

## 5.3 Individuals

I-1 William Kramer

### COMMENT

### RESPONSE

I-1-1 | I support the proposed A's ballpark on the Estuary. The positive impact it will have on jobs, the community, and environment is a once in a generation opportunity.

I-1-1

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

I-2 David Johnston

COMMENT

RESPONSE

I-2-1 There is no way this facility should be built without an overpass over the Union Pacific tracks on First Street at Market Street. I have spent a considerable amount of time in this area and between the trucks going into the scrap yard and the slow moving trains, the traffic in this area will be grid locked without a overpass on Market Street. Bicycles are at particular hazard due to the railroad tracks. When a freight train stops for an extended time, pedestrians do the craziest things and crawl under or climb over the train cars, not having any idea when it might start moving again. Train traffic, and in particular passenger train traffic, in this area will be increasing over the years making the situation on First Street even worse.

I-2-2

I-2-1 The commenter's opinion is noted. City decision makers will have an opportunity to consider whether to adopt Alternative 3, Proposed Project with Grade Separated Alternative with the Market Street alignment when they consider whether to approve the proposed Project. See Figure 6-2 in the Draft EIR for an illustration of this option.

I-2-2 This comment expresses a concern around the safety of bicyclists crossing the railroad tracks, especially with the increase in traffic over time. It does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See the description of existing railroad corridor conditions on Draft EIR pp. 4.15-39 through 4.15-42. The railroad corridor improvements are described on Draft EIR pp. 4.15-93 and 4.15-94. The Project's impacts on the railroad corridor are described in Impact TRANS-3 on Draft EIR pp. 4.15-233 through 4.15-240. The impacts are considered significant and unavoidable, although Mitigation Measures TRANS-3a and TRANS-3b would lessen but not eliminate the impacts.

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, for additional information.

I-3 Camille Holser

COMMENT

RESPONSE

I-3-2

Oakland's port needs that space for shipping containers. If the A's have enough money to build a new ball park then they have enough money to repair their old ball park. They should stay in the old ball park. If they'd rather leave Oakland than stay in the old ball park, let them go--good riddance. They are only entertainment. The port is jobs and commerce. Oakland needs the port space for containers more than it needs the A's.

I-3-1

See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-3-2

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

I-4 Dave Lachs

COMMENT

RESPONSE

I-4-1

Thank you for the opportunity to comment. I wanted to address section 4.15 Transportation and Circulation. The description of streets specifically 5th Street. There is no mention of 5th street being one of the major access point to the Webster Street Tube and Alameda from I-880S. On most afternoons (pre Covid) there is a continuous line of cars stopped at all the traffic lights navigating toward Broadway and the Tube entrance. Will all the expected growth in Alameda this will not ease. Section 4.15 page 243 mentions this a significant and unavoidable issue. There are currently no planned changes to 5th street in the Oakland-Alameda Access Project. This project would make things much worse

I-4-1

The commenter expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. However, the City did require for informational purposes a detailed intersection operation analysis of the Project (see Draft EIR Appendix TRA.3).

The Oakland Alameda Access Project (OAAP) includes a number of infrastructure improvements between the Webster and Posey Tubes, Oakland's street network, and access to I-880 and I-980 freeways. The OAAP is under environmental review, with final design expected to start in 2022 and construction to be completed in 2027. OAAP would take traffic from northbound I-880 directly into the Webster Tube via 6th Street, and this would shift traffic away from the 5th Street intersection at Broadway, thereby benefiting traffic on 5th Street through the Broadway intersection toward the Tube.

I-5 Charlie Bolton

COMMENT

RESPONSE

I-5-1

As indicated on Draft EIR p. 1-3, CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority. The EIR's key purpose is to inform decision makers at the City of Oakland (the lead agency for purposes of CEQA), the Port of Oakland, other responsible agencies, and the public. The City will consider the information contained in the EIR prior to taking action on the Project, and before any Project approval, must certify that the EIR complies with CEQA. The City must also adopt and oversee the implementation of a Mitigation Monitoring and Reporting Program (MMRP) describing the measures that were made conditions of Project approval to avoid or mitigate significant environmental effects (see Draft EIR p. 1-8). The mitigation measures in the MMRP must be fully enforceable. Agencies have a variety of tools available to ensure compliance with mitigation monitoring requirements. For example, mitigation measures that are required during construction typically are enforced through inspection. The penalties for failure to implement mitigation measures properly would depend on the specific terms of the measure and permit conditions, but could include permit revocation, "stop work" orders, or denial of subsequent approvals needed to complete the Project.

From: [Charlie Bolton/Feealty Films](#)  
To: [Peterson, Volmann](#)  
Subject: EIR 18-018. Request for information. What is the penalty for failure to meet goals and certifications enumerated in the EIR?  
Date: Saturday, March 6, 2021 10:40:19 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
What are the penalties for project sponsors failure to meet Certifications and performance objectives set forth in the EIR? And why aren't those penalties set forth in the EIR?

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-5-1

I-6 Charlie Bolton

COMMENT

RESPONSE

I-6-1

As indicated on Draft EIR p. 1-3, the key purpose of the EIR is to inform decision makers at the City of Oakland, the Port of Oakland, other responsible agencies, and the public of the environmental consequences of implementing the proposed Project. The Oakland City Council is responsible for considering certification of the EIR and approval of the Project. As indicated in the Draft EIR (p. 1-8), before it considers approval of the Project, the City Council is required to certify that the EIR has been completed in compliance with CEQA, that the information in the EIR has been considered, and that the EIR reflects its independent judgment. In considering whether to approve the Project, the City Council may consider all testimony, including concerns pertaining to economic and social effects, in its deliberations.

From: [Charlie Bolton/Beetally Films](#)  
To: [Peterson, Volmann](#)  
Subject: EIR 16-018 Limitation of Social and Economic Impacts of EIR at the April 7th Oakland City Council Meeting  
Date: Saturday, March 6, 2021 10:45:42 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
In the EIR it is stated that only environmental impacts and mitigation measures identified in the EIR will be considered. Does this mean that testimony before the April 7th, 2021 City Council meeting will not hear any Economic or Social Impact of the project concerns?

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-6-1

I-7 Charlie Bolton

COMMENT

RESPONSE

I-7-1

It is unclear to which monitoring program the comment is referring. Several mitigation measures identified in the Draft EIR require monitoring (e.g., Mitigation Measure BIO-1c calls for monitoring of peregrine falcons, Mitigation Measure BIO-3 requires the preparation and implementation of a sound attenuation reduction and monitoring plan). Generally, the Project sponsor is responsible for funding the implementation of mitigation measures. In accordance with Section 15091(d) of the CEQA Guidelines, the City is responsible for adopting a Mitigation Monitoring and Reporting Program as part of any Project approval and for ensuring that its measures can be fully enforceable through permit conditions, agreements, or other measures.

From: [Charlie Bolton/Beetally Films](#)  
To: [Peterson, Volmann](#)  
Subject: EIR 8-016. Request for information: Who will administer and pay for the Monitoring Program specified in the EIR.  
Date: Saturday, March 6, 2021 11:01:41 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
Who will administer and fund the Monitoring Program(s) specified in the EIR? How will the City insure that the Monitoring programs are operated in a neutral manner outside of the influence of the project sponsor?

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-7-1

I-8 Mike Barnbaum

COMMENT

RESPONSE

**From:** [Mike Barnbaum](#)  
**To:** [Paul Herman](#); [Dan Lewitt](#); [Peterson Vollmann](#)  
**Cc:** [Stanley Montenegro](#); [Freddy Rodriguez](#); [David Lupari](#); [Rene Gutierrez](#); [Brian Schmidt](#); [Dave Kivalo](#); [Curtis Wapington](#); [Minaur Duarte](#); [Gabriella Lopez-Correal](#); [Taj Telesford](#); [Pete Paduette](#); [Leo Sanchez](#); [Jim Allison](#); [Michael Hendrix](#); [Priscilla Kellogg](#); [Karan Bekar](#); [Mina Tarasas](#)  
**Subject:** Dual Public Comment on SJPA Business Plan & Oakland Waterfront Ballpark District Draft EIR (Case File Number: ER18-016)  
**Date:** Sunday, March 7, 2021 1:40:59 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Greetings Paul, Dan, and Peterson:

Allow me to introduce myself, as not everyone receiving this Email knows me. My name is Mike Barnbaum, and I am based in Sacramento, California. In the 2010s, I was involved in a rigorous team effort to keep the Sacramento Kings in Sacramento, and get the beautiful Golden One Center constructed in Downtown Sacramento. Many transportation professionals have been made aware of this project, as well as what it means for transportation, sports, entertainment, and quality of life in society.

I-8-1

I am a diehard Sacramento Kings fan, a diehard Oakland Athletics fan, and very involved in transportation throughout Northern California and the San Joaquin Valley. I was instrumental at the California State Capitol in June 2019 explaining to a group of lawmakers the importance of then, AB-1191 by Assemblymember Rob Bonta, and the elements of a comprehensive transportation plan for the Howard Terminal Ballpark for development in the Oakland Jack London Square Waterfront. I was "grilled" while standing at the public microphone about the variety of the transportation services available and being developed for this important project in the City of Oakland. My answers appeared to have blown the lawmakers away that I was told by Athletics President that I "batted cleanup" in convincing lawmakers that AB-1191 was absolutely necessary.

I-8-2

With that introduction, I want to provide, in the remainder of this electronic communication, comments on the draft business plan and draft EIR for the San Joaquin Joint Powers Authority and the Oakland Waterfront Ballpark project, especially where the two documents are very interchangeable and related to each other in and around the Oakland Jack London Square Amtrak Station. I will be mentioning the Capitol Corridor Joint Powers Authority too, especially where I can see that they would be a partner in certain aspects. For this reason, they are part of the CC recipients of this electronic communication so that they are on the same page, reading the same thing.

Starting on "Page 8" of the Public Review Draft of the 2021 SJPA Business Plan Document, the topic of Safety and Security is discussed and detailed. One bullet point discussed is "fencing projects at locations identified based on incident hot spots and high numbers of near misses." This is a very serious matter in and around Oakland Jack London Square as it also relates to the Oakland Waterfront Ballpark District Draft EIR.

