. Existing uses and activities include but are not limited to: truck parking, loaded and empty container storage and staging, and longshore training facilities. The Project Site was previously used as a maritime container terminal until 2014. Howard Terminal is designated as Berths 67 through 69 within the Port of Oakland. Berths 67 and 68 were constructed in the early 1980's, and Berth 69 was constructed in the mid 1990's. The site includes a marginal wharf structure approximately 75' wide. A below grade rock dike sits adjacent to the Oakland Inner Harbor as the site's shoreline. The remaining site is understood to be on grade pavement. Four cranes are located on Howard Terminal that were used to load/unload ships when the area was an active shipping facility. Howard Terminal is currently used by short term tenants. (NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND WATERFRONT BALLPARK DISTRICT PROJECT, City of Oakland Bureau of Planning, p.2)

Pacific Maritime Association (PMA) on behalf of the maritime industry operates the longshore training facility described as a short-term tenant above. As the organization tasked with training the longshore workforce up and down the West Coast, PMA has had a long-term relationship with the Port of Oakland, first leasing multiple acres of land at their 9th Avenue Terminal site (2000-2015) subsequently sold for development and, since 2015, when we relocated to the Howard Terminal.

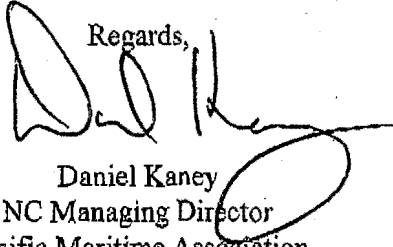
Clearly, having leased land from the Port of Oakland for the last 18 years, we are short-term tenants not by choice but by Port of Oakland standard lease agreement. In fact, upon relocating to the Howard Terminal site, PMA expanded considerable resources, including infrastructure expenses, totaling more than \$300,000 to make the site viable for our training activities for the long term.

While PMA appreciates the City of Oakland and the A's organization's efforts to build a modern ballpark in downtown Oakland, locating the ballpark at Howard Terminal would interrupt our ability to conduct our training activities. This would directly impact the ongoing training of two thousand ILWU

longshore workers leading to a negative impact to the maritime employers operating at the Port of Oakland who depend on that skilled workforce.

To remedy this situation, PMA would have the extremely difficult task of securing an alternate suitable 5 acres site close to the Port of Oakland. In addition to the already incurred costs detailed above, the logistical and other costs of moving to another location would be substantial, possibly as high as \$100,000. These costs may seem insignificant when measured against the substantial costs tied to environmental remediation of the site, but they are not to PMA, to the waterfront employers and to the ILWU.

Regards,



Daniel Kaney
NC Managing Director
Pacific Maritime Association

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.

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

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,

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."

PMSA's member companies know better than anyone that the process for gaining leasing and construction entitlements from Port authorities in California under CEQA can be overwhelmingly time-consuming. And these are the experiences from constructing, managing, and operating marine terminals which are consistent with existing land use designations and developed after long, detailed, and engaged planning processes to produce the exact project to be developed. The project here does not benefit from these advantages, remains extremely expensive, complex, and risky, and has demonstrated no basis for reaching even a timeline as speedy as a simpler waterfront project, let alone an accelerated calendar for its CEQA process.

If the NOP cannot rely on the Application's misplaced optimism that this project is somehow environmentally benign regarding potential significant impacts from this project,² then the NOP cannot rely on the Applicant's aspired-for accelerated and abbreviated schedule of FEIR completion by October 2019 as a basis for its own calendar. PMSA notes for the record here that the NOP has already facially ignored the Application's assertions that there are not anticipated significant impacts in multiple respects from the proposed project in its conclusions that "the full range of environmental issues" need to be addressed. And, the NOP has already rejected specific claims of non-environmental impact by the application; for instance, with respect to hazardous materials, the project Applicant asserted that questions of the disposal of hazardous materials would not even be applicable to this project, but the NOP noted that this is a DTSC listed location with serious hazardous materials constraints.

The DEIR timeline, therefore, must be controlled by the scope of the substance of the NOP's conclusion that "the EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA and the CEQA Guidelines" and not the arbitrary timeline desired by the Applicant or reflected in the planning staff memo which accompanied the NOP.

Careful and Complete Studies are Needed to Determine the Baseline for CEQA Analysis

The adequacy of the CEQA analysis contained in the DEIR will hinge on the accuracy of baselines used for environmental analysis. An accurate baseline is required to ensure that the Project's likely environmental impacts are neither exaggerated nor obscured. Mere projections of baseline information are insufficient for baseline analysis. *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238; *Save Our Peninsula Committee v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99 [CEQA "requires that the preparers of the EIR conduct the investigation and obtain documentation to support a determination of preexisting conditions."]. Further, *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931 states that recitation of raw data without explanation of how such levels were derived or maintained "does not provide an adequate description of the existing environment." *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549 held the proper baseline for analysis of environmental impacts is "what [is] actually happening," not what might happen or should be happening.

The NOP notes that this "EIR for the proposed Project is also being prepared under the new California Assembly Bill 734 judicial streamlining legislation." In this context, the proper CEQA baseline is not just particularly important for evaluating transportation and air quality impacts in the general sense that

² For instance, with respect to air quality issues, the Applicant asserts that they anticipate there will actually be a "potential reduction" in air emissions as a result of this massive new project.

they are required under CEQA, but for this project, the creation of the proper and most robust baselines possible will be necessary in order to evaluate whether or not the project is even eligible to take advantage of the potential benefits of AB 734. For example, the project may not result in net additional emissions of greenhouse gases and must achieve a 20 percent reduction in vehicle trips or else it will not meet the threshold criteria to meet AB 734 streamlining criteria.

Reasonably Foreseeable Port Business Impacts and their Associated Significant Environmental Consequences Must be Analyzed

An environmental document must analyze a project's reasonably foreseeable impacts. *Laurel Heights Improvement Assn. v. Regents of University of California* (1998) 47 Cal. 3d 376, 393. Moreover, CEQA requires an analysis of the "whole of an action, which has the potential for physical impact on the environment." CEQA Guidelines, 14 CCR §15037.

The range of reasonably foreseeable impacts to be analyzed regarding waterfront business activities are expansive and include, but are not limited to, all of the following:

- **Impacts to Landside Traffic and Transportation for Ingress/Egress to Marine Terminals/Railyards:**
 - Construction activity on-site transportation impacts on existing and future traffic congestion and air quality.
 - Stadium and entertainment venue operations transportation impacts on existing and future traffic congestion and air quality.
 - Housing and commercial development operations transportation impacts on existing and future traffic congestion and air quality.
 - Railroad transportation impacts on existing and future traffic congestion and air quality.
 - Displacement of existing port trucks and equipment from Howard Terminal and transportation impacts on existing on existing and future traffic congestion and air quality.
 - Access to and congestion of cross-Estuary transportation resources.

- **Impacts to Waterside Traffic and Transportation for Ingress/Egress to Marine Terminals:**
 - Stadium operational impacts on navigational safety and Turning Basin operations.
 - Housing and commercial development operational impacts on navigational safety and Turning Basin operations.
 - Recreational and passenger vessels and small craft congregation, interactions, and safety limits on Navigational Channel and turning basin operations.

- **Housing, Commercial, Stadium and Non-industrial Development Encroachment on Port Operations:**
 - Loss of Industrial Buffer Zone and introduction of new housing and other development into the Port area may reasonably be foreseen to introduces new air quality, noise, light and other limitations on near future operational developments and construction approvals at Port facilities and marine terminals.
 - Air quality impacts on non-industrial land uses are subject to the Port-adopted MAQIP and potentially subject to the draft Post-2020 Vision Plan, presently under development by the Port.

Inducement of ancillary, new growth in the current industrial buffer zone, consistent with the stated intention and vision of the A's and their architects to "activate waterfront" and bring downtown to the stadium site.

- **Project-specific Hazardous Materials Infrastructure Mitigation:**
Howard Terminal site clean-up was estimated to cost \$100m by state DTSC in 2003, prior to the enactment of non-industrial development Deed Restrictions between the DTSC and Port on Howard Terminal
- **Trust Considerations:**
Housing and non-maritime development prohibitions exist on the granted lands administered by the Port under the state tidelands trust. The Port and City owe superseding trustee duties to the State independent of specific requirements based on any one parcel or facility. CEQA documents prepared for these properties and under these circumstances require the inclusion of specific trust findings.

