

CHAPTER 1

Introduction

This Final Environmental Impact Report (EIR) has been prepared by the City of Oakland (“City”) (Lead Agency) pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to present the environmental analysis of the proposed Oakland Waterfront Ballpark District Project (“Project”) to the public for review and for agency decision-makers to use in their consideration of the Project.¹ This chapter summarizes the CEQA process for the proposed Project, explains the CEQA context for this Final EIR and new information provided herein, and describes the organization of this document.

1.0 CEQA Process

1.0.1 Notice of Preparation

The City published a Notice of Preparation (NOP) on November 30, 2018, pursuant to State CEQA Guidelines Section 15082 (*Notice of Preparation and Determination of Scope of EIR*), indicating that an EIR would be prepared for the Oakland Waterfront Ballpark District Project and inviting comments on the scope of the Draft EIR. A 45-day public scoping period for the Draft EIR ended on January 14, 2019. Public scoping sessions were conducted by the Oakland Landmarks Preservation Advisory Board (LPAB) on Monday, December 17, 2018, and the Oakland Planning Commission on Wednesday, December 19, 2018. The NOP was sent to property owners within 300 feet of the Project site, responsible and trustee agencies, organizations, and other interested parties. A notice was published in the newspaper, and a copy of the NOP was sent to the State Clearinghouse to solicit statewide agency participation in determining the scope of the EIR, and to the County Clerk, who posted the NOP for public notice.

1.0.2 Notice and Public Review of the Draft EIR

The City issued a Notice of Availability/Notice of Completion (NOA/NOC) of the Draft EIR on February 26, 2021, announcing the availability of the Draft EIR for public review and comment. The NOA/NOC noticed a 45-day public review and comment period on the Draft EIR, starting February 26, 2021, and ending April 12, 2021, and the City subsequently extended the period an additional 15 days to April 27, 2021.

¹ The *California Environmental Quality Act* can be found in the California Public Resources Code, Section 21000 et seq. The State CEQA Guidelines, formally known as the *Guidelines for California Environmental Quality Act*, can be found in the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.

During the public review and comment period on the Draft EIR, the City conducted an informational workshop on Saturday, March 6, 2021, pursuant to California Assembly Bill (AB) 734 (discussed below). A public meeting on the Draft EIR was also held by the Oakland Landmarks Preservation Advisory Board (LPAB) on Monday, March 22, 2021, and a public hearing at the Oakland City Planning Commission was held on Wednesday, April 7, 2021. The date of the public hearing was set in compliance with AB 734, which requires that a public hearing on the Draft EIR occur within the last 10 days of the comment period. Consistent with Alameda County's Shelter in Place Orders and guidance from the Governor's Office of Planning and Research, the Draft EIR was made available in digital form and public hearings on the Draft EIR were held remotely.

The City encouraged agencies and interested parties to submit written comments on the Draft EIR electronically via the following link: <https://comment-tracker.esassoc.com/oaklandspportseir/index.html>. Written comments could also be submitted to the City of Oakland Bureau of Planning by email or by fax. The City received some letters by U.S. mail, and in most cases, the commenter also submitted its correspondence via electronically.

By the end of the (extended) comment period, the City received oral or written comments from a total of 498 commenters (including commenters who commented multiple times). A list of the commenters is provided in Chapter 3, *Roster of Commenters*, of this Final EIR.

1.0.3 Response to Comments / Final EIR

The City has prepared written responses to comments received during the public review and comment period for the Draft EIR. These comments and the "Response to Comments" are provided in Chapters 4, 5, and 6 of this Final EIR. Chapter 4 provides "Consolidated Responses" that respond collectively to comments received from many commenters. Chapter 5 provides all written comments (submitted by email, via the electronic comment tracker, by mail, or by hand) together with individual responses to comments not addressed in Chapter 4. Chapter 6 provides all oral comments received at the meeting of the Landmarks Preservation Advisory Board and at the hearing conducted by the Oakland City Planning Commission together with individual responses to those comments not addressed in Chapter 4.

In addition to providing the comments and responses to comments on the Draft EIR, this document includes necessary updates and other modifications and clarifications to the text and exhibits in the Draft EIR in Chapter 7, *City-Initiated Updates and Errata to the Draft EIR*. The Draft EIR, together with the comments, responses to comments, and other information included in this Response to Comments document constitutes the Final EIR, consistent with State CEQA Guidelines Section 15132, *Contents of Final Environmental Impact Report*. Due to the large volume of text contained in the Draft EIR and its appendices, this Response to Comments/ Final EIR does not contain the full text of the Draft EIR, which remains available in a separate volume and is included here by reference.