I-8-3

I would call upon the San Joaquin Joint Powers Authority to develop a partnership on this matter with the City of Oakland, Capitol Corridor Joint Powers Authority, Oakland Athletics Investment Group Limited Liability Corporation, Union Pacific Railroad, and Amtrak to jointly develop plans for fencing around the tracks in the Howard Terminal and Jack London Square neighborhoods of Downtown Oakland, and develop plans to jointly finance several grade separated crossings that pedestrians and bicyclists would cross either over or under the railroad tracks, therefore allowing free flowing travel of passenger trains, freight trains, and people on foot and on non-motorized bicycles in such a manner that one mode does not have to stop for the other. The Downtown Oakland Jack London Neighborhood in and around Embarcadero West, which parallels the railroad tracks, is forecasted to be a "hot spot" of pedestrian, bicycle, and railroad traffic that constructing, via partnerships, fencing around the railroad tracks as well as several grade separated crossings will not only avoid high numbers of near misses, but likely avoid them altogether if we all come together having this as our mindset during construction and recognizing here, that the draft public review of the San Joaquin Joint Powers Authority 2021 Business Plan and the Oakland Waterfront Ballpark District Draft Environmental Impact Review (Case File Number: ER18-016) are not, in this explanation, separate documents, but rather interchangeable with each other. This would perhaps be a "Wake Up Call" to the

I-8-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-8-2 This comment serves as an introduction to the following comment. As a result, no specific response is provided here. See Response to Comment I-8-3.

I-8-3 This comment expresses an opinion about fencing and grade separation along railroad corridors and other safety concerns, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue that would require a response under CEQA. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, for responses to issues raised in the comment. Draft EIR Mitigation Measure TRANS-3a (pp. 4.15-235 and 4.15-236) would install fencing along the railroad corridor as well as at-grade crossing improvements such as quad gates and gates for pedestrians and bicyclists that, depending on final design, would eliminate gaps when the gates are down. The final set of railroad corridor improvements will be determined when the Project sponsor undertakes the necessary Diagnostic Study and coordinates with the City, the California Public Utilities Commission, and affected railroads and obtains all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). Draft EIR Mitigation Measure TRANS-3b would install a pedestrian and bicycle bridge over the railroad tracks. Draft EIR Alternative 3 provides a motor vehicle grade separation alternative.

I-8

COMMENT

RESPONSE

I-8-4

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

I-8-3

City of Oakland and Oakland Athletics Limited Liability Corporation to have key staff and stakeholders present (online and/or in-person) at San Joaquin Joint Powers Authority Board of Directors Meetings, and Capitol Corridor Joint Powers Authority Board Meetings too. Before we even think about how much increase in service we think individually or collectively there needs to be come opening day at the up and coming new Howard Terminal Ballpark, safety and security in the construction project area need to be first and paramount to make this extremely successful, and go off without any potential of having a fatality ever happen.

In closing, I send this electronic communication to make all involved stakeholders aware of the seriousness and necessity of fencing and grade crossings in and around Oakland Jack London Square Amtrak Station and the Oakland Waterfront Ballpark Project, but also to explore the high possibility and high potential of a multi-corporation (Public and Private) in financing the construction of fencing and grade separated crossings so that one entity is not solely responsible for all the costs involved, especially when more work would need to be done than previously thought or expected.

Last, but not least, I will participate live at 9am on March 26th via "Go-To-Meeting" at the San Joaquin Joint Powers Authority Board Meeting and provide oral comments on service restoration, the planning of the 8th and 9th round trips, as well as a comments specific to Stockton and Sacramento.

I-8-4

If you have any questions, comments, or need further information on the written comments in this electronic communication, or want to get a heads up on my upcoming oral comments, please feel free to get in contact with me at your convenience.

Sincerely,

Mike Barnbaum, Public Transportation Advocacy and Consulting  
Mobile/Text: (916) 390-3989  
Email: mike\_barnbaum@comcast.net

Sent from my iPad

I-9 Charlie Bolton

COMMENT

RESPONSE

I-9-1

Land use compatibility in relation to recreational watercraft and maritime navigation is addressed on pp. 4.10-35 through 4.10-39 of the Draft EIR. Mitigation Measure LUP-1a included in the Draft EIR would require the Project sponsor to develop a boating and recreation water safety protocol, including certain requirements intended to minimize conflicts with maritime navigation resulting in safety hazards and ship delay, in consultation with the City of Oakland (including the Oakland Police Department), the Port of Oakland, the San Francisco Bay Area Water Emergency Transportation Authority (WETA), the Harbor Safety Committee of the San Francisco Bay Region, and the U.S. Coast Guard for implementation during baseball games and large events at the new ballpark. With the Project-specific boating and recreational water safety protocol and specific requirements called for in Mitigation Measure LUP-1a, the Draft EIR found that the risk of an increase in conflicts between recreational boaters and other vessels using the Inner Harbor Channel would be reduced, and that the Project would not result in a fundamental conflict with maritime navigation or water-based uses, and impacts would be less than significant with mitigation incorporated. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

From: [Charlie Bolton/Feealty Films](#)  
To: [Peterson, Volmann](#)  
Subject: ERI 9-016: Request for Information  
Date: Sunday, March 7, 2021 3:22:30 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
Please provide information about the risk of pleasure boats, kayaks, canoes on the water side of the A's proposed Stadium at Howard Terminal on game days when ships are being turned in the Turning Basin. This is a risk of human life and an obstacle to normal port operations. I can find no discussion of mitigation measures related to this issue in the document.

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-9-1

I-10 Charlie Bolton

COMMENT

RESPONSE

I-10-1 Figure 4.4-1 has been updated to show Crane X-422 labeled as resource "1."  
See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*.

From: [Charlie Bolton/Bealaly Films](#)  
To: [Peterson, Volmann](#)  
Subject: EFD18-016: Request for Information.  
Date: Sunday, March 7, 2021 4:15:05 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

ON Oakland Waterfront Ballpark District Project Figure 4.4-1 Historic Resources, Item 1, Crane X422 is identified on the legend, but is not marked on the map. Please provide a correct map.

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-10-1

I-11 John D'Amario

COMMENT

RESPONSE

I-11-1

I live in west Alameda and often drive on 5th Street in Oakland to access the Webster tube. During rush hours, 5th Street can be overwhelmed with traffic, as can Broadway from Jack London Square.

I'd love for this ballpark to be constructed but my only concern is getting to the Webster tube on game days or evenings.

I-11-1 See Response to Comment I-4-1.

I-12 Eric Ceja

COMMENT

RESPONSE

Since 1968 so many great baseball players, some local, have made their way through the Oakland Athletics system.

Is there anyplace in the design that honors these local players?

Do you agree that Ricky Henderson is the greatest baseball player of all time? An analysis in the public safety section is needed. Who knows what he might steal next!

I-12-1 Don't you think Dave Henderson is also one of the best to play for the Oakland Athletics franchise? Dave's stare is worthy of an analysis in the cultural resources section of the EIR.

Out of all current and past ballplayers, do you agree that Mark Ellis is one of the underrated players, especially defensively, to play second base for Oakland? I'd appreciate an analysis of this claim as it relates to public safety (the dude put out fires! and his defense was so great that even when setting a major league record in fielding percentage MLB robbed him and stole his Gold Glove.

Who was "really" the #FaceofBaseball in 2014?

I-12-1

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

I-13 Larry Jabin

COMMENT

RESPONSE

I-13-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Larry Jabin](mailto:Larry_Jabin)  
**To:** [zvonimirov@oaklandca.gov](mailto:zvonimirov@oaklandca.gov)  
**Cc:** [slava@oaklandca.gov](mailto:slava@oaklandca.gov); [wajlich@oaklandca.gov](mailto:wajlich@oaklandca.gov); [officeofthecity@oaklandca.gov](mailto:officeofthecity@oaklandca.gov); [Braslan@oaklandca.gov](mailto:Braslan@oaklandca.gov); [rlh@oaklandca.gov](mailto:rlh@oaklandca.gov); [ds@oaklandca.gov](mailto:ds@oaklandca.gov); [dille@oaklandca.gov](mailto:dille@oaklandca.gov); [Shiao@oaklandca.gov](mailto:Shiao@oaklandca.gov); [Msalio@oaklandca.gov](mailto:Msalio@oaklandca.gov); [baivis@oaklandca.gov](mailto:baivis@oaklandca.gov); [tsed@oaklandca.gov](mailto:tsed@oaklandca.gov)  
**Subject:** extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days  
**Date:** Tuesday, March 9, 2021 2:20:27 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.

Thank You

Larry Jabin  
P.W. Bellingall, Inc.

[Larry@pwbsfo.com](mailto:Larry@pwbsfo.com)

I-13-1

I-14 Lucien Salyk

COMMENT

RESPONSE

I-14-1 See Consolidated Response 4.19, *Comment Period Extension*.

From: [Lucien Salyk](#)  
To: [svollmann@oaklandca.gov](mailto:svollmann@oaklandca.gov)  
Subject: Howard Terminal Draft EIR  
Date: Tuesday, March 9, 2021 4:53:27 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Mr. Vollmann,

*I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.*

*Sincerely,*

*Lucien Salyk*

Sent from my iPhone

I-14-1

I-15 Emily Wheeler

COMMENT

RESPONSE

I-15-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Emily Wheeler](mailto:Emily.Wheeler@oaklandca.gov)  
**To:** [zvonimiro@oaklandca.gov](mailto:zvonimiro@oaklandca.gov)  
**Cc:** [elaine@oaklandca.gov](mailto:elaine@oaklandca.gov); [wajid@oaklandca.gov](mailto:wajid@oaklandca.gov); [officeofthemayor@oaklandca.gov](mailto:officeofthemayor@oaklandca.gov); [Rebecca Kaplan](mailto:Rebecca.Kaplan@oaklandca.gov); [bliss.fortugno@oaklandca.gov](mailto:bliss.fortugno@oaklandca.gov); [shane@oaklandca.gov](mailto:shane@oaklandca.gov); [Shuan](mailto:Shuan@oaklandca.gov); [hwain@oaklandca.gov](mailto:hwain@oaklandca.gov); [travis@oaklandca.gov](mailto:travis@oaklandca.gov)  
**Subject:** Request to Extend Howard Terminal DEIR Comment Period  
**Date:** Tuesday, March 9, 2021 6:17:10 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Peterson,

I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days, in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR.

The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself.

Thank you for your time and consideration.