If the Project will require or induce any other road local road improvements, these must be disclosed, analyzed, and mitigated in the environmental document. PMSA is particularly concerned about any increases in traffic that would increase pressure on roads surrounding the Port.

Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts). These inconsistencies must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) Any deviation from any currently applicable Air Plan to Howard Terminal must be disclosed, analyzed, and properly mitigated in the DEIR.

Greenhouse Gas Emissions Must Be Analyzed

The project's construction and operations would result in new GHG that need to be evaluated for significance and thoroughly mitigated. GHG emissions, including those generated by the new trips to and from 4,000 new dwelling units and 2.2 million square feet of new commercial and retail space, need to be evaluated for significance, in addition to the Stadium. GHG emissions from construction need to be evaluated for significance as well as the direct and indirect GHG emissions which would be generated and contribute to cumulative increases in sources of GHGs.

The project will also generate substantial GHG emissions increases off-site from various displacements of cargo and supply chain activity both directly, from Howard Terminal itself, and indirectly, from cargo diversions which occur due to incursions on Port business. In evaluation of these potential impacts, we would direct the Lead Agency to the study commissioned by PMSA regarding the potential increase in GHGs which can result from vessel diversions. For more information, please review:

<http://www.pmsaship.com/pdfs/GHG%20Press%20Release%20final.pdf>

Mitigation and Alternatives to the Project Must Be Evaluated in the EIR

CEQA prohibits approval of projects with adverse environmental impacts if there are feasible alternatives. (Guidelines § 15021, subd. (a)(2).) The CEQA Guidelines require an agency to “[d]isclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.” A public agency may approve a project even though the project would cause a significant effect on the environment only if the agency makes a fully informed and publicly disclosed decision that: (a) There is no feasible way to lessen or avoid the significant effect....” (Guidelines § 15043, emphasis added.) The Lead Agency has a duty under CEQA to evaluate a reasonable range of alternatives in the DEIR as currently proposed. (*Laurel Heights I*, supra, 47 Cal.3d at 400.) The EIR “bears the burden of affirmatively demonstrating that . . . the agency’s approval of the proposed project followed meaningful consideration of alternatives and mitigation measures.” *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added; accord *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035. As the Court has said, while an EIR is “the heart of CEQA”, the “core of an EIR is the mitigation and alternatives sections.” *Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 564. Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (Guidelines § 15002(a)(3).) While “[a]n EIR need not consider every conceivable alternative to a project, ‘it must consider ‘a reasonable range of potentially feasible alternatives...’.” (Guidelines § 15126.6(a), emphasis added.) “The range of feasible alternatives [for an EIR] shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.” (Guidelines § 15126.6 (f).) “[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (Guidelines § 15126.6(b).) The EIR should focus on a good faith analysis of real alternatives to the Applicant’s current proposals.

Additionally, the environmental review document prepared for CEQA compliance must evaluate the efficacy of the mitigation measures proposed, as well as any significant environmental impacts that the mitigation measures may cause. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645.

PMSA appreciates the commitment to fully investigate all potentially significant adverse environmental impacts in the DEIR. Please contact us if you have any questions about these comments.

Sincerely,



Mike Jacob
Vice President & General Counsel

cc: Danny Wan, Acting Executive Director, Port of Oakland
Dave Kaval, President, Oakland Athletics

From: [Vollmann, Peterson](#)
To: [Julian Foyk-Miney](#); [Crescencia Brown](#)
Subject: FW: BALLPARK - HOWARD'S
Date: Monday, January 14, 2019 3:01:19 PM
Attachments: [Ballpark 1 TR - City of Oakland.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

-----Original Message-----

From: Fran Black [<mailto:franblack@sfbairpilots.com>]

Sent: Monday, January 14, 2019 2:55 PM

To: Vollmann, Peterson <PVollmann@oaklandca.gov>

Cc: jdriscoll@portoakland.com; John McLaurin <cjmclaurin@pmsaship.com>; Port Agent <portagent@sfbairpilots.com>; Raymond Paetzold <r.paetzold@sfbairpilots.com>

Subject: BALLPARK - HOWARD'S

Please find attached letter from the San Francisco Bar Pilots' Port Agent and President regarding the proposed ballpark at Howard's Terminal.

Fran Black
San Francisco Bar Pilots
Pier 9 East End
San Francisco, CA 94111
415-362-0941
franblack@sfbairpilots.com

-----Original Message-----

From: nscan@sfbairpilots.com <nscan@sfbairpilots.com> On Behalf Of nscan@

Sent: Monday, January 14, 2019 3:36 PM

To: Fran Black <franblack@sfbairpilots.com>

Subject: Scanned image from MX-5141N

Reply to: nscan@sfbairpilots.com <nscan@sfbairpilots.com> Device Name: Not Set Device Model: MX-5141N

Location: Not Set

File Format: PDF (Medium)

Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

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[https://urldefense.proofpoint.com/v2/url?u=http://www.adobe.com/&d=DwIFAg&c=6ZboKdJzR8nZOjwBjhPwCw&r=LIDwqOnQ58Rik3BauvQ7JM_0kO7woQ5YikwJs7dJfEw&m=3EmnyYiGCIMWE9pnSEsichSypPqIMwFjITZAs7mCU&e=DXF_16bOnWmATcqnjKoZUzXhHeq32rstcl6qghEQs&e=3A_www.adobe.com_](https://urldefense.proofpoint.com/v2/url?u=http://www.adobe.com/&d=DwIFAg&c=6ZboKdJzR8nZOjwBjhPwCw&r=LIDwqOnQ58Rik3BauvQ7JM_0kO7woQ5YikwJs7dJfEw&m=3EmnyYiGCIMWE9pnSEsichSypPqIMwFjITZAs7mCU&e=DXF_16bOnWmATcqnjKoZUzXhHeq32rstcl6qghEQs&e=3A_www.adobe.com_&d=DwIFAg&c=6ZboKdJzR8nZOjwBjhPwCw&r=LIDwqOnQ58Rik3BauvQ7JM_0kO7woQ5YikwJs7dJfEw&m=3EmnyYiGCIMWE9pnSEsichSypPqIMwFjITZAs7mCU&e=DXF_16bOnWmATcqnjKoZUzXhHeq32rstcl6qghEQs&e=3A_www.adobe.com_)



SAN FRANCISCO BAR PILOTS ASSOCIATION

Pier 9 East End
San Francisco, CA 94111
415-362-5436 Fax 415-362-0861

January 14, 2019

Mr. Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Re: Oakland Waterfront Ballpark District Project (City of Oakland Case File No. ER18-016)

Dear Mr. Vollmann:

The San Francisco Bar Pilots provide the following to address their concerns with the potential impact of a ballpark on Howard Terminal, as contemplated by the subject project.

The San Francisco Bar Pilots are licensed by the State of California to safely navigate ships into and out of the Bays of San Francisco including the Oakland Estuary Inner Harbor adjacent to the proposed ballpark. The Pilots routinely navigate container ships exceeding 1200 feet in length past Howard Terminal at all hours of the day and night and turn them in the turning basin located adjacent to the terminal with very little room to spare.

Turning such large vessels in the narrow confines of the Oakland Estuary requires the utmost skill and concentration of the pilot, who must rely on his or her familiarity with the various navigational aids and physical landmarks as well as the expert use of the ship's engines and the assist tugs to keep the vessel inside the turning basin throughout this maneuver.

The Pilots understand that the proposed ballpark would be an open-air stadium that would be used during hours of darkness and would necessarily be well lit. The lights will be at about the same level as the pilot, who will be in the ship's pilot house, some 80 feet above the water. The Pilots are concerned that, because of the proximity of the ballpark to the Oakland Estuary and the turning circle, the pilot will be blinded by the ballpark's lights, similar to that experienced by the motorist facing an oncoming car with its high beams on, except that it will be for the duration of the turning maneuver, which can take 20 minutes or more. Sporadic displays of fireworks, which have become common at ballgames, would exacerbate this problem.