The Draft EIR, this Response to Comments / Final EIR, and all supporting technical documents under City of Oakland Case ER#18-016, and all of the documents submitted to or relied on by the City in preparation of the Draft EIR and Final EIR (i.e., Record of Proceedings), can be found at

<https://www.waterfrontballparkdistrict.com>, consistent with the requirements of AB 734. Project-related documents are also available to view at the City of Oakland’s website: <https://www.oaklandca.gov/topics/oakland-waterfront-ballpark-district> and <https://www.oaklandca.gov/documents/oakland-as-waterfront-ballpark-district-at-howard-terminal-environmental-impact-report-documents-case-file-number-er18-016>.

1.1 Intended Use of the Final EIR

The City of Oakland, as Lead Agency, will make the decision whether to certify the Final EIR in accordance with Section 15090 of the State CEQA Guidelines. Before the City may approve the proposed Project, it must independently review and consider the information contained in the Final EIR, certifying that the Final EIR adequately discloses the environmental effects of the Project, that the Final EIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the City’s determination that the Final EIR adequately evaluated the environmental impacts that could be associated with the Oakland Waterfront Ballpark District Project.

If certified, the Final EIR would be used by the City to inform its decisions to modify, approve, or deny approval of the proposed Project based on the analysis in the document and in accordance with the findings required by CEQA Guidelines Section 15091 (*Findings*) and 15093 (*Statement of Overriding Considerations*). Pursuant to State CEQA Guidelines Section 15126 (*Consideration and Discussion of Environmental Impacts*), the City would then use this Final EIR as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), General Plan Amendments, Rezoning, a Planned Unit Development/Preliminary Development Plan (PUD/PDP) Tentative Tract Map, and several subsequent permits and Final Development Plans (FDP’s), generally listed in Chapter 3, *Project Description*, of the Draft EIR. The Port of Oakland and other Responsible Agencies would use the certified EIR to support their decisions via CEQA Guidelines Section 15096 (*Process for a Responsible Agency*).

1.2 Mitigation Monitoring and Reporting Program

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097 (*Mitigation Monitoring or Reporting*) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to and EIR (also mitigated negative declarations). Accordingly, as Lead Agency, the City has prepared an MMRP for the proposed Oakland Waterfront Ballpark District Project; the MMRP is included as **Appendix MMRP** to this this document.

The intent of the MMRP is to track and successfully implement the mitigation measures identified within the Final EIR and adopted as part of the Project to avoid or mitigate significant effects on the environment. The MMRP is designed to ensure compliance with the mitigation measures during and after Project implementation. If the City decides to approve the Project, it

would adopt the MMRP at the time of Project approval and would be responsible for conducting the monitoring included in the MMRP for the life of the Project. An introduction describing the components of the MMRP and terms used therein is included as part of Appendix MMRP.

1.3 Assembly Bill 734; CEQA Section 21168.6.7

As described in Chapter 1, *Introduction*, of the Draft EIR, the Project sponsor applied for certification by the Governor pursuant to California AB 734, which was enacted in 2018 and codified in the CEQA Statutes at Public Resources Code Section 21168.6.7.² The Project was certified by the Governor on February 11, 2021, and the EIR will be subject to the procedural requirements of AB 734.^{3,4} Generally, AB 734 provides for streamlined review by the courts in the event a lawsuit is filed challenging the certification or adoption of this EIR or the approval of the Project, provided that the Project complies with certain conditions and is certified by the Governor.

Consistent with the procedural requirements of Section 21168.6.7, the Final EIR is subject to the following notice:

THIS ENVIRONMENTAL IMPACT REPORT IS SUBJECT TO SECTION 21168.6.7 OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD, IF ANY, FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT. ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OR ADOPTION OF THE ENVIRONMENTAL IMPACT REPORT OR THE APPROVAL OF THE PROJECT DESCRIBED IN SECTION 21168.6.7 OF THE PUBLIC RESOURCES CODE IS SUBJECT TO THE PROCEDURES SET FORTH IN THAT SECTION. A COPY OF SECTION 21168.6.7 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE APPENDIX TO THIS ENVIRONMENTAL IMPACT REPORT.

Further, consistent with the following particular procedural requirements of Section 21168.6.7 relevant to the Final EIR:

- **Appendix PRC** of this Final EIR contains the full text of Section 21168.6.7.
- Within 10 days after the release of the Draft EIR, the City conducted an informational workshop to inform the public of the key analyses and conclusions of that document.