--  
**Emily Wheeler** | 510.517.3930  
Pronouns: she/her | [emily.a.wheeler@gmail.com](mailto:emily.a.wheeler@gmail.com)



I-15-1

I-16 Charlie Bolton

COMMENT

RESPONSE

**From:** [Charlie Bolton/Reality Films](mailto:Charlie.Bolton@realityfilms.com)  
**To:** [Paterson Vulimann](mailto:Paterson.Vulimann@oaklandca.gov); [prfcoofthemayor@oaklandca.gov](mailto:prfcoofthemayor@oaklandca.gov); [nlase@oaklandca.gov](mailto:nlase@oaklandca.gov); [wjchrist@oaklandca.gov](mailto:wjchrist@oaklandca.gov); [Phelan@oaklandca.gov](mailto:Phelan@oaklandca.gov); [rlisa@oaklandca.gov](mailto:rlisa@oaklandca.gov); [shab@oaklandca.gov](mailto:shab@oaklandca.gov); [djlee@oaklandca.gov](mailto:djlee@oaklandca.gov); [Shan@oaklandca.gov](mailto:Shan@oaklandca.gov); [hsah@oaklandca.gov](mailto:hsah@oaklandca.gov); [katp@oaklandca.gov](mailto:katp@oaklandca.gov); [trud@oaklandca.gov](mailto:trud@oaklandca.gov)  
**Subject:** Request Extension of Howard Terminal DEIR Review Period and Finding of Compatible use of Entertainment-Residential-Commercial Development in a Heavy Industrial Sea Port Area.  
**Date:** Tuesday, March 9, 2021 6:37:22 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I-16-1

I request that the **City of Oakland extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 60 days** in the interest of allowing the public equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of the public to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself.

I-16-2

I further request that the **appropriate City elected and appointed bodies prepare and release an economic study, transportation impact study, and seaport compatibility study for any proposed ballpark-commercial-residential real estate development at Howard Terminal** prior to considering the DEIR.

I-16-3

And I further request that the **appropriate Oakland entity Provide a full and transparent accounting of costs expected to be assumed by taxpayers via tax increment or other public financing to support infrastructure, environmental remediation, transportation improvements, police services or community benefits** for the creation of a Howard Terminal ballpark.

Thank you for your time and consideration.

Cordially,

Charlie Bolton  
FilmMaker

I-16-1

See Consolidated Response 4.19, *Comment Period Extension*.

I-16-2

As indicated on Draft EIR p. 1-3, the key purpose of the EIR is to inform decision makers at the City of Oakland, the Port of Oakland, other responsible agencies, and the public of the environmental consequences of implementing the proposed Project. The preparation of an economic study is beyond the scope and inconsistent with the purpose of the EIR. Draft EIR Section 4.15, *Transportation and Circulation*, assesses the transportation and circulation impacts of developing the Project and provides, where appropriate, mitigation measures to address those impacts. Regarding seaport compatibility, see Draft EIR Section 3.16, *Seaport Compatibility Measures*, which describes the process for establishing Seaport Compatibility Measures; and Draft EIR Section 4.10, *Land Use, Plans, and Policies*, which evaluates whether the Project would fundamentally conflict with plans and policies, including those pertaining to the Seaport. See pp. 4.10-53 through 4.10-57 regarding Project compatibility with the San Francisco Bay Area Seaport Plan (administered by the San Francisco Bay Conservation and Development Commission) and pp. 4.10-58 through 4.10-61 regarding Project compatibility with City of Oakland General Plan policies (including those pertaining to the Seaport).

I-16-3

CEQA's focus is on environmental impacts rather than fiscal impacts, and this comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-16

COMMENT

RESPONSE

Cell: 415-531-6484

I-17 Ernie Stock

COMMENT

RESPONSE

I-17-1 See Consolidated Response 4.19, *Comment Period Extension*.

From: [erniestock](mailto:erniestock)  
To: [zvolinarc@oaklandca.gov](mailto:zvolinarc@oaklandca.gov)  
Cc: [officeofthemasyn@oaklandca.gov](mailto:officeofthemasyn@oaklandca.gov)  
Subject: Howard Terminal DEIR  
Date: Tuesday, March 9, 2021 7:25:30 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I-17-1

I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.

Ernie Stock  
JLS Marina Berther

I-18 Marianne Dreisbach

COMMENT

RESPONSE

I-18-1 See Consolidated Response 4.19, *Comment Period Extension*. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

**From:** [Marianne Dreisbach](mailto:Marianne.Dreisbach@oaklandca.gov)  
**To:** [svollmann@oaklandca.gov](mailto:svollmann@oaklandca.gov)  
**Cc:** [stake@oaklandca.gov](mailto:stake@oaklandca.gov); [wjchrist@oaklandca.gov](mailto:wjchrist@oaklandca.gov); [Karinan Babcock](mailto:Karinan_Babcock@oaklandca.gov); [rtbaw@oaklandca.gov](mailto:rtbaw@oaklandca.gov); "Dan Kab" [dkab@oaklandca.gov](mailto:dkab@oaklandca.gov); [cflife@oaklandca.gov](mailto:cflife@oaklandca.gov); [stake@oaklandca.gov](mailto:stake@oaklandca.gov); [Galia Nosei](mailto:Galia_Nosei@oaklandca.gov); [Loren Taylor - Oakland City Council](mailto:Loren_Taylor@oaklandca.gov); [trald@oaklandca.gov](mailto:trald@oaklandca.gov)  
**Subject:** Howard Terminal DER  
**Date:** Wednesday, March 10, 2021 7:44:52 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Mr. Vollmann,

Our company is joining others in the Port community and the industrial sector of Oakland to strongly request that you extend the 45 day comment period on the Howard Terminal Draft Environmental Impact Report by at least 45 days if not more. As you know it is a long and complex document and the Oakland community deserves a significant amount of time to analyze and address the impacts raised in the DEIR – impacts that will long effect those of us who live and work in Oakland.

As a business that is dependent on an efficient and effective Port environment, we believe that the City of Oakland should do all within its powers to understand the negative impacts of this project on Port business in particular and industrial productivity in Oakland more broadly. At the very least the comment period should be extended.

Sincerely,

Marianne Dreisbach  
Dreisbach Enterprises

I-18-1

I-19 William Lazarus

COMMENT

RESPONSE

I-19-1 See Consolidated Response 4.19, *Comment Period Extension*.

From: [William Lazarus](#)  
To: [wllmanc@oaklandca.gov](mailto:wllmanc@oaklandca.gov)  
Date: Wednesday, March 10, 2021 12:02:44 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I write to request that you extend the time for comment on the Howard Terminal Environmental Impact Report by at least 45 days. The existing 45 days is not long enough to allow for adequate public scrutiny of this 1,600-plus page report.

Adequate time should be allowed for exploration of all environmental issues in connection with this proposed major project.

William Lazarus

I-19-1

I-20 Melody Davis

COMMENT

RESPONSE

I-20-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Vollmann, Peterson](#)  
**To:** [Jillian Feys-Mcney](#)  
**Subject:** Additional DEIR Comment  
**Date:** Thursday, March 11, 2021 4:41:30 PM

**Peterson Z. Vollmann** | Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Office Phone: (510)238-6167 | Cell Phone: (510)507-4765 |  
Email: [pvollmann@oaklandca.gov](mailto:pvollmann@oaklandca.gov) | Website: <https://www.oaklandca.gov/>

**From:** Melody Davis <1melody.davis@gmail.com>  
**Sent:** Wednesday, March 10, 2021 3:29 PM  
**To:** Vollmann, Peterson <PVollmann@oaklandca.gov>  
**Cc:** Lake, Betsy <ELake@oaklandca.gov>  
**Subject:** 45-day Comment Period

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I respectfully ask that you extend the 45-day comment period on the HOWARD TERMINAL DRAFT ENVIRONMENTAL REPORT [DEIR] by at least another 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you in advance.

I-20-1

I-21 David Gassman

COMMENT

RESPONSE

I-21-1 See Consolidated Response 4.19, *Comment Period Extension*.

From: [dfgassman@aol.com](mailto:dfgassman@aol.com)  
To: [svollmann@oaklandca.gov](mailto:svollmann@oaklandca.gov)  
Subject: Extend Howard Terminal DEIR  
Date: Wednesday, March 10, 2021 7:19:54 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

correcting:

-----Original Message-----  
From: dfgassman@aol.com  
To: [svollmann@oaklandca.gov](mailto:svollmann@oaklandca.gov)  
Cc: [elake@oaklandca.gov](mailto:elake@oaklandca.gov); [wgilchrist@oaklandca.gov](mailto:wgilchrist@oaklandca.gov); [officeofthemayor@oaklandca.gov](mailto:officeofthemayor@oaklandca.gov); [Rkaplan@oaklandca.gov](mailto:Rkaplan@oaklandca.gov); [nfbas@oaklandca.gov](mailto:nfbas@oaklandca.gov)  
Sent: Wed, Mar 10, 2021 5:34 pm  
Subject: Extend Howard Terminal DEIR

*I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.*

David Gassman  
389 Belmont Street #111  
(1/2 block from Grand Ave between Perkins & Staten)  
Oakland, CA 94610  
Home: 510-835-2334  
[DFGassman@aol.com](mailto:DFGassman@aol.com)

I-21-1

I-22 Beth Weinberger

COMMENT

RESPONSE

I-22-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Beth Weinberger](#)  
**To:** [zvolinarc@oaklandca.gov](mailto:zvolinarc@oaklandca.gov)  
**Cc:** [wjchrist@oaklandca.gov](mailto:wjchrist@oaklandca.gov); [stake@oaklandca.gov](mailto:stake@oaklandca.gov); [Councilmember Shang Thao, District 4](#)  
**Subject:** Howard Terminal DEIR comment period  
**Date:** Thursday, March 11, 2021 9:24:48 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I-22-1

I'm writing to ask for an extension in the public comment period on this extremely lengthy and detailed draft environmental impact report to all sufficient time for community groups to adequately review, digest and prepare thoughtful comment on its more than 1000 pages.

Thanks for your consideration.