Mr. Peterson Vollmann, Planner IV

January 14, 2019

Page 2 of 2

In addition, even when the lights are not shining directly into the pilot's eyes, the ambient light from the ballpark will also affect the pilot's night vision, making it nearly impossible to see navigation aids, the shoreline and other vessels and objects in the water near the ship.

It is anticipated that the ballpark lights will be on at times other than ballgames, such as for other events held at the ball park and for maintenance and repair activities, and that, during winter months, the problem would be exacerbated by the longer periods of darkness, affecting a significant amount of the daily vessel traffic entering and leaving the Inner Harbor.

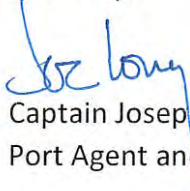
A second concern is the potential that the ballgames will attract small boat and kayak "spectators" who will mingle in the Estuary in the vicinity of the ballpark, as has been the experience with the ballpark in San Francisco. Navigating a large container ship through such congested waters would substantially increase the risk that a small vessel or kayak will be damaged or sunk by contact or propeller action of the ship or its assist tugs, resulting in personal injury or fatalities, or cause the ship or tugs to go aground or strike a pier in evasive maneuvers, resulting in an oil spill.

Counting on the U.S. Coast Guard to keep these spectators out of the ship's way at every game is not realistic.

The net effect of the direct and ambient light and the presence of waterborne spectators will be the need to delay vessel movements until the lights are off and the spectators have been cleared. The economic impact on the Port and those whose living depends on the timely movement of vessel traffic will be substantial.

We respectfully ask that these concerns be taken into account in the planning or approval of the proposed ballpark.

Sincerely,



Captain Joseph Long
Port Agent and President

cc: John Driscoll, Maritime Director, Port of Oakland
Pacific Merchant Shipping Association

From: [Vollmann, Peterson](#)
To: [Crescentia Brown](#); [Jillian Feyk-Miney](#); [Hillary Gitelman](#)
Subject: FW: Comments on NOP for the Oakland Waterfront Ballpark District Project DEIR
Date: Wednesday, December 19, 2018 9:28:41 AM
Attachments: [Oakland Waterfront Ballpark District Project NOP.PDF](#)

NOP comment received. Not sure if this was also added into the comment tracker or not.

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: Lee Huo [mailto:lhuo@bayareametro.gov]
Sent: Tuesday, December 18, 2018 1:44 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Cc: Estes, Lesley <LEstes@oaklandca.gov>; Tannenwald, Diane <DTannenwald@oaklandca.gov>; Patton, Jason <JPatton@oaklandca.gov>; Ethan Lavine <ethan.lavine@bcdca.gov>; McCrea, Brad@BCDC <brad.mccrea@bcdca.gov>; Gaffney, Andrea@BCDC <andrea.gaffney@bcdca.gov>; Dave Campbell <dave@bikeeastbay.org>
Subject: Comments on NOP for the Oakland Waterfront Ballpark District Project DEIR

Peterson,

Attached are the comments from the Bay Trail Project on the Notice of Preparation for the Oakland Waterfront Ballpark District Project DEIR.

We are looking to forward to working with the City of Oakland and the development team on this project. Please let me know if you have any questions regarding these comments or the Bay Trail.

Best Regards,

Lee

Lee Chien Huo
Bay Trail Planner
San Francisco Bay Trail Project
375 Beale Street, Suite 700
San Francisco, CA 94105-2066

Tel: (415) 820-7915
lhuo@bayareametro.gov
www.baytrail.org



December 18, 2018

Peterson Vollmann
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Subject: Comments on the Notice of Preparation (NOP) for the Oakland Waterfront Ballpark District Project DEIR

Dear Mr. Vollmann:

On behalf of the San Francisco Bay Trail Project, I am writing to submit comments on the NOP for the Oakland Waterfront Ballpark District Project (Ballpark Project) DEIR. The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes, and advocates for the implementation of the Bay Trail. The Bay Trail is a planned 500-mile continuous network of multi-use bicycling and walking paths that, when complete, will encircle San Francisco and San Pablo Bays in their entirety. It will link the shoreline of all nine Bay Area counties, as well as 47 cities. To date, over 350 miles of the proposed Bay Trail system has been developed.

The Ballpark Project is located at a major gap in the Bay Trail from Brush Street to Clay Street. The existing Bay Trail runs east through Jack London Square to Estuary Park and towards the west and north to West Oakland BART, Berkeley, and Yerba Buena Island. With the soon to be completed section of Bay Trail at Golden Gate Fields in Albany, the trail will continue north of Berkeley to Point Pinole in Richmond. In addition, the planned Lake Merritt Bay Trail Connector will link all of the communities around Lake Merritt to the Bay Trail, Jack London Square, and the proposed Ballpark Project. As such, closing this Bay Trail gap between Brush and Clay is critical not only for the region, but for Oakland and the success of the Ballpark Project as well since it will serve as an important active transportation corridor. The Bay Trail has been identified as a regionally significant transportation facility under the City of Oakland's Bicycle and Pedestrian Master Plans, Alameda Countywide Bicycle and Pedestrian Plans, and MTC's Regional Bicycle Plan.

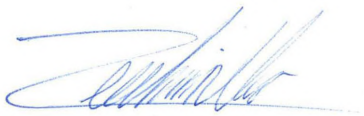
The proposed residential units, hotel, commercial properties, entertainment facilities, and baseball park proposed with this project will bring a significant increase of people, traffic, and demand for shoreline access and trails in the area. As a result, the project and DEIR should incorporate completing the Bay Trail between Linden and Clay Streets as a shoreline promenade trail for bicyclists and pedestrians as well as contributing funds for the completion of the Lake

*Mr. Peterson Vollmann
December 18, 2018*

Merritt Connector Bridge that will link the Lake Merritt neighborhoods to the Ballpark Project via the Bay Trail. Completing these two trail segments will create a significant alternative way to travel to the businesses, residences, and entertainment venues at the Ballpark Project through bicycling or walking while relieving the demand to travel by car and for parking created by this development. The completion of the Bay Trail in this area will also provide a connection to West Oakland BART allowing people to travel to the Ballpark Project from a third BART station relieving the pressure on the Lake Merritt and 12th Street BART stations.

The Bay Trail Project appreciates the opportunity to comment on the NOP for the Ballpark Project and looks forward to our continued partnership with the City of Oakland to improve the Bay Trail and bicycle/pedestrian access in Oakland. Please do not hesitate to call me at (415) 820-7915 if you have any questions regarding the above comments or the Bay Trail.

Sincerely,



Lee Chien Huo
Bay Trail Planner



December 18, 2018

Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Re: Oakland Waterfront Ballpark District Notice of Preparation of Environmental Impact Report

Dear Sir/Maddam:

Thank you for the opportunity to comment on the Oakland Waterfront Ballpark District project (Project). The Project would consist of redevelopment of the 55 acre Howard Terminal at the Port of Oakland. Redevelopment would include construction of a new ballpark, performance venue, hotel, commercial, and residential uses as well as associated utility and transportation improvements. Additionally, the proposed Project would construct/provide new waterfront public access, enhanced water views, and on-site open space.

Background

The San Francisco Bay Area Water Trail is a multi-agency program being implemented by the California Coastal Conservancy with project partners at the Association of Bay Area Governments / Metropolitan Transportation Commission (ABAG/MTC), the San Francisco Bay Conservation and Development Commission (BCDC) and the State Division of Boating and Waterways, as well as an advisory committee representing a broad range of interests and expertise. The focus of the program is to enhance public access to the Bay for non-motorized small boats (such as kayaks, sailboards, outriggers, and stand up paddleboards), and encourage and enable people to explore the Bay in different boat types and in a variety of settings.

Construction of the Project offers an opportunity to create one of the most iconic boating destinations in the Bay Area. Renderings prepared of the Project show numerous kayakers floating just outside the stadium – we want to help make that a reality. Accommodation of water access facilities and/or concessions would enhance boating opportunities should be considered in Project design.