² Oakland Athletics, 2019. AB 734 Application, Oakland Athletics, Oakland Sports and Mixed-Use Project at Howard Terminal, submitted March 15, 2019 and amended August 26, 2019, November 1, 2019, March 10, 2020, and July 9, 2020. Available online at: <http://opr.ca.gov/ceqa/judicial-streamlining.html>.

³ California Public Resources Code Section 21168.6.7 et seq.

⁴ See also Governor's Office of Planning and Research, *Governor's Guidelines for Streamlining Judicial Review Under the California Environmental Quality Act Pursuant to AB 900 (Chapter 352, Statutes of 2011)*. Note that these guidelines apply to projects requesting certification for streamlined judicial review under AB 734 (Chapter 959, Statutes of 2018) or AB 987 (Chapter 961, Statutes of 2018) to the extent that the guidelines are applicable and do not conflict with the language contained within those statutes.

- Within 10 days before the close of the public comment period, the City held public hearings to receive testimony on the Draft EIR, and transcripts of the hearings are included in Chapter 6, *Responses to Public Hearing Comments*, of this document⁵; and
- The City and Project applicant participated in nonbinding mediation with two commenters who submitted timely comments on the Draft EIR and who submitted a written request for the mediation within five days following the close of the public comment period.⁶

1.4 New Information in the Final EIR

Responses to comments received on the Draft EIR focus on comments that pertain to the adequacy of the analysis in the Draft EIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to text or exhibits in the Draft EIR, these changes appear as part of the specific response and are consolidated in Chapter 7, *City-Initiated Updates and Errata to the Draft EIR*.

If “significant new information” is added to an EIR after a notice of public review of the Draft EIR document has been given (in this case, February 26, 2021, for the Draft EIR), but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the Draft EIR for further comment and consultation. State CEQA Guidelines Section 15088.5 (*Recirculation of an EIR Prior to Certification*), specifies the following:

“Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

None of the changes to the Draft EIR identified in this document meet any of the above conditions. Therefore, recirculation of any part of this Final EIR not required. The information presented in the Draft EIR and this document support this determination by the City.

⁵ Section 21168.6.7 directs that transcripts to public hearings on the Draft EIR be included in the appendix to the Final EIR. Full presentation of the transcripts in Chapter 6 of this document satisfies the public disclosure intent of this requirement; however, full transcripts are also provided in Appendix PUB.

⁶ Jams Mediation Case Reference No. 1130009423, Oakland Sports and Mixed-Use Project Mediation, May 25, 2021.

1.5 Organization of This Final EIR

Following this **Chapter 1, *Introduction***, this Response to Comments / Final EIR is organized as described below:

- **Chapter 2, *Updated Project Information*** – This chapter includes a brief summary of the proposed Project and describes updates to information that pertains to the proposed Project, including information outside the scope of the Project components or CEQA.
- **Chapter 3, *Roster of Commenters*** – This chapter presents a roster showing each public agency, organization, or individual that provided comments on the Draft EIR generally during the public review and comment period for the Draft EIR.
- **Chapter 4, *Consolidated Responses*** – This chapter presents Consolidated Responses to address the topics raised most often by the public in the comments received on the Draft EIR.
- **Chapter 5, *Responses to Individual Comments*** – This chapter includes copies of the written comments received electronically via <https://comment-tracker.esassoc.com/oaklandspportseir/index.html> or by email during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence are provided side-by-side with each letter.
- **Chapter 6, *Responses to Public Hearing Comments*** – This chapter presents a written transcript of the verbal comments received on the Draft EIR at the City of Oakland LPAB meeting held on Monday, March 22, 2021, and at the City of Oakland Planning Commission meeting held on Wednesday, April 21, 2021. Responses are presented to each comment received.
- **Chapter 7, *City-Initiated Updates and Errata to the Draft EIR*** – This chapter presents all updates made to provide clarification, amplification, and corrections to the text and exhibits in the Draft EIR - changes either initiated by City staff or responses to comments received during the public review and comment period on the Draft EIR. Changes that respond to specific comments are also stated or referenced in the corresponding response provided in Chapter 4, *Consolidated Responses*; Chapter 5, *Responses to Individual Comments*; or Chapter 6, *Responses to Public Hearing Comments*.
- **Appendices** – A series of appendices contains supporting information for specific responses to comments. Pursuant to AB 734, the appendices include the full text of Section 21168.6.7 and transcripts of the public hearings on the Draft EIR. The appendices also include the MMRP for the Project. Also, as described above in 1.4, *Assembly Bill 734; CEQA Section 21168.6.7*, a Record of Proceedings for the proposed Project continues to be accessible for downloading online and includes this document and all other documents submitted to or relied upon by the Lead Agency in the preparation of the EIR.