B. Weinberger  
Oakland, District 4

Sent from [Mail](#) for Windows 10

I-23 Cee Vee

	COMMENT	RESPONSE
I-23-1	A few thoughts: 1) Could this project also include partial funding for a bike-walk bridge from JLS to alameda? Or funding for a water taxi system across the estuary? (Purpose would be traffic reduction of fans traveling by car to the game)	I-23-1 The commenter expresses an opinion about funding a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.
I-23-2	2) what is the expected noise level on the alameda side? How far into central alameda will the noise travel? It appears that the noise will be aimed at alameda, given the orientation of the field/walls or lack thereof. Pls describe.	I-23-2 This comment expresses support for additional water taxi service. Draft EIR Table 4.15-23 outlines potential strategies to reduce automobile trips and the range of potential trip reductions if one or more strategies are implemented. Event-day ferry service between the Oakland Jack London Square ferry terminal and destinations such as Alameda across the Estuary is listed as an option for consideration. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.
I-23-3	3) fireworks/late night noise/light pollution - what is the expected impact on the alameda side?	I-23-3 Construction noise impacts are assessed on pp. 4.11-28 through 4.11-42 of the Draft EIR. With respect to expected noise levels from construction at receptor locations within the City of Alameda, Table 4.11-13 on p. 4.11-30 of the Draft EIR presents the noise levels from Phase 1 construction activities, which shows predicted noise levels at residential uses on Mitchell Avenue ranging from 53 A-weighted decibels (dBA) from building construction activities to 67 dBA from pile driving activities.
I-23-4	4) will the coliseum host dance parties and such, as I believe the current coliseum does? We sometimes hear the events currently, here in alameda.	The Draft EIR indicates on pp. 4.11-31 and 4.11-32 that daytime construction noise impacts from pile driving to receptors within the City of Alameda would be less than significant, with the exception of periodic construction activities for site preparation and ballpark construction that could occur on Sundays and therefore would not be exempt from the restrictions of the noise ordinance. Noise levels at receptors in the City of Alameda from non-exempt pile driving activity on Sundays would be 67 dBA, Leq, which would exceed the City of Alameda daytime noise standard of 50 dBA, L50 and would be a temporary significant impact.
I-23-5	5) I know you are working on traffic mitigation for JLS...pls clarify how the Webster tube traffic out of alameda might be impacted on game days. Thank you.	Table 4.11-14 on p. 4.11-35 of the Draft EIR presents the noise levels from nighttime construction activities and shows a predicted noise level at residential uses on Mitchell Avenue of 50 dBA. The Draft EIR indicates on p. 4.11-36 that for nighttime work, the applicable noise level threshold would be

I-23 Cee Vee

COMMENT

RESPONSE

the City of Alameda's exterior standard for residential uses of 50 dBA, L50, which is predicted to be met but not exceeded during concrete pours. However, because of the potential for prolonged activity during nighttime hours, nighttime concrete pours and crane operations are also conservatively identified as a significant noise impact for receptors within the City of Alameda.

Table 4.11-15 on p. 4.11-37 of the Draft EIR presents the noise levels from later-phase buildout construction activities, which show predicted noise levels at residential uses on Mitchell Avenue ranging from 52 dBA from building construction activities to 65 dBA from pile driving activities. The Draft EIR acknowledges on p. 4.11-36 that the City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. and therefore daytime construction noise impacts from Buildout construction to receptors within the City of Alameda would be less than significant.

Operational noise impacts from baseball events and concerts are assessed on pp. 4.11-45 through 4.11-51 of the Draft EIR. With respect to expected noise levels from baseball events, Table 4.11-18 on p. 4.11-47 of the Draft EIR shows that noise levels from baseball events are expected to be 49.9 dBA at receptors along the Alameda waterfront (Cardinal Point Retirement Home) and that this noise level would not exceed the City's noise ordinance standard and the impact of baseball events would be less than significant for both daytime and nighttime hours.

With respect to expected noise levels from concert events, Table 4.11-19 on p. 4.11-48 of the Draft EIR shows that noise levels from baseball events are expected to be 61.8 dBA at receptors along the Alameda waterfront (Cardinal Point Retirement Home) and that this noise level would exceed the City's noise ordinance standard and the impact of concert events would be significant for both daytime and nighttime hours. Mitigation Measure NOI-2a, Sound Control Plan for Concert Events, is identified on pp. 4.11-50 and 4.11-51 of the Draft EIR to reduce the severity of this impact to the degree feasible. However, the Draft EIR found that even with implementation of feasible mitigation, the impact from concert events to receptors in the City of Alameda would be significant and unavoidable.

I-23-4 See Response to Comment 1-23-3 for a discussion of operational noise (both daytime and nighttime) from baseball and concert events to receptors in

I-23 Cee Vee

COMMENT

RESPONSE

Alameda as well as noise from nighttime construction work on receptors in Alameda.

Noise impacts related to fireworks displays are addressed on pp. 4.11-51 and 4.11-52 of the Draft EIR. The Draft EIR notes that while peak firework noise may occasionally exceed the instantaneous performance standard for residential uses, which are generally applicable to stationary noise sources, given the brief duration and limited number of firework events that would occur at the ballpark, noise from firework displays is expected to result in a less-than-significant human exposure impact, with noise levels of 70 to 78 dBA expected during 45-minute events.

I-23-5

With respect to spill light from the Project generally, the lighting study (Draft EIR Appendix AES) provided maps of spill lighting (light that would fall off the Project site) during night baseball games, which would be the times of greatest lighting from the Project. As shown in Figure 223 (p. 182) of that study, the greatest amount of Project-generated spill light (illuminance) in the direction of Alameda would be 5 vertical lux.<sup>1</sup> A single 60-watt incandescent (traditional) light bulb will generate about 1 lux at a distance of about 25 feet; therefore, 5 lux would be approximately equivalent to the light from five 60-watt bulbs at that distance. This amount of illuminance would extend across most of the Oakland Estuary to the south-southeast of the ballpark, reaching the Alameda shoreline and extending as much as 500 feet into Alameda at the location of a single- and multi-family residential development under construction immediately west of the Mariner Square Marina. At greater distances and elsewhere along the Alameda waterfront, spill light illuminance would be less, and would be no more than 1 lux on the vast majority of Alameda island.

Regarding light and glare from fireworks generally, as explained in Draft EIR Section 4.1, *Aesthetics, Shadow, and Wind*, aesthetic impacts, including those related to annoyance caused by light and glare (including from fireworks) are not considered in determining if a residential, mixed-use residential, or an employment center project on an infill site in a transit priority area—such as the proposed Project—would result in significant environmental effects under CEQA. Nevertheless, the Draft EIR evaluated the potential lighting effects of fireworks and concluded that the Project’s approximately seven annual fireworks shows, each lasting about 15 minutes, and determined that the

<sup>1</sup> Vertical illuminance is the amount of light that would strike a vertical plane (e.g., building wall) at a given location.

I-23 Cee Vee

COMMENT

RESPONSE

fireworks shows would have the potential to increase ambient nighttime lighting levels at the Project site and in the vicinity, albeit on a temporary, intermittent, and short-term basis. While some observers would no doubt be disturbed by fireworks displays, as noted above, aesthetics, including light and glare, is not a CEQA consideration. Concerning potential effects of fireworks on maritime operations, see Consolidated Response 4.18, *Effects of Light and Glare on Maritime Operations and Safety*.

I-23-6 Dance parties are not a part of the Project description, which anticipates up to nine concerts at the ballpark as well as up to 81 baseball games. As noted on Draft EIR p. 3-35, there could be smaller (unidentified) events at the ballpark and the proposed performance venue throughout the year. Being smaller, these events would generate less noise than the concert events analyzed in Draft EIR Section 4.11, *Noise and Vibration*.

I-23-7 The commenter expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

While traffic congestion and delay are not subject to CEQA, the City did require for informational purposes a detailed intersection operation analysis of the Project (see Draft EIR Appendix TRA.3). The regional transportation network including the Webster and Posey Tubes was also evaluated for volume-to-capacity (see Draft EIR Additional Transportation Reference Material, memorandum title CMP and MTS Analysis).<sup>2</sup>

Specific to the Webster and Posey Tubes, see Draft EIR Impact TRANS-6, which concluded that the Project's traffic volumes would cause significant degradation of the Webster and Posey Tubes. The impact determination was made based on the Alameda County Transportation Commission's travel demand model calculating the volume-to-capacity ratios. Using the travel time formulas in the commission's travel demand model, travel through the Webster Tube during the weekday p.m. peak hour would increase from 5.1 to 5.4 minutes (about 6

<sup>2</sup> Fehr & Peers, 2020. Howard Terminal – CMP and MTS Analysis, December 1, 2020 (Draft EIR Additional Transportation Reference Material).

I-23 Cee Vee

COMMENT

RESPONSE

percent) with the Project and to 7.6 minutes (40 percent) with added Ballpark traffic after a weekday day game ends, which would occur about 14 times per year. Weekday p.m. peak-hour travel through the Posey Tube would increase from about 2.4 minutes to 2.5 minutes (about 5 percent) with the Project and to 3.5 minutes (about 40 percent) with added ballpark traffic traveling to a weekday evening event, which would occur about 50 times per year (41 baseball games and up to nine concerts).

I-24 Gabe Abastillas

COMMENT

RESPONSE

I-24-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Gabe Abastillas](mailto:Gabe.Abastillas)  
**To:** [yoelmarco@oaklandca.gov](mailto:yoelmarco@oaklandca.gov)  
**Cc:** [gabe@oaklandca.gov](mailto:gabe@oaklandca.gov); [wj@oaklandca.gov](mailto:wj@oaklandca.gov); [officeofthemayor@oaklandca.gov](mailto:officeofthemayor@oaklandca.gov); [Brian@oaklandca.gov](mailto:Brian@oaklandca.gov); [rl@oaklandca.gov](mailto:rl@oaklandca.gov); [ca@oaklandca.gov](mailto:ca@oaklandca.gov); [d@oaklandca.gov](mailto:d@oaklandca.gov); [Shao@oaklandca.gov](mailto:Shao@oaklandca.gov); [Ms@oaklandca.gov](mailto:Ms@oaklandca.gov); [b@oaklandca.gov](mailto:b@oaklandca.gov); [tr@oaklandca.gov](mailto:tr@oaklandca.gov)  
**Subject:** Howard Terminal Draft EIR Extension  
**Date:** Thursday, March 11, 2021 1:51:46 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I-24-1

I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.

Gabe Abastillas, President  
**Annex 13 Inc.**  
4096 Piedmont Ave, Suite 413  
Oakland CA 94611  
m: 510.220.0106  
[gabe@annex13.com](mailto:gabe@annex13.com)

I-25 Stas Margaronis

COMMENT

RESPONSE

I-25-1 | We are very concerned about ballpark project's impact on harbor trucking, rail,  
adverse impact on OICT and shipping in the Oakland Estuary and the potential loss  
of Port of Oakland business to ports of Los Angeles and Long Beach

I-25-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-26 Saied Karamooz

COMMENT

RESPONSE

I-26-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

Suite 2114 | Oakland, CA 94612 | Office Phone: (510)238-6167 | Cell Phone: (510)507-4765 |  
Email: [pvollmann@oaklandca.gov](mailto:pvollmann@oaklandca.gov) | Website: <https://www.oaklandca.gov/>

**From:** Saied R Karamooz <[saiedrk@gmail.com](mailto:saiedrk@gmail.com)>  
**Sent:** Thursday, March 11, 2021 5:57 AM  
**To:** Vollmann, Peterson <[PVollmann@oaklandca.gov](mailto:PVollmann@oaklandca.gov)>  
**Subject:** Question about Howard Terminal EIR - Case File # ER18016

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollmann,

I hope this note finds you well. I am working with a group of local residents and business owners in Jack London who are excited about the planned relocation of the A's stadium to Howard Terminal.