Recreation

Please ensure that the recreation analysis include an assessment of existing and potential water access on the Oakland Estuary for non-motorized small boats. Various

non-motorized small boat types regularly launch from Jack London Square and the Jack London Aquatic Center. As redevelopment of Alameda Point progresses, additional opportunities for boaters to paddle between Alameda Island and Oakland will be enhanced. In particular, we would like the DEIR to:

- Clearly describe potential impacts to non-motorized small boat access to the Oakland Estuary during project construction, and how any impacts will be mitigated.
- Clearly describe how the hydrology of the Oakland Estuary may affect the long-term use of boating facilities, with regards to siltation and mud as well as sea level rise, and how any impacts will be mitigated.
- Clearly describe any increase in passenger ferry service associated with the Project that may impact non-motorized small boater safety, and how any impacts will be mitigated.
- Please ensure that water access is designed consistent with ADA and universal design standards

Thank you for the opportunity to comment on the above-referenced document. If you have any questions regarding San Francisco Bay Area Water Trail, please do not hesitate to contact me at (415) 820-7936 or by email at bbotkin@bayareametro.gov. We also recently published Design Guidelines to provide detailed information about designing high-quality water access facilities, which can be provided upon request.

Sincerely,



Ben Botkin
San Francisco Bay/Water Trail Planner



5315 22nd Avenue NW
Seattle, WA 98107

PHONE: (206) 257-4723
EMAIL: ccostanzo@americanwaterways.com

Charles P. Costanzo
Vice President – Pacific Region

January 14, 2019

Mr. Peterson Vollmann
Planner IV
City of Oakland Bureau of Planning
250 Frank Ogawa Plaza, Suite 2214
Oakland, CA 94612

Re: Oakland Waterfront Ballpark District
Project (Case File # ER18-01)

Dear Mr. Vollmann:

The American Waterways Operators, the national trade association for the tugboat, towboat, and barge industry, appreciates the opportunity to provide comments on the City of Oakland's Environmental Impact Report for the potential Oakland Waterfront Ballpark District Project that would replace the Charles P. Howard Terminal within the Port of Oakland. With seven members headquartered in California, and five of those within the San Francisco Bay Area, AWO and its members care deeply about the viability of the Port of Oakland and the positive economic impact its operation has on the City of Oakland.

AWO is concerned that the Proposed Project will have substantial physical impacts on the Port of Oakland and the vibrant maritime economy of the entire Bay Area. The Port of Oakland is growing significantly in terms of both cargo and vessel volume. In 2018, cargo volume increased 3.3%, and the Port's "Growth with Care" strategic plan for 2018-2022 "anticipates a 5-year run of record cargo volume" that will see continuing growth of 2-3% each year. Considerable efforts have been made to promote and manage the increased flow of cargo through the Port of Oakland, including:

- Seaport Logistics Complex: Once completed, this 180-acre cargo logistics hub that will include warehouse and distribution center space, rail access and transload capability to efficiently move cargo between ships and trains.
- Cool Port Oakland: Opened in November, this 280,000-square-foot temperature-controlled distribution facility can handle more than 50,000 refrigerated containers.
- Oakland International Container Terminal: Four ship-to-shore cranes were raised 27 feet to accommodate larger container ships.
- TraPac Terminal: A project to double the terminal's capacity from two vessel berths and 66 acres to four berths and 123 acres is nearly complete. The terminal is also the second at the Port of Oakland to add "night gates" to accommodate increased cargo.

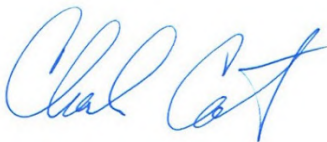
With increased physical capacity needed at the Port of Oakland, it is incongruous and disruptive to consider reallocating existing industrial port facilities for a 55-acre mixed use project. The location of the Howard Terminal provides key access to rail and highway connections for future port growth. Additionally, the Turning Basin required for ships accessing the Harbor Channel, Middle Harbor, and Inner Harbor lies directly adjacent to Howard Terminal. Development that obstructs access to the Turning Basin or impedes it through increased recreational use will negatively impact physical port access.

While hampering future growth and ongoing operations at the Port of Oakland might not presently seem like a significant impact to the City of Oakland, the long-term economic and physical impacts of ceding maritime freight transportation resources to retail and residential development will harm the City and its citizens. In response to the City's request that comments address potential physical impacts of the Proposed Project, the following physical constraints and impacts from ceding industrial port land for the Proposed Project should be considered:

- Access to and safe use of the Turning Basin and the navigational channel.
- Future needs to expand the Turning Basin and widen/deepen the navigational channel to accommodate larger ocean vessels.
- Existing truck and rail access to port facilities.
- Future land-based transportation needs, particularly as reduced maritime capacity will cause a modal shift of more cargo to roadways by truck.
- Environmental impacts of modal shift from efficient ocean and rail transportation networks to trucks.
- Safety concerns for truck/rail operators, drivers and pedestrians if land resources around existing highways, railways and roads are transformed from industrial use to retail and residential use.
- Traffic congestion to existing roadways (including commercial truck routes) inherent to a 35,000-person sports park and retail, residential and recreational use, particularly in light of the lack of public transit options to the site.

Thank you for the opportunity to express our concerns about the Proposed Project. We would be pleased to answer any questions or provide further information to assist the City of Oakland in assessing the impacts that this significant change in existing land-use would have on physical operations at the Port of Oakland and wider impacts on the economy and transportation network of the City of Oakland.

Sincerely,



Charles P. Costanzo
Vice President – Pacific Region



BUILDING AMERICA®

January 11, 2019

City of Oakland Bureau of Planning
Attn: Peterson Vollman, Planner IV
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

**Re: Oakland Waterfront Ballpark District Project, Case File No. ER18-016
Notice of Preparation of Draft Environmental Impact Report**

To Whom It May Concern:

Union Pacific Railroad Company (UPRR) submits these comments in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Oakland Waterfront Ballpark District Project at Howard Terminal (the "Project").

UPRR owns and operates a common carrier freight railroad network in the western two thirds of the United States, including California. Specifically, UPRR owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. UPRR is the largest rail carrier in California in terms of both mileage and train operations. UPRR's network in California is vital to the economic health of the state and the nation as a whole, and its rail service to California customers is crucial to the current and future success and growth of those customers.

The proposed Project will be constructed in a location that raises significant issues related to railroad safety, public access, and community needs. As noted in the NOP, the Project will be constructed adjacent to mainline UPRR tracks. This is the railroad's Niles Subdivision. It is a busy corridor that serves the Port of Oakland and regional freight rail customers. It also hosts both Amtrak and Capitol Corridor passenger trains. Freight and passenger trains operate on this line both day and night seven days per week.

With that as context, UPRR asks the project sponsor and other stakeholders to take these considerations into account while developing the DEIR and plans for the Project:

1. UPRR will not modify its rail operations or accept proposals to change the timing of freight rail service as an accommodation for the Project. All freight and passenger service will continue. Train volumes may increase and new rail facilities may be constructed along the railroad right of way in the future.

2. Construction of the Project will not change UPRR's common carrier obligation to carry commodities of all kinds in close proximity to the Project site.

3. The Project may not diminish rail access to the Port of Oakland or the capacity or utility of port facilities. The port, which is located immediately to the west of the Project site, is a critical transportation asset for the city, region, and nation. The Niles Subdivision is an essential access point for the port.

4. All access to the new stadium and other new facilities constructed in relation to the Project must be grade-separated and clear span the rail right of way. Current rail operations entering and exiting our Oakland rail terminals and the port often require trains to stop on the track adjacent to the Project site. When this occurs, no vehicle or pedestrian access is available to the Project site. It must be assumed that this type of normal rail operation will occur at various times throughout each day. Current crossings may not be used as points of public access for Project improvements. For these same reasons, 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.

5. Road access for railroad customers and port tenants must be preserved.

6. The DEIR must take into account train horns and other noise inherent in rail operations. By law, trains are required to sound their horns when approaching grade crossings. Crews also use horns as signals during ordinary operations and when necessary to warn employees and members of the public that a train is approaching. The volume of a train's horn is set by law and cannot be reduced as an accommodation for the Project.

7. The DEIR must take into account safety and access issues that will be created by the Project's parking plan. A plan for distributed parking will extend safety and access issues along a significant length of the railroad right of way.

8. The DEIR must take into account new safety and access issues that will be created at Jack London Square. That area already has complex issues related to a shared corridor for railroad tracks and Embarcadero Street and a high volume of pedestrians. The Project must mitigate risks related to increased vehicular and pedestrian traffic in proximity to the tracks.