As such, we have been studying the EIR to learn more about the changes that will accompany construction of the stadium. In particular, we have noticed that the EIR contemplates implementation of safety measures at 5 rail crossings (Market, MLK, Clay, Washington, and Broadway) in the vicinity of the new stadium. Is there a section in the EIR that provides the analysis and explanation why the remaining 3 rail crossings (Franklin, Webster, and Oak) are not included in the safety measures?

Many thanks in advance,

Saied Karamooz

I-26-1

I-26

COMMENT

RESPONSE

I-26-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

**From:** [Vollmann, Peterson](#)  
**To:** [Jillan Feys-Mcney](#)  
**Subject:** Fw: Question about Howard Terminal EIR - Case File # ER18016  
**Date:** Monday, March 15, 2021 3:40:31 PM

Jill-

This was a question that kind of morphed into a comment on the DEIR, even though he is saying that he does not want it to be. I've been advised that I should still forward it on anyhow.

**Peterson Z. Vollmann** | Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Office Phone: (510)238-6167 | Cell Phone: (510)507-4765 | Email: [pvollmann@oaklandca.gov](mailto:pvollmann@oaklandca.gov) | Website: <https://www.oaklandca.gov/>

**From:** Saied R Karamooz <saiedrk@gmail.com>  
**Sent:** Thursday, March 11, 2021 8:06 AM  
**To:** Vollmann, Peterson <PVollmann@oaklandca.gov>  
**Subject:** Re: Question about Howard Terminal EIR - Case File # ER18016

Good morning Peterson,

Thank you for the prompt response. We have been reading the EIR thoroughly (best as we can) and see that Impact TRANS-3 on page 2-90 addresses the 5 crossing, but couldn't find any reference as to why the other 3 crossings are not addressed explicitly. Are there any other section(s) that discuss the rationale for implementation (or not) of mitigation measures?

As for your question, this is just an inquiry, not an official comment to be included in the DEIR.

Again, many thanks,

Saied

On Thu, Mar 11, 2021 at 7:13 AM Vollmann, Peterson <[PVollmann@oaklandca.gov](mailto:PVollmann@oaklandca.gov)> wrote:  
Saied-

The discussion of rail crossings in Jack London is in the Transportation Chapter. There are also figures within the chapter that illustrate pedestrian routing to the site. Please clarify if you want this concern over the other three rail crossings included as an official comment on the DEIR or if you wish to review the information and then provide comments at a later time. If I do not hear back, I will need to include this as an official comment on the DEIR.

**Peterson Z. Vollmann** | Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa,

I-26-2

I-27 Allene Warren

COMMENT

RESPONSE

I-27-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Allene Warren](mailto:Allene.Warren)  
**To:** [svollmann@oaklandca.gov](mailto:svollmann@oaklandca.gov)  
**Cc:** [stake@oaklandca.gov](mailto:stake@oaklandca.gov); [wjchrist@oaklandca.gov](mailto:wjchrist@oaklandca.gov); [Office of the Mayor](mailto:Office of the Mayor); [citycouncil@oaklandca.gov](mailto:citycouncil@oaklandca.gov)  
**Subject:** Howard Terminal DEIR  
**Date:** Thursday, March 11, 2021 8:17:44 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollmann,

As a community member who is most interested in the Oakland As and their plans for development at Howard Terminal; I ask that you extend the comment period on the Howard Terminal DEIR by no less than 45 days.

To read this 1,600-page document and feel confident enough to comment on any possible areas of concern will certainly require more time than what is currently allowed. A development requiring a DEIR as complex and impactful to the City as this needs time and opportunity for reasoned, thoughtful comments by the public.

Thank you and I appreciate your consideration of my request for a 45-day extension.

Allene Warren  
[msvkiid@sbcglobal.net](mailto:msvkiid@sbcglobal.net)  
510 562-3945

"Make a Difference.

I-27-1

I-28 Mercedes Rodriguez

COMMENT

RESPONSE

I-28-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** Mercedes S. Rodriguez  
**To:** [pvollmann@oaklandca.gov](mailto:pvollmann@oaklandca.gov)  
**Cc:** [elake@oaklandca.gov](mailto:elake@oaklandca.gov); [wgilchrist@oaklandca.gov](mailto:wgilchrist@oaklandca.gov); [officeofthemayor@oaklandca.gov](mailto:officeofthemayor@oaklandca.gov); [Rkaplan@oaklandca.gov](mailto:Rkaplan@oaklandca.gov); [nlhas@oaklandca.gov](mailto:nlhas@oaklandca.gov); [dkalb@oaklandca.gov](mailto:dkalb@oaklandca.gov); [cifte@oaklandca.gov](mailto:cifte@oaklandca.gov); [Sthao@oaklandca.gov](mailto:Sthao@oaklandca.gov); [Ngallo@oaklandca.gov](mailto:Ngallo@oaklandca.gov); [ltaylor@oaklandca.gov](mailto:ltaylor@oaklandca.gov); [tfeld@oaklandca.gov](mailto:tfeld@oaklandca.gov)  
**Subject:** EOGA - & BayPorte Village & Friends - Howard Terminal Ballpark - Request 45 Day Extension of DEIR Comment Period  
**Date:** Thursday, March 11, 2021 9:15:48 PM  
**Attachments:** [Outlook Inline Image](#)

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollmann,

Respectfully, I am requesting that you extend the 45 day comment period on the **Howard Terminal Draft Environmental Impact Report (DEIR)** in order to give the public adequate time to respond to the findings of the DEIR. In many cases it is difficult to get people motivated to respond to the DEIR and it takes time to make the necessary outreach to community members. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,800 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze and respond to such a lengthy and technical document within 45 days. I believe that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the City any deficiencies in the DEIR and the project itself.

The Howard Terminal Ballpark will have a tremendous impact on the West Oakland Community. As a result, the DEIR is important in order to see if the environmental impact will adversely affect members of the community in addition to what we already are experiencing with air pollution.

In light of the above mentioned, I am forwarding this notification to my **BayPorte Village homeowners and friends** with instructions to forward this correspondence directly to you and members of the City of Oakland and City Council for consideration. All of which have been cc on this correspondence with contact information included as follows:

Direct to Planning Department  
Peterson Vollmann, Project Planner: [pvollmann@oaklandca.gov](mailto:pvollmann@oaklandca.gov)

**CC:**

City Administrator's Office

Betsy Lake, Deputy City Administrator: [elake@oaklandca.gov](mailto:elake@oaklandca.gov)  
William Gilchrist, Director of Planning: [wgilchrist@oaklandca.gov](mailto:wgilchrist@oaklandca.gov)

Oakland Elected Leaders

Mayor Libby Schaaf: [officeofthemayor@oaklandca.gov](mailto:officeofthemayor@oaklandca.gov)  
Vice Mayor Rebecca Kaplan: [Rkaplan@oaklandca.gov](mailto:Rkaplan@oaklandca.gov)  
Council President Nikki Fortunato Bas: [nfbas@oaklandca.gov](mailto:nfbas@oaklandca.gov)  
Councilmember Dan Kalb: [dkalb@oaklandca.gov](mailto:dkalb@oaklandca.gov)  
Councilmember Carroll Fife: [cifte@oaklandca.gov](mailto:cifte@oaklandca.gov)  
Councilmember Sheng Thao: [Sthao@oaklandca.gov](mailto:Sthao@oaklandca.gov)  
Councilmember Noel Gallo: [Ngallo@oaklandca.gov](mailto:Ngallo@oaklandca.gov)  
Councilmember Loren Taylor: [ltaylor@oaklandca.gov](mailto:ltaylor@oaklandca.gov)

I-28-1

I-28

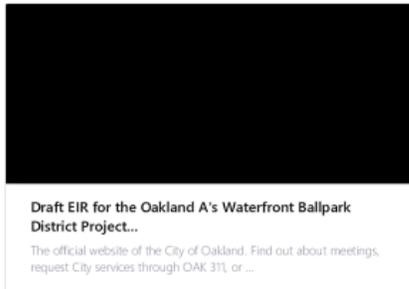
COMMENT

RESPONSE

Councilmember Treva Reid: [treid@oaklandca.gov](mailto:treid@oaklandca.gov)

**In addition, I have also attached the link to the Draft EIR for reference as follows:**

The Draft EIR and its various appendices may be found on the [Draft EIR for the Oakland A's Waterfront Ballpark District Project...](#)



Your consideration is greatly appreciated.

Regards,

**Mercedes S. Rodriguez**  
Block Captain, BayPorte Village Neighborhood Watch  
Neighborhood Watch Steering Committee Board Member, OPD Area 1  
(510) 444-0803  
[MercedesMSR@att.net](mailto:MercedesMSR@att.net)



I-29 Susan Boggiano

COMMENT

RESPONSE

I-29-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Susan Boggiano](mailto:Susan.Boggiano@oaklandca.gov)  
**To:** [zvolinarc@oaklandca.gov](mailto:zvolinarc@oaklandca.gov)  
**Cc:** [slane@oaklandca.gov](mailto:slane@oaklandca.gov); [wjchrist@oaklandca.gov](mailto:wjchrist@oaklandca.gov); [officeofthmayor@oaklandca.gov](mailto:officeofthmayor@oaklandca.gov); [Brustian@oaklandca.gov](mailto:Brustian@oaklandca.gov); [rlha@oaklandca.gov](mailto:rlha@oaklandca.gov); [cahb@oaklandca.gov](mailto:cahb@oaklandca.gov); [office@oaklandca.gov](mailto:office@oaklandca.gov); [CDHess@oaklandca.gov](mailto:CDHess@oaklandca.gov); [hsalio@oaklandca.gov](mailto:hsalio@oaklandca.gov); [taxfor@oaklandca.gov](mailto:taxfor@oaklandca.gov); [traid@oaklandca.gov](mailto:traid@oaklandca.gov)  
**Subject:** Howard Terminal Draft Environmental Impact Report  
**Date:** Saturday, March 13, 2021 10:17:25 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I-29-1

*I am requesting that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. This is an important decision which effects many lives/jobs of Oaklanders and we should have more time to comment. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.*

I-30 Gary Knecht

COMMENT

RESPONSE

I-30-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

From: [knechtgary](mailto:knechtgary)  
To: [Pete Vuilman \(Louis@oaklandca.gov\)](mailto:Pete.Vuilman.Louis@oaklandca.gov)  
Subject: Question re Howard Terminal EIR  
Date: Friday, March 12, 2021 12:02:10 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Pete--I am slowly slogging my way through the draft EIR for the A's ballpark. Much of it makes sense or refers me to another study for additional information. However Figure 4.15-19 re Pedestrian Routing (see pages 4.15-88 and 4.15-92) doesn't make sense to me and I can't find any place to look for additional information. Can you help me understand how Fehr & Peters decided pedestrians would use these particular routes?--Many thanks, Gary

Gary Knecht, President  
SoNiC  
229 Harrison Street  
Oakland, CA 94607  
Land: 510-893-9829  
Cell: 510-502-9829

I-30-1

I-31 Margie Lewis

COMMENT

RESPONSE

I-31-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [margilewis2@yahoo.com](mailto:margilewis2@yahoo.com)  
**To:** [wvollmann@oaklandca.gov](mailto:wvollmann@oaklandca.gov)  
**Cc:** [sjane@oaklandca.gov](mailto:sjane@oaklandca.gov); [ajchrist@oaklandca.gov](mailto:ajchrist@oaklandca.gov); [officeofthamayor@oaklandca.gov](mailto:officeofthamayor@oaklandca.gov); [BlairJan@oaklandca.gov](mailto:BlairJan@oaklandca.gov); [rlisa@oaklandca.gov](mailto:rlisa@oaklandca.gov); [dab@oaklandca.gov](mailto:dab@oaklandca.gov); [ofc@oaklandca.gov](mailto:ofc@oaklandca.gov); [Shane@oaklandca.gov](mailto:Shane@oaklandca.gov); [Debra@oaklandca.gov](mailto:Debra@oaklandca.gov); [Kevin@oaklandca.gov](mailto:Kevin@oaklandca.gov); [David@oaklandca.gov](mailto:David@oaklandca.gov)  
**Subject:** Re: Request for Extension of Comment Period on Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal (SOH No. 2018112070)  
**Date:** Saturday, March 13, 2021 12:01:32 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollmann,

*I respectfully ask that you extend the 45-day comment period on the Howard Terminal Draft Environmental Impact Report (DEIR) by at least 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the findings of the DEIR. The City of Oakland has taken over two years to produce the DEIR, resulting in a detailed and complex document that is over 1,600 pages long, not including over 4,000 pages of appendices for review. It is unreasonable to expect members of our community to read, analyze, and respond to such a lengthy and technical document within 45 days. I fear that such a short window would leave the most vulnerable and marginalized members of our community, including those who would feel the negative impacts of this project most, little time to bring to the attention of the city any deficiencies in the DEIR and the project itself. Thank you for your time and consideration.*

Sincerely,

Margie Lewis,

Oakland resident

I-31-1



I-33 Jackson Moore

COMMENT

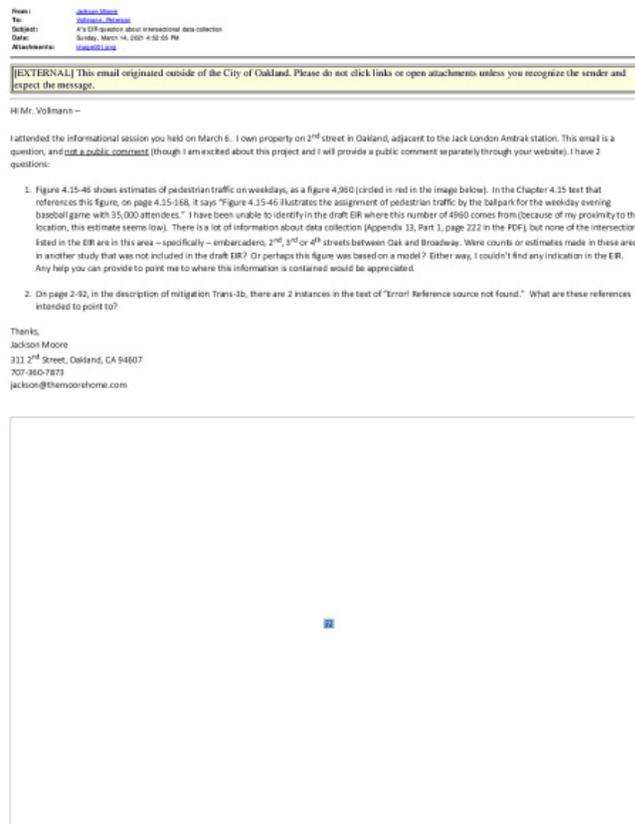
RESPONSE

I-33-1

The commenter asks for clarification of how pedestrians arrive to the ballgames. The commenter is directed to Draft EIR Figures 4.15-44 through 4.15-46, which show how ballpark attendees would travel to the Project, either by using an automobile, walking, bicycling, or using transit. From these figures, the breakdown of how 35,000 attendees would travel to the ballpark is:

- 1,820 West Oakland BART
- 3,560 Downtown Oakland BART
- 2,650 Lake Merritt BART
- 4,960 Drive and Park in Jack London District
- 6,860 Drive and Park in Downtown
- 8,110 Drive and Park at Ballpark (with initial 3,500 on-site parking spaces)
- 4,340 Transportation Network Companies
- 1,200 AC Transit Buses
- 1,000 Ferry
- 500 Bicycle
- 35,000 Total

The 4,960 attendees who would drive and park in the Jack London District is equivalent to about 2,140 automobiles and these drivers would park in available on- or off-street parking in the Jack London District east of Broadway and was based on the assumption that parking use is maximized in Jack London District. As noted in the Draft EIR (p. 4.15-36), the available on- and off-street parking within 1 mile of the Project was derived from the *Downtown Oakland Final Parking Management Report*.<sup>3</sup> The 2,140 automobiles were allocated to the available parking spaces in the Jack London District and then pedestrians were manually assigned from the parking to the ballpark. Given the concentration of parking spaces at the Jack London Market Parking Garage, many people would be expected to walk along 2nd Street and cross the railroad tracks near the ballpark. Pedestrians walking between the Lake Merritt BART station and the ballpark were assumed to walk via 8th Street and Washington Street to Water Street and the ballpark because there are more food and drink businesses on this route than on a route through the Jack London District.



I-33-1

I-33-2

<sup>3</sup> City of Oakland, 2016. *Downtown Oakland Final Parking Management Report*, June 2016.

I-33 Jackson Moore

COMMENT

RESPONSE

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-33-2 The comment points to a typographical error in the Draft EIR. The Draft EIR on p. 2-92 has been corrected consistent with the above (new text is underlined; deleted text is shown in ~~striethrough~~):

**Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.**

Prior to opening day of the ballpark, Project sponsor shall design and construct a grade-separated overcrossing for pedestrians and bicyclists seeking to access the Project site. The overcrossing, which would require review and approval by CPUC as well as the City and the Port, consultation with the Capital Corridor Joint Powers Authority, and potentially affected property owners such as the UPRR, shall be located at Jefferson Street (~~Error! Reference source not found.~~Figure 4.15-48) or Clay Street (~~Error! Reference source not found.~~Figure 4.15-49), or a comparable nearby location and shall create a safe and accessible route for pedestrians and bicyclists traveling to the Project site on both event and non-event days, connecting 2nd Street, which is north of the railroad tracks, to Athletics' Way to the south. Pedestrian facilities serving the bridge shall be upgraded on Jefferson and Clay Streets to correct tripping hazards and daylight intersections and driveways with red curb per City guidance. Along 3rd Street between Market Street and Broadway gaps in the pedestrian network would be closed by converting diagonal and perpendicular parking to parallel parking to provide a pedestrian path of travel between buildings and parking where no sidewalk exists today.

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

I-34 Ms. Joanhia

COMMENT

RESPONSE

I-34-1 See Consolidated Response 4.19, *Comment Period Extension*.

From: [joanhia](#)  
To: [quillman@oaklandca.gov](mailto:quillman@oaklandca.gov)  
Subject: Extend Deadline for DEIR  
Date: Tuesday, March 16, 2021 10:36:29 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I urge you to extend the deadline of the comment period by at least 45 days. More time is needed in order to give everyone in the community that will be affected enough time to comment. The removal of The A's Stadium from East Oakland will have a serious impact on the most vulnerable members of our community. Please give them the time needed to study the impact of proposed move and comment.

Thank you,

Ms. Joanhia

I-34-1

I-35 Michael Sullivan

COMMENT

RESPONSE

I-35-1 | I live in Alameda and I am concerned about the noise from the ballpark. Sound carries across the water and I'm sure that there will be a significant impact on the Alameda West End residents.

I-35-1 See Response to Comment I-23-3 for the discussion of identified noise impacts to receptors in the City of Alameda.

I-36 Dan Kalb

COMMENT

RESPONSE

I-36-1 See Consolidated Response 4.19, *Comment Period Extension*.

**From:** [Kalb, Dan](#)  
**To:** [Lake, Peter](#); [Maybrun, Molly](#)  
**Cc:** [Beiswiler, Edward](#); [Volminko, Peterson](#)  
**Subject:** Howard Terminal Waterfront project DEIR comment period  
**Date:** Thursday, March 18, 2021 4:15:19 PM

Hi Deputy City Administrator Lake,

Based on numerous requests from stakeholders and interested city residents, I am writing to request that an additional 15 days be added to the comment period for the Draft EIR on the Howard Terminal Waterfront Ballpark District project.

This would modify the current 45-day comment period to instead be a 60-day comment period from the date of the public release of the DEIR.

Given the magnitude of the project and length of the DEIR, I believe it to be reasonable to extend the comment period by the additional 15 days. It is not unusual for projects of this magnitude to receive the additional 15 days.

Thank you for your work and consideration.