9. Fencing or similarly effective barriers must be constructed to prevent the public from entering the railroad right of way at unauthorized locations. The volume of new pedestrian traffic that will be introduced in the area will require installation of sufficiently durable and tall fencing to prevent people from intentionally or inadvertently entering the railroad right of way. This is a critical safety concern that must be addressed.

10. No part of the railroad right of way may be used for the Project. UPRR is preserving the full width of its right of way for future capacity needs and will not make any of it available for third-party development.

11. Any mitigation for the Project must be done at no cost to UPRR. Any work that impacts UPRR's property, such as the addition of grade-separated crossings, must meet UPRR's standards.

Please use me as the primary point of contact for UPRR and include me on all future notices related to the Project. For future notices, please also copy:





Robert Bylsma
Senior General Attorney
Union Pacific Railroad Company
10031 Foothills Blvd.
Roseville, CA 95747
(916) 789-6229
rcbylsma@up.com


Thank you for taking these considerations into account. UPRR is willing to meet with stakeholders to explore these issues further and help the project sponsor develop plans that meet the railroad's needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Clint Schelbitzki". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clint Schelbitzki
General Director Public Affairs

Submitter Information	Submission Status
<p>Adsm Bink</p> <p>Address: 1201 Pine Street Oakland CA 94607</p> <p>Organization:</p> <p>Email: Adambink@gmail.com</p> <p>Created: January 5th 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

Text Correspondence  13-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>I fully support the new ballpark and urge a ferry extension from Jack London the way the Giants have a special stop on gameday. I also urge electric car charging in whatever parking facility may exist to encourage green transportation for those who do drive, as well as bike parking or bike valet. I also encourage lower parking fee for those who are carpooling.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

From: [Vollmann, Peterson](#)
To: [Crescentia Brown](#); [Jillian Feyk-Miney](#); [Hillary Gitelman](#)
Subject: FW: Oak A's ballpark
Date: Wednesday, December 26, 2018 8:49:24 AM

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

-----Original Message-----

From: allison bliss [<mailto:allisonbliss@icloud.com>]
Sent: Sunday, December 23, 2018 11:45 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Subject: Oak A's ballpark

Regarding ER18-016 the website enabling comments doesn't allow one to actually comment, only provide contact info.

My comment-





With the very dangerous existing level of air quality in the Jack London Waterfront area - coupled with additional large housing projects near opening date - the air and traffic will already worsen by a large measure. That needs to be calculated in the EIR.


The noise level from trucks screeching air brakes coming off the freeway to stop and drive through a highly residential area is already nearly intolerable, but when they park under our windows leaving their motors running, the carbon dioxide fumes awaken me (and others in my building) with headaches. No doubt the attendees at a ballpark, queued up to get on the freeway entrance ramps will increase that same air quality filtering into our residences and businesses.

Adding a ballpark which will further tie up traffic exiting the Jackson St. Or Broadway exits will delay residents freeway access, especially problematic during working hours when people need to be on time.

My worst fear is the inevitable rent increases when the ballpark is nearing completion. Some of these buildings, like mine, are exempt from rent control and my own landlord gouged me with an \$800/month rent increase on my birthday last year. I fully expect this same treatment if the ballpark is built here. I will at that point become homeless.

Sent from my iPhone

Submitter Information	Submission Status
<p>Camille Holser</p> <p>Address: 2820 Richmond Ave. Oakland CA 94611</p> <p>Organization:</p> <p>Email: cmholser@gmail.com</p> <p>Created: December 21st 2018</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

Text Correspondence  5-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>Oakland is a shipping port. I've seen ships loaded with containers and I've seen many containers on the shore where the ball park is planned to be. If the ball park is built there, where will the shipping containers be parked and where will the container ships dock?</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status
<p>Cyndy Johnsen</p> <p>Address: CA 94501</p> <p>Organization: Bike Walk Alameda</p> <p>Email: cyndyjohnsen@yahoo.com</p> <p>Created: January 7th 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> STATUS New </div> <div style="text-align: center;"> COMMENTS 0 </div> <div style="text-align: center;"> OPEN COMMENTS 0 </div> </div>

Text Correspondence 14-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>The proposed A's Stadium at Howard Terminal represents exciting challenges and opportunities for the region. We are concerned about increases in traffic, greenhouse gas emissions, and access for bicyclists and pedestrians traveling across the Oakland-Alameda Estuary. Existing infrastructure — the Posey Tube — is failing everyone, but bicyclists and pedestrians most notably. The few people who currently bike or walk must do so on a narrow, dirty path along the Posey Tube. It's no wonder that while bicycling is dramatically increasing everywhere, people continue to choose to drive in this corridor. Without careful study and investment, the proposed stadium will exacerbate existing problems here. The two mitigations we'd like considered are ones our organization and other local collaborators were advocating prior to the stadium proposal, and already have significant momentum. They are the long- and mid-term solutions identified in the 2009 Estuary Crossing Study. We think they would not only mitigate potential problems associated with the stadium project, but enhance the area and the ballpark experience overall. They are: - A world-class bicycle and pedestrian bridge between Alameda Landing and Oakland. This infrastructure would be very impactful from traffic and greenhouse gas reduction standpoints, serving thousands of travelers who might otherwise drive. Families from Alameda could leave their cars at home, opting to bike to ball games and other events. The bridge is supported by the City of Alameda, local advocacy groups, and business organizations. It's also listed as a top-tier project in Caltrans' most recent Bike Plan. - Bike-friendly water shuttles across the estuary — vessels, docks, and service. To be most effective in reducing traffic and gas emissions, service has to be seen as a viable alternative to driving. Service should be optimized for quick turn-arounds, and vessels and landings should be able to accommodate large volumes of travelers. Thank you for your consideration.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Image Correspondence 14-2C	Bracketed Comments (0)
<p>Draw a box around any area, in the below image correspondence, to bracket for comment.</p> <div style="border: 1px solid gray; width: 100px; height: 100px; margin: 10px auto; display: flex; align-items: center; justify-content: center;"> </div>	<p>There are currently no bracketed comments for the image correspondence. Draw a box around any area, in the image correspondence, to bracket for comment.</p>








Proposed Alameda - Jack London Pedestrian/Bike Draw Bridge



Submitter Information	Submission Status
<p>Fredrick Schermer</p> <p>Address: 670 Vernon Street #407 Oakland CA 94610</p> <p>Organization:</p> <p>Email: vredesf@pacbell.net</p> <p>Created: January 15th 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> STATUS New </div> <div style="text-align: center;"> COMMENTS 0 </div> <div style="text-align: center;"> OPEN COMMENTS 0 </div> </div>





Text Correspondence 35-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>Hello, Excellent project, in general well-developed. I have a background in economics, and the one remark I'd like to make is that I was surprised to see a 3,500 indoor venue. The venue is centrally located in the Bay Area, not too far away from BART, next to the ferry landing and freeways. Location-wise, it has everything a successful indoor venue needs. Should it then not be built to the level of other successful indoor venues? Naturally, the ballpark is right there and can take on larger audiences. Yet it has sincere weather limitations (winter, evenings). Plus, 6,000 visitors really don't fit cozily in a 35,000 stadium, not even with the best designs. If successful, the proposed size of the indoor venue appears to translate into missed income. What I like to suggest is that you investigate what size of indoor facilities are successful in the United States. I believe they have in general a larger capacity. You may find other peculiarities of successful indoor venues currently not considered. Naturally, the indoor venue should be designed in such a way that is can accommodate both the 7,000/10,000 visitor concert/exhibition and the 1,500 visitor concert/exhibition. Other than that, this looks really great. Good luck with further developing this proposal.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>


<p>Submitter Information</p>	<p>Submission Status</p>
<p>Gary Patton</p> <p>Address: 22849 kingsford way hayward CA 94541</p> <p>Organization: None</p> <p>Email: garypatton1@att.net</p> <p>Created: December 2nd 2018</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