-Dan

**-DAN KALB**  
Oakland City Councilmember, District #1  
One Frank Ogawa Plaza, 2nd floor  
Oakland, CA 94612  
<https://www.oaklandca.gov/resources/councilmember-kalbs-covid-19-resources>  
510-238-7001  
~ **THE MORE WE KEEP OUR DISTANCE, THE SOONER WE CAN GET BACK TOGETHER** ~

I-36-1

I-37 Jesse Pollak

COMMENT

RESPONSE

I-37-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

From: [jesse.pollak](mailto:jesse.pollak)  
To: [publicinfo@oaklandca.gov](mailto:publicinfo@oaklandca.gov)  
Subject: Public Comment on Waterfront Ballpark District Draft EIR  
Date: Saturday, March 20, 2021 4:30:36 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

I am writing in strong support of the Waterfront Ballpark District Draft EIR and the plan to build the Howard Terminal baseball stadium. I have read sections that I believe I have a good understanding of (i.e. transportation) and find the observations and recommendations to be thorough and complete. I believe that bringing the stadium to this region would be a lot of hard work — but would ultimately have a huge positive impact on the district.

Thank you!  
Jesse Pollak  
1555 8th St, Oakland, CA 94607

I-37-1

I-38 Charlie Bolton

COMMENT

RESPONSE

I-38-1 The Draft EIR includes employment information salient to the evaluation of environmental impacts (e.g., transportation, air quality), including information on construction-phase employment (see Draft EIR Section 3.13.3, p. 3-58) and post-construction employment (see Draft EIR Section 3.6.4, p. 3-35). Tables 3-2 and 3-3 (Draft EIR p. 3-36) present breakdowns of employment by event type and team operations. Table 4.12-8 (p. 4.12-17) and associated text presents a comprehensive breakdown of employment associated with the Project, distinguishes full-time equivalent employment, and employment by Project component (e.g., A's staff, office, retail). As indicated in Table 4.12-8, at full buildout, the Project would generate the highest number of employees under a game-day event: approximately 9,499 employees at Project completion. Based on the current A's ballpark employment of approximately 1,227 game-day staff, the Project would generate a net employment growth of 7,987 at full buildout compared with existing Coliseum employment.

**From:** [Charles Bolton/Reelality Films](#)  
**To:** [Vollmann, Peterson](#)  
**Subject:** Re: DEIR: ER18-016. Request for Information. Howard Terminal DEIR claims that the project will generate 10,000 jobs.  
**Date:** Tuesday, March 23, 2021 9:27:34 AM

Thank you for the information.  
Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

On Tue, Mar 23, 2021 at 9:20 AM Vollmann, Peterson <[PVollmann@oaklandca.gov](mailto:PVollmann@oaklandca.gov)> wrote:  
Charles-

Information on projected employment at the site is in Chapter 4.12 (Population & Housing). There is also a breakdown of projected employment in table 4.12-8 within the chapter.

**From:** Charles Bolton/Reelality Films <[charlesebolton@gmail.com](mailto:charlesebolton@gmail.com)>  
**Sent:** Tuesday, March 23, 2021 7:19 AM  
**To:** Vollmann, Peterson <[PVollmann@oaklandca.gov](mailto:PVollmann@oaklandca.gov)>  
**Subject:** DEIR: ER18-016. Request for Information. Howard Terminal DEIR claims that the project will generate 10,000 jobs.

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

Reviewing the DEIR I find that the project sponsors claim the project will generate 10,000 jobs, but I can find no documentation of the number of jobs by category, rate of pay and permanent or seasonal status. And I can find no reference to the methodology used to calculate the job estimate. Can you provide this documentation or point me to where it is buried in the document.

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-38-1

I-39 Charlie Bolton

COMMENT

RESPONSE

I-39-1 In response to this comment, the Phase 1 Total for new retail jobs in Table 4.12-8 of the Draft EIR (p. 4.12-17) is changed from 60 to 69. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised language.

From: [Charlie Bolton/Beetally Films](#)  
To: [Peterson, Volmann](#)  
Subject: DEIR: ER18-016. Error found in Table 4.12-8  
Date: Tuesday, March 23, 2021 1:28:51 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
Please correct error in **Table 4.12-8 Phase 1 and Full Buildout Project Employment**. Under Retail, the Table shows *New FTE=69* and *Phase 1 Total jobs is reported as 60*. Please provide the correct totals for those columns.

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-39-1

I-40 Charlie Bolton

COMMENT

RESPONSE

I-40-1

The purpose of Draft EIR Table 4.12-8 is to provide an estimate of Project-related employment. The use of FTE or "full-time equivalent" allows the reader to understand and compare the level of existing (or "actual") employment to expected new employment. While identifying the nature of the jobs or the number of part-time jobs that may be included within the estimate of FTEs may be of interest, it is not necessary for this comparison or for the Draft EIR's analysis of potential impacts.

From: [Charlie Bolton/Beatality Films](#)  
To: [Peterson, Volmann](#)  
Subject: DEIR: ER18-016; Table 4.12-8 Inconsistency report/portion of job status.  
Date: Tuesday, March 23, 2021 1:55:13 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
In table 4.12-8, the table classifies 'Event Non A's and Game Day staff as *FTE*'s or "Full Time Equivalents".. The table needs to break out the number of actual FTE versus temporary or Event/Game day employees. Some or all of these employees are Gig workers employed during the event and the table treats them as FTE's and creates a misleading total of new full time jobs created.

Cordially,

Charlie Bolton  
FilmMaker

Cell: 415-531-6484

I-40-1

I-41 Charlie Bolton

COMMENT

RESPONSE

I-41-1

The Draft EIR includes employment information salient to the evaluation of environmental impacts (e.g., transportation, air quality), including information on construction-phase employment (see Draft EIR Section 3.13.3, p. 3-58) and post-construction employment (see Draft EIR Section 3.6.4, p. 3-35). Table 4.12-8 (p. 4.12-17) and associated text presents a breakdown of post-construction employment information used to support the evaluation of environmental impacts, and distinguishes full-time equivalent employment, and employment by Project component (e.g., A's staff, office, retail). While some of the information requested in this comment (temporary versus permanent employment, pay scales, benefits) is important to City decision makers, it is not necessary for the environmental impact evaluations presented in the EIR. With respect to the concern regarding the loss of jobs associated at Howard Terminal, existing tenants employ about 40 on-site employees and 58 contractors and drivers who may use the site (see Draft EIR p. 3-3). Howard Terminal is currently leased by the Port to short-term tenants for maritime support uses including truck parking/container depot, longshoreperson training, drayage truck yards, truck repair and offices. As indicated on Draft EIR p. 3-61, the existing tenants and users of Howard Terminal and associated employees are assumed to move to other locations within the Seaport, the City or the region where their uses are permitted. See Draft EIR pp. 3-61 through 3-63, which presents the basis for this assumption (e.g., short- and long-term need for and availability of truck parking for the Seaport). Regarding the potential for implementation of the Project to adversely affect the economy of the Seaport resulting in job loss, see Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-41-1

From: Charlie Bolton/FilmMaker  
To: James Wilson  
Subject: EIR: 191801: Discussion to Table 4.12-8 Employment  
Date: Tuesday, March 23, 2021 6:35:29 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,  
Table 4.12-8 data does not analyze the following topics:  
1. A clear differentiation between temporary/Gig jobs and Full Time permanent jobs. For example, the 200 jobs to be created by the Venue do not differentiate the number of permanent and temporary workers. And some portion of the retail jobs will also be temporary. These jobs are not delineated. Construction and Event Day jobs are temporary in nature and therefore should not be included under FTE's. In addition, the table and data fail to differentiate the number of permanent full time and day of event gigs at the Venue (Phase 2).  
There is no data provided for the pay scales and benefits of the various jobs cataloged in the table. This is important for determining the economic impact of these new jobs that the project claims that it will create.  
And finally, I can not find any discussion of the number of jobs that will be lost as a result of developing the Howard Terminal site as a Sports-Luxury Condo-Hotel-Office complex. And there is no discussion about the scenario of the negative impact of the project on the port of Oakland and decline in maritime shipping activity due to limitations and impacts on port operation created by the development.  
Cordially,

Charlie Bolton  
FilmMaker  
Cell: 415-531-6484

I-42 Mercedes Rodriguez

	COMMENT	RESPONSE
I-42-1	I am on the Oakland A's CBA Transportation Steering Committee for Howard Terminal. I have also been working with the A's since 2018. I would like to see the A's stay in Oakland but at the Coliseum Site. I live on Market Street down the block from Howard Terminal. Currently we have a major problem with traffic, parking and illegally parking of trucks on Market Street. A stadium with only 2,000 parking spaces for attendees will not be sufficient to mitigate parking if a Ballpark is developed. The Port and the Department of Transportation does not have a plan in order to alleviate the parking problems and enforcement that will occur as a result of the A's at Howard Terminal. The DEIR reflected that it would expose motorists, pedestrians, bus and bike riders to permanent and substantial hazards resulting in significant and unavoidable safety hazards. The DEIR was extended by 15 days, but that is still not enough time to obtain the community response on comments that is required.	I-42-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
I-42-2		I-42-2 See Consolidated Response 4.7, <i>Parking</i> .
I-42-3		I-42-3 This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.
I-42-4		I-42-4 See Consolidated Response 4.19, <i>Comment Period Extension</i> .

I-42

COMMENT

RESPONSE



I-43 Kevin Leong

COMMENT

RESPONSE

I-43-1

Re: The proposed Howard Terminal A's ballpark (case file number ER18-016)

As an Oakland resident and Jack London Square community member I am reaching out to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster, and Oak Streets. The area along Embarcadero at Franklin, Webster, and Oak Streets has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bicycle, and scooter travel at these crossing locations. The addition of safety measures to protect the public should be top-priority and would seemingly be a sensible addition to the planned efforts.

As a Jack London Square resident who consistently witnesses train hopping, confused drivers parked on the tracks, pets and children dangerously close to moving trains, and many more terrifying sights on a daily basis I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

Thank you,  
Kevin Leong

I-43-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-44 Thaddeus Lisowski

		COMMENT	RESPONSE
I-44-1	I've been to multiple A's games at the Coliseum and look forward to attending games at this new ballpark. Please make sure to prioritize bicycle and pedestrian access, the way many other baseball fields in dense urban areas now do (such as	I-44-1	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
I-44-2	Wrigley Field's free bike check, in order to encourage non-car trips to attend games). You should do anything possible to cut down on car trips to see games.	I-44-2	This comment expresses an opinion about prioritization of active transportation modes to reduce automobile trips, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.
I-44-3	Please consider good bridge access for bicycles and pedestrians over the estuary		
I-44-4	from Alameda and over any train tracks from the industrial harbor area. Thank you.	I-44-3	The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.
		I-44-4	This comment is a continuation of Comment I-44-3. See Response to Comment I-44-3.