<p>Text Correspondence  8-1C</p>	<p>Bracketed Comments (0)</p>
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>The EIR should include an analysis of the whole project, both the ballpark at Howard Terminal and the proposed development at the Coliseum site The EIR should include an analysis of a ballpark and mixed use alternative at the Oakland Coliseum site. The EIR should include a detailed parking analysis and consider a reduced project scenario without gondolas and a pedestrian bridge. The EIR should include an economic analysis of infrastructure costs and long term revenues from the Coliseum site development proposed.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status
<p>Gregorio de Masi</p> <p>Address: 1040 Peralta St. Oakland CA 94607</p> <p>Organization: West Oakland Home Owner & Resident</p> <p>Email: gregoriodemasi@gmail.com</p> <p>Created: January 12th 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> STATUS New </div> <div style="text-align: center;"> COMMENTS 0 </div> <div style="text-align: center;"> OPEN COMMENTS 0 </div> </div>

Text Correspondence 19-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>I have nothing against building the A's new ballpark at Howard Terminal - I am 100% supportive of it. We are looking forward to having the ballpark near our community where so many of us can easily walk or ride our bikes to the ballpark from West Oakland, or bart there. Wherever the ballpark is built there will always be extra traffic on game days no matter the location - and as it stands, West Oakland freeways (primarily 880) is always full of standing traffic, and the Port of Oakland has lots of trucks going in and out all day every day, so it really won't make a difference in air quality for the surrounding areas. We only see a long list of positives in building the A's new ballpark at Howard Terminal. Jack London Square is a prime neighbor for this sort of development and the surrounding area is full of warehouses and commercial buildings which can be converted into apartments, lofts, retail, restaurants, parking structures, etc. Lots of people will bart there - either to West Oakland or Downtown Oakland and walk - in San Francisco, people walk from Market street all the way out to AT&T... it's part of the journey and adventure of going to the game. The amount of business local restaurants, bars, vendors, etc. receive from all the walk by traffic is huge. We're excited and looking forward to this!</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status
<p>Jolene Mattson</p> <p>Address: 1228 Union Street Oakland CA 94607</p> <p>Organization:</p> <p>Email: jomean@sbcglobal.net</p> <p>Created: January 3rd 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

Text Correspondence  10-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>My family is mostly concerned with traffic. We live less than a mile from this site. We don't want more traffic. We'd instead like to see alternative forms of transportation made available. Mass transit. Walking and biking. Also my husband had a good idea. Make greenspaces available for tailgating. We think the A's have a huge tailgating culture that we don't want to see lost with the loss of the Coliseum's huge parking lot. So it wold be nice if there was greenspace outside of the ballpark at the new site that would allow for BBQ and drinking before games.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status
<p>Lauren Westreich</p> <p>Address: 1315 16th St Oakland CA 94607</p> <p>Organization: West Oakland Commerce Association</p> <p>Email: lauren@everydog.com</p> <p>Created: January 14th 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> STATUS New </div> <div style="text-align: center;"> COMMENTS 0 </div> <div style="text-align: center;"> OPEN COMMENTS 0 </div> </div>

Text Correspondence 25-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>These projects represent the potential to change transit/transportation and circulation in the Jack London Square area, in West Oakland and even further. Issues such as rail and railroad use in the area as well as trucks serving the Port of Oakland and the neighborhood could be addressed as well as transit within and through West Oakland which is currently not as well served as other areas of the City. I'd like to offer the following ideas/areas of study: Consider how Caltrans could give trucks direct access to and from the Port from 880 without using City Streets to the extent they are currently used. Particularly at the intersection of Adeline and 3rd Streets. Consider having the proposed gondola go to Alameda as well rather than simply from downtown Oakland to Jack London Square. Consider the impact additional ferry service could have on the region. Extend ferry service from Vallejo and Richmond down the east side of the Bay all the way to San Leandro, not just across the Bay to San Francisco.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status
<p>Mercedes Rodriguez</p> <p>Address: 961 Market Street Oakland CA 94607</p> <p>Organization: BayPorte Village Neighborhood Watch / Block Captain</p> <p>Email: MercedesMSR@att.net</p> <p>Created: December 27th 2018</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> STATUS New </div> <div style="text-align: center;"> COMMENTS 0 </div> <div style="text-align: center;"> OPEN COMMENTS 0 </div> </div>

Text Correspondence 7-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>Dear Mr. Peterson Vollmann, I understand that you are with the City Planning Department and comments should be sent to you regardingn the A's Ball Park at Howard Terminal prior to Monday January 7, 2019. I am responding at the request of our City Council Person Lynette Gibson McElhaney's D3 Newsletter Volume 2 Edition 11. I am a homeowner at BayPorte Village on Market Street between 8th and 10th, Market to Filbert Street, which is a community of 71 single family homes right down the street from Howard Terminal. We already have a problem with parking. People that work near down town park on Market Street and our general area. We also have a problem with litter, illegal dumping, vandalism, theft, illegal parking of stolen vehicles, braking into our vehicles, trucks parking in front of the Jack London Gateway Shoping Center and BayPorte Village, homeless stealing our electricity and water. Parking is a major problem for us and with the Ball Park at Howard terminal it will be a nightmare for the homeowners and residents of West Oakland. When the Warriors had their parade in downtown Oakland from 7:00 am that morning until late that evening all of the parking spaces in West Oakland near downtown and inside of BayPorte Village were filled with cars from people going to the parade. I understand that 80% of the A's patrons use their own vehicles. Most likely that will not change. Even though the A's has proposed alternate means of transportation most people that drive will continue to do so. They will also seek parking without paying, which means parking on the streets near Howard Terminal, which is my neighborhood. In addition to the parking which will be a major problem for West Oakland, the noise from the games, concerts and fireworks will also be a problem. The design for the new Ball Park is great but not for Howard Terminal. Let the A's remodel the Coliseum and make it better for those that live in East Oakland. There is an additional problem with air quality if a Ball Park is located at Howard Terminal. I work closely with Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators Project (WOEIP). I am on the AB 617 Steering Committee Air Quality Board in West Oakland with Ms. Margaret and Brian. Air quality will also be a major factor with the Howard Terminal location. I do not want the A's at Howard Terminal. I have been working with the A's team to get the word out about Howard Terminal. I want people to know just what will be involved so that they can make an informed</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

decision. I want the A's to stay in Oakland just not at Howard Terminal. Just like it was not a good decision to have the A's at Laney College, it's not a good idea to have the A's at Howard Terminal. I have attended most of the A's meetings in West

Oakland and all of the meetings at City Hall. The first meeting was on Monday, May 14th, 2018, 6:00 PM at the Acorn Town Center. The owners Bridge Housing of Acorn Town Center are also willing to host another A's Community Meeting in 2019. I have also had the A's representative Mr. Taj Tashombe come to my BayPorte Village Neighborhood Watch Meeting on Saturday October 27, 2018, 3:00 PM at MORH Apartments. Mr. Tashombe or another A's representative will also attend my local NCPC 2X 5X Meeting on Thursday February 7, 2019 6:30 PM at the West Oakland Senior Center, which I am a member of. I am the President of the West Oakland Library Friends (WOLF) and I am willing to host a meeting with the A's at the West Oakland Library in 2019. In addition, I have also given the A's a list of organizations that I am affiliated with so that they can have meetings with them as well. I want our community members to be informed about the pros and cons of an A's Ball Park in their neighborhood. I will also request that others in our community send you their comments about the A's at the Howard Terminal location. Some of the people that I have spoken to are for the Howard Terminal location because it will be in walking distance from where they live. Some say that the terminal will increase their property values and as a result they will sell their property and move away. Most are concerned about the effect of parking in the area especially since the A's want to have events all during the year, not just on game days. Thanks for the opportunity to share my feeling about the A's Ball Park at Howard Terminal. I would also like to thank Council Member Lynette Gibson McElhaney and Brigitte Cook for keeping us informed about the A's at Howard Terminal. Regards, Mercedes S. Rodriguez Block Captain BayPorte Village Neighborhood Watch (510) 444-0803 MercedesMSR@att.net

From: [Vollmann, Peterson](#)
To: [Jillian Feyk-Miney](#); [Crescentia Brown](#)
Subject: FW: A's stadium
Date: Monday, January 7, 2019 9:59:34 AM

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: Mercedes S. Rodriguez [mailto:mercedesmsr@att.net]
Sent: Thursday, January 3, 2019 2:17 PM
To: ray kidd <draykidd@gmail.com>
Subject: A's stadium

Dear Ra,

It was also great to see you at the WOEIP Fundraiser Ms. Margaret Gordon's birthday party. My feet were hurting after all that dancing in heels.

Thanks for sending me this information on the A's. I have been attending their meetings and I do have problems with the stadium being at Howard Terminal. The designs are great but not for Howard Terminal. They will only have 34,000 seats and 1,500 parking spaces. They also plan on having events all year instead of only on game days. Parking will definitely be a major problem. And especially for property owners and residents in West Oakland. They have various suggestions one being that when purchasing a ticket they may also require purchasing a parking ticket at an off site facility. They have other suggestions but only 20% of their patrons use public transportation. I don't see that changing.

I also agree with G. Patton's comments that the best site needs to be superior from a fiscal, regional transportation and economic development perspective. A good architect can design an attractive stadium anywhere. Based on past performance, I am not convinced that the local politicians are astute enough to understand the distinction.

In an effort to get our community involved, I have had the A's at my **October 27, 2018 BayPorte Village Neighborhood Watch Meeting** and I have provided the A's with a list of organizations that I am involved with to schedule Community Meetings. One that is scheduled is the **Neighborhood Crime Prevention Council NCPC 2X 5X**. That meeting will be held on **Thursday February 7, 2019 6:30 PM at the West Oakland Senior Center on Adeline and 18th Street**.

Below is what I responded to community members and the Oakland A's on December 27, 2018:

Dear All,

As you know the Oakland A's are planning a Ball Park at Howard Terminal on Market Street. **Now is the time to get involved and provide your opinion and Speak Up**. See my response to Mr. Peterson Vollmann, Oakland City Planner below.

Please pass this information on to others in our West Oakland Community.

Your consideration is greatly appreciated.

Regards,

Mercedes S. Rodriguez
President
West Oakland Library Friends (WOLF)
(510) 444-0803
MercedesMSR@att.net

Dear Mr. Vollmann,

I am **speaking up** as a result of the **D3 Newsletter Volum 2 Edition 11 from our Council Member Lynette Gibson McElhaney** below. I did respond to you and my **reference number is 7**.

SPEAK UP!

Oakland A's Proposed Ball Park: Environmental Impact

Comments Due By 5PM January 7th

As part of the A's proposed Waterfront Ball Park in Jack London's Howard Terminal, the City of Oakland's Planing Department is preparing an [Environmental Impact Report \(EIR\)](#). Early outreach efforts reveal that the proposed ball park at the Howard Terminal site will have impacts on West Oakland, Jack London and Downtown neighborhoods in District 3. Air quality, traffic, parking and infrastructure are among the matters identified by D3 Residents. This PUBLIC COMMENT period is required by state law and will certify the official public record. **Now is the time to express your concerns, if any, about how this project will impact your neighborhood and your city.**

As Lynette always says: "Not one of us is as wise as all of us." We encourage you to review the proposal, ask questions and offer your input before the deadline. Share your thoughts on:

- The potential impacts of this project on the community and the environment (including construction and operation)
- Measures or alternatives the City or the A's can take to minimize these impacts

You may submit comments [HERE](#), or by contacting City Planner Peterson Vollmann at PVollmann@oaklandca.gov. Please be sure to reference this project's case number ER18-016 in all comments. **Responses must be submitted by 5PM on Monday, January 7, 2019.**

Dear Mr. Peterson Vollmann,

I understand that you are with the City Planning Department and comments should be sent to you regarding the **A's Ball Park at Howard Terminal prior to Monday January 7, 2019**. I am responding at the request of our City Council Person Lynette Gibson McElhaney's D3 Newsletter Volume 2 Edition 11.

I am a homeowner at BayPorte Village on Market Street between 8th and 10th, Market to Filbert Street, which is a community of 71 single family homes right down the street from

Howard Terminal. We already have a problem with parking. People that work near downtown park on Market Street and our general area. We also have a problem with litter, illegal dumping, vandalism, theft, illegal parking of stolen vehicles, braking into our vehicles, trucks parking in front of the Jack London Gateway Shopping Center and BayPorte Village, homeless stealing our electricity and water. Parking is a major problem for us and with the Ball Park at Howard terminal it will be a nightmare for the homeowners and residents of West Oakland.

When the Warriors had their parade in downtown Oakland from 7:00 am that morning until late that evening all of the parking spaces in West Oakland near downtown and inside of BayPorte Village were filled with cars from people going to the parade. I understand that 80% of the A's patrons use their own vehicles. Most likely that will not change. Even though the A's has proposed alternate means of transportation most people that drive will continue to do so. They will also seek parking without paying, which means parking on the streets near Howard Terminal, which is my neighborhood. In addition to the parking which will be a major problem for West Oakland, the noise from the games, concerts and fireworks will also be a problem. The design for the new Ball Park is great but not for Howard Terminal. Let the A's remodel the Coliseum and make it better for those that live in East Oakland.

There is an additional problem with air quality if a Ball Park is located at Howard Terminal. I work closely with Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators Project (WOEIP). I am on the **AB 617 Steering Committee Air Quality Board in West Oakland with Ms. Margaret and Brian**. Air quality will also be a major factor with the Howard Terminal location.

I do not want the A's at Howard Terminal. I have been working with the A's team to get the word out about Howard Terminal. I want people to know just what will be involved so that they can make an informed decision. I want the A's to stay in Oakland just not at Howard Terminal. Just like it was not a good decision to have the A's at Laney College, it's not a good idea to have the A's at Howard Terminal.

I have attended most of the A's meetings in West Oakland and all of the meetings at City Hall. The first meeting was on Monday, May 14th, 2018, 6:00 PM at the Acorn Town Center. The owners Bridge Housing of Acorn Town Center are also willing to host another A's Community Meeting in 2019. I have also had the A's representative Mr. Taj Tashombe come to my BayPorte Village Neighborhood Watch Meeting on Saturday October 27, 2018, 3:00 PM at MORH Apartments. Mr. Tashombe or another A's representative will also attend my local NCPC 2X 5X Meeting on Thursday February 7, 2019 6:30 PM at the West Oakland Senior Center, which I am a member of. I am the President of the West Oakland Library Friends (WOLF) and I am willing to host a meeting with the A's at the West Oakland Library in 2019. In addition, I have also given the A's a list of organizations that I am affiliated with so that they can have meetings with them as well.

I want our community members to be informed about the pros and cons of an A's Ball Park in their neighborhood. I will also request that others in our community send you their comments about the A's at the Howard Terminal location. Some of the people that I have spoken to are for the Howard Terminal location because it will be in walking distance from where they live. Some say that the terminal will increase their property values and as a result they will sell their property and move away. Most are concerned about the effect of parking in the area especially since the A's want to have events all during the year, not just on game days.

Thanks for the opportunity to share my feeling about the A's Ball Park at Howard Terminal.

I would also like to thank Council Member Lynette Gibson McElhaney and Brigitte Cook for keeping us informed about the A's at Howard Terminal.

Regards,

Mercedes S. Rodriguez
Block Captain
BayPorte Village Neighborhood Watch
(510) 444-0803
MercedesMSR@att.net

Ray, as you can see I am promoting the A's meetings because I want the community to see what is happening and to express their views of the A's team moving to Howard Terminal. Please pass this information on to others. Have them voice their concerns by January 7th, 2019 as referenced above. If you can, try to attend the meeting on February 7th.

I am sure that I will be seeing you around town. Have a wonderful New Year 2019.

Mercedes S. Rodriguez
Block Captain
BayPorte Village Neighborhood Watch
(510) 444-0803
MercedesMSR@att.net

On Wednesday, January 2, 2019, 5:41:18 PM PST, ray kidd <draykidd@gmail.com> wrote:

Hi Mercedes

I was happy to see and talk with you at Margaret's party, and thank you for getting me out of my chair and onto the music floor. It's been quite a while since I have done that and it felt good.

I was just reading an article from a few weeks back and I came upon the comment pasted below concerning the A's stadium. You mentioned that the A's rep will be attending your upcoming meeting, and I thought it may be of interest if you haven't already seen it. The commenter, G Patton, is a former Oakland city planner, and he frequently comments on the EB Express site. He's well informed and I usually read what he says. In this comment he raised questions about things like access and financing. Regarding the latter, he mentions that the A's proposal includes developing the coliseum site as well as Howard terminal. I had seen this mentioned before but had not really focused on it, other than to confirm with someone else that the price they were offering for the coliseum site seemed well below the market value. So it now strikes me that though the stadium is promoted as privately financed, that if the Howard proposal is linked to the sale of the coliseum site to the A's at a below market price then this may be a back door way to add public financing to the mix. As Patton says, most of the details are missing so there is no way to really know now, but something to keep in mind.





Ray


Re: "A's Swing for the Fences at Howard Terminal"





Modern American culture is under relentless sensory assault promulgated by the takeover of social media in our lives. We are in a continual pursuit of the next huge viral thing. That thing can be a so


called "video personality" with a big ass, a sports star like Zion Williams at Duke or even a new baseball stadium. Williams was being touted as the next LeBron James after less than 10 games as a college freshman. Only last week when he and Duke were humbled by a loss to Gonzaga and the emergence of a player named Hachimura, with obviously better basketball skills than Williams, did people begin to pump the brakes. The same can be said for the new A's jewel ballpark. Dave Kaval and the A's have hit it big out of the box. This project proposes to develop not one, but both the Howard Terminal and the Coliseum sites. The architectural renderings are both impressive and forward thinking in accounting for the rise in water levels in the bay and providing tech offices, open space and affordable housing. The local politicians all gathered together for the news conference and could barely contain themselves. However, instead of jumping on the bandwagon just yet, I urge the public to pump your collective brakes until the A's come forward with some details. First of all, how do you get there? The new A's baseball stadium has NO parking. There is no parking within a mile and a half of the Howard Terminal site. Kaval projects that they will build gondolas over I-880 and the railroad tracks to bring 6,000 fans per game to the stadium. In addition, a new pedestrian bridge will be needed for the hearty souls who have to walk. These are not inexpensive infrastructure projects to accomplish. The permitting process alone from Cal Trans and the Railroad companies to traverse their right of ways could take years. Patrons were recently stuck in the air at Knowland Park Zoo when the gondola up to the restaurant malfunctioned. What great memories fans could get from being stuck over I-880 on the way to an A's game. This is supposed to be a privately financed stadium, but the infrastructure alone to get people there will be very expensive. In concept, development proposed at the Coliseum would subsidize the ballpark costs. However, last time I checked, public open space and parks do not generate a lot of revenue. Kaval and the A's present a pretty picture, but there are no numbers, not even rough estimates of what the bottom line costs will be for this project. My initial skepticism was not made better by the last minute announcement of the community meeting to discuss the project today, November 29th. That is one day after the first big media public announcement. If your neighbor needs a permit to build a fence that is too tall, the City gives you a 10 day notice. Hey Kaval, how much public input do you really expect with a 1 day notice? Let me be clear, I am an A's fan who is still pissed with Jerry Brown for killing the A's Fox theater ballpark project in Uptown. I want a new park that works for everyone. However, I don't want MLB's desire for the waterfront ballpark TV money shot to drive the project. It is selection of the right site, not the design that should be the priority in making the decision. The best site needs to be superior from a fiscal, regional transportation and economic development perspective. A good architect can design an attractive stadium anywhere. Based on past performance, I am not convinced that the local politicians are astute enough to understand the distinction.





Posted by GPatton on 11/29/2018 at 5:06 PM


Submitter Information	Submission Status
<p>Nikki Bas</p> <p>Address: City Hall Oakland CA 94612</p> <p>Organization: City Council, District 2</p> <p>Email: nikki@nikki4oakland.com</p> <p>Created: December 30th 2018</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

Text Correspondence  8-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>The scope should include the potential impacts of sea level rise and compliance with BCDC policies. I received the following comment from an Oakland resident: "I have real concerns that we are still planning shoreline construction in spite of the fact that we are expecting 6-10 ft of sea level rise in the next 100 years. This seems like a great financial risk to take given that major climate agencies are actually discussing strategies of managed retreat, meaning we may have to evacuate large parts of the Bay Area soon, particularly along the shoreline. Are folks talking about this at all in the planning process?"</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

<p>Submitter Information</p>	<p>Submission Status</p>
<p>Phoenix Armenta</p> <p>Address: 524 E 17th St. Oakland CA 94606</p> <p>Organization: Woke Witch</p> <p>Email: Phoenixlovearmenta@gmail.com</p> <p>Created: January 2nd 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

<p>Text Correspondence  9-1C</p>	<p>Bracketed Comments (0)</p>
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>The Bay Area is expecting 6-10 ft of sea level rise in the next 100 years. Many agencies are discussing the option of managed retreat. How in this climate are you considering building along the shoreline? It seems at best to be a really bad investment.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status		
<p>Raphael Gilbert</p> <p>Address: 448 Florence Ave Oakland CA 94618</p> <p>Organization:</p> <p>Email: rafigailbert@gmail.com</p> <p>Created: January 3rd 2019</p> <p>Correspondence: </p>	 STATUS New	 COMMENTS 0	 OPEN COMMENTS 0

Text Correspondence  TI-IC	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>Schnitzer Steel must relocate if the A's move to Howard Terminal. Can the A's please create an animated video of the gondola transport solution? Can the city coordinate with the ride sharing companies to provide transport and avoid having to build extensive parking?</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

From: [Vollmann, Peterson](#)
To: [Crescentia Brown](#); [Jillian Feyk-Miney](#)
Subject: FW: regarding ER18-016
Date: Monday, January 7, 2019 9:11:11 AM

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





-----Original Message-----


From: ray kidd [mailto:rayk_1945@yahoo.com]
Sent: Sunday, January 6, 2019 9:20 PM
To: Vollmann, Peterson <PVollmann@oaklandca.gov>
Subject: regarding ER18-016





Hi Mr. Vollmann


My mother, an Oakland resident, loved to attend the A's games at the coliseum. As a senior on a limited retirement income she could take the Bart and easily walk across to the stadium. This ease of access made it possible for her to get out of the house and enjoy the mild East Oakland weather. It's hard for me to see how she could have the same ease of access at the proposed waterfront site if she were still alive. The coliseum site has proved to be a viable location for the A's for many decades, and I see no compelling reason it should be abandoned. The potential pitfalls of the waterfront site, including access, parking, and impacts on adjacent neighborhoods in West Oakland, where I currently reside, add further uncertainties to this proposal which I hope will lead to its abandonment and a reengagement with a revitalized coliseum proposal. Thank you.

Ray Kidd

Submitter Information	Submission Status		
<p>Rod Borba</p> <p>Address: 4101 big meadow way rancho cordova CA 95742</p> <p>Organization: cordova softball / cordova community council</p> <p>Email: rod.borba@dignityhealth.org</p> <p>Created: December 17th 2018</p> <p>Correspondence: </p>	 STATUS New	 COMMENTS 0	 OPEN COMMENTS 0

Text Correspondence  2-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>worried about sea level change, plan for city repair and fixing of roadways around stadium, garbage cleaning around stadium and road leading to stadium, development of an enterprise zone for vendors</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

Submitter Information	Submission Status
<p>Shannon Way</p> <p>Address: 6152 baker street Oakland CA 94608</p> <p>Organization:</p> <p>Email: siennadawn2@yahoo.com</p> <p>Created: January 5th 2019</p> <p>Correspondence: </p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  STATUS New </div> <div style="text-align: center;">  COMMENTS 0 </div> <div style="text-align: center;">  OPEN COMMENTS 0 </div> </div>

Text Correspondence  12-1C	Bracketed Comments (0)
<p>Select any section of text, in the below text correspondence, to bracket for comment.</p> <p>The idea of a ball park at the terminal is a horrible idea. The city should be adamantly opposed, this area is too small to accomodate the traffic and too far from public transit. It will be a nightmare. This is a recipe for a congested nightmare, and for no reason other than to appease the ego of the team owners. Of they wanted a waterfront park they should have developed that in the early 90s before this area was redeveloped. Now we have come too far and there is enough here, we dont need or want a ball park mucking that up. Also, the coliseum neighborhood would be devastated by the loss of the stadium.</p>	<p>There are currently no bracketed comments for the text correspondence. Select any section of text, in the text correspondence on the left, to bracket for comment.</p>

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