I-45 Lilli Keinaenen

COMMENT

RESPONSE

I-45-1 | It is unacceptable that the pedestrian and bike bridge was left out of this plan! That was always supposed to be part of the plan. What kind of 2020's decade project leaves out multimodal transport? Walking and biking are the least they should do to encourage people leave their cars home. The planet depends on us.

I-45-1 The commenter expresses an opinion about the desire for a bicycle/pedestrian bridge, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-46 Jonathan MacMillan

COMMENT

RESPONSE

I-46-1 This plan is really lacking in its plan to support biking to the stadium. I live less than a mile away, so someone like me should never be driving. There should be support for a protected bike network. The city of Oakland has a plan for these safe lanes in place and I encourage the A's to support and complement it.

I-46-2 My second concern is that nearby Alamedans have been working on a bike/ped bridge across the estuary. Please show support for that project to also improve non-car access to the stadium.

These are benefits to your facility, but also help mitigate the traffic problems that will be caused by events at the stadium.

I-46-1 The commenter expresses an opinion about the desire for more protected bicycle infrastructure in the vicinity of the Project, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, nor response is required. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel, either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-46-2 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

There are several mitigation measures in the Draft EIR that prioritize non-automobile travel, either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling, that would contribute to minimizing Project vehicle traffic. These measures, which begin on Draft EIR p. 4.15-183, are summarized below:

- Mitigation Measure TRANS-1a includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TDM program.
- Mitigation Measure TRANS-1b includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TMP. A draft TMP is provided in Appendix TRA.1 and includes the nearby transit

I-46 Jonathan MacMillan

COMMENT

RESPONSE

providers i.e., AC Transit, BART, Capitol Corridor, and WETA as a key stakeholder in coordinating ballpark events.

- Mitigation Measure TRANS-1c would construct a Transportation Hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
- Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing bus-only lanes north of 11th Street to 20th Street on Broadway.
- Mitigation Measure TRANS-1e would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first and last mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.
- Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c would implement bicycle improvements consistent with Oakland's Bike Plan that connect the Project to Oakland's bike network.
- Mitigation Measures TRANS-3a and TRANS-3b would implement railroad corridor improvements including corridor fencing, at-grade railroad crossing improvements, and a pedestrian and bicycle bridge over the railroad tracks connecting the Transportation Hub with the Project site via the Jefferson Street alignment.

I-47 Richard Thomas

COMMENT

RESPONSE

I-47-1 | What happened to the pedestrian/ bike bridge???

I-47-1

The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge over the estuary connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-48 Ryan Lester

COMMENT

RESPONSE

The stadium as currently proposed delivers substantial community benefits, allows for the continued long-term success of the port and ensures that Oakland's last remaining sports team stays rooted in Oakland.

I-48-1 I strongly support this project as proposed since it mitigates all/most environmental impacts.

I look forward to this project moving forward quickly to ensure that much needed housing also gets delivered in our city.

I-48-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-49 Dominic Gomes

COMMENT

RESPONSE

I-49-1 | Build the ballpark! This is a once in a lifetime opportunity for Oakland. We lost the Raiders and the Warriors, Let's keep the A's!!!!

I-49-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-50 Paul Sousa

COMMENT

RESPONSE

I live in the Prescott neighborhood of West Oakland, and I am writing in support of the A's proposed ballpark at Howard Terminal. After having lost 2 of our sports teams already to other cities, I think it's important the city does all it can to support keeping the A's in Oakland - most especially when the A's are offering to privately finance the stadium.

I-50-1

I think the Howard Terminal location is great. It'll add additional waterfront use for the city's residents and add vitality to Jack London Square.

And for West Oakland specifically, I also appreciate that the A's have engaged the community in this review process and intend to give back to West Oakland (among other nearby communities) which will provide much needed funds and resources.

I-50-1

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

I-51 Morgan Bellinger

COMMENT

RESPONSE

I-51-1 Please consider the impact of a new ballpark on Alameda, along with Alameda's urgent need for a west end pedestrian and bicycle crossing, when building requirements for that ballpark. Any railroad pedestrian crossing is an opportunity to join with a pedestrian and cyclist bridge to Alameda and thereby to Alameda's population and ferry terminals.

I-51-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-52 AM Shan

COMMENT

RESPONSE

I-52-1

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. Since I've lived here it's been shocking to me that no fence has gone up to protect people from the train, or to protect the train from wild driving particularly by delivery trucks. Just last week a train ran in to a truck that was stalled on the track. I've heard that several people have died in the last few years on the tracks and I fear that with the joy of a game and the lack of focus that comes with attending a game, there may be more casualties. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-52-1

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-53 George Fisher

	COMMENT	RESPONSE
I-53-1	Please disregard comments from bicycle-advocacy organizations, which operate as single-issue propaganda groups and wish to derail all plans that do not exclusively cater to their interests.	I-53-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
I-53-2	Please account for and highlight connections to the (existing) San Francisco Bay Trail and city-wide bicycle network at Clay Street.	<p>I-53-2 The commenter expresses an opinion about the desire for bicycle connections between the Project site, the San Francisco Bay Trail, and the city-wide bicycle network at Clay Street, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter’s observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.</p> <p>As depicted on Draft EIR Figure 4.15-15, the Project would extend the Bay Trail from its current terminus at Clay Street along the Project site’s water edge with additional inland Bay Trail connections along the Jefferson Street via a pedestrian and bike bridge and along Martin Luther King Jr. Way via a two-way cycletrack. Mitigation Measure TRANS-1c would implement a Transportation Hub, and as part of that measure, the on-street parking on Clay Street (between the railroad tracks and 2nd Street) would be replaced with a wider sidewalk, thereby eliminating auto parking/bicycle conflicts on this segment of Clay Street.</p>

I-54 Anne Roake

## COMMENT

## RESPONSE

I-54-1 | Ridiculous complaint. Maybe fixing Oakland roads so bikes can be ridden safely.  
Research how many bikes are ridden to ATT Park and then complain

I-54-1 The commenter expresses an opinion about the condition of Oakland's streets for bicycle use, and the city-wide bicycle network, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-55 Chad Yolland

COMMENT

RESPONSE

I-55-1

I love the ballpark at Howard terminal but there needs to have separated bike lanes!

Please, get this park done but add separated bike lanes.

I-55-1

The commenter expresses an opinion about the desire for more separated bicycle infrastructure in the vicinity of the Project, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

The City of Oakland was awarded an Active Transportation Program Grant to construct Class 4 Bike Lanes (i.e., separated bike lanes) on 7th Street between the West Oakland BART station and Martin Luther King Jr. Way. Mitigation Measure TRANS-2b would provide bike lanes consistent with the Bike Plan (currently shown in the Bike Plan to be Class 4 Bike Lanes) from 7th Street to the Project site where the facility would continue through the site to the Bay Trail at the waterfront. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-56 Amando Miller

COMMENT

RESPONSE

I-56-1

I am very excited that things are moving forward with the stadium plan. What is less exciting is the lack of bike access and transit options to get to the ballpark. The A's and city of Oakland should use this opportunity to establish separated bike lanes to allow safe cycling for all ages to get to the ballpark as well as around Oakland.

I-56-2

Sharing lanes with traffic during game days is extremely dangerous with many cars stopping unexpectedly and doors opening and closing. Separated bike lanes are the only safe option. Bike East Bay has some great suggestions.

I-56-3

I-56-4

I also am disappointed with the lack of vision for not taking advantage of the adjacent rail line or establishing a streetcar to help move people from downtown stations. the gondola option doesn't move enough people per hour and is also not very useful for the residents of the city that may need to get to other destinations in Jack London Square or Downtown Oakland.

I-56-5

I-56-1

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

I-56-2

The commenter expresses an opinion about the desire for more separated bicycle infrastructure in the vicinity of the Project, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

The City of Oakland was awarded an Active Transportation Program Grant to construct Class 4 Bike Lanes (i.e., separated bike lanes) on 7th Street between the West Oakland BART station and Martin Luther King Jr. Way. Mitigation Measure TRANS-2b would provide bike lanes consistent with the Bike Plan (currently shown in the Bike Plan to be Class 4 Bike Lanes) from 7th Street to the Project site where the facility would continue through the site to the Bay Trail at the waterfront.

Mitigation Measure TRANS-1c would implement a Transportation Hub on 2nd Street adjacent to the Project. Between Martin Luther King Jr. Way and Clay Street, the hub would serve at least 3 AC Transit bus lines and 12 buses per hour. The hub would have the ability to extend west of Martin Luther King Jr. Way and east of Clay Street to handle either shuttle buses or additional AC Transit bus lines. Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway generally between Embarcadero to 11th Street. North of 11th Street, there are existing bus-only lanes that continue to 20th Street serving both the 12th and 19th Street BART stations. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-56-3

This comment references an attachment that includes Bike East Bay's comment letter, which was also submitted separately (see Comment Letter O-11). See Responses to Comments O-11-1 through O-11-24 for specific responses to comments raised in that submission.

I-56 Amando Miller

COMMENT

RESPONSE

- I-56-4 The commenter expresses an opinion about incorporating the adjacent rail line into the Project or establishing a streetcar to connect the Project and downtown, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter’s observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.
- I-56-5 This comment expresses an opinion about the Gondola but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Thus, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-56 Amando Miller

COMMENT

RESPONSE

I-56-6 This attachment includes Bike East Bay's comment letter, which was submitted separately (see Comment Letter O-11). See Responses to Comments O-11-1 through O-11-24 for specific responses to comments raised in that submission.



DRAFT

Submitted via:  
<https://comment-tracker.esassoc.com/oaklandspportseir/index.html#/19/welcome>

March 30, 2021

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

Re: Comments on Oakland Waterfront Ballpark District Project

Dear Mr. Vollman:

Bike East Bay has reviewed the DEIR for the Oakland Waterfront Ballpark District Project and is generally supportive of the project and its goal of building a major league baseball ballpark in the downtown area, well-accessed by walking, bicycling and transit. The Coliseum location of the current stadium has never been easy to bicycle to and its sole BART station is far too small to handle large crowds. In addition, the current site never has never developed into a vibrant entertainment area, nor has it fostered a successful local game-day economy to support nearby residents. We feel the proposed new ballpark can do all these things.

**General Comments**

From a high level perspective, the transportation improvements of this Project are a net loss of bikeways to residents of Oakland as compared to the bikeways in approved plans and under development with separate projects. Our goal for the new ballpark is for there to be safe, low-stress bikeways to access the ballpark from all directions and our main concerns are the lack of such high quality bikeways in this plan. We like the proposed new bikeways on 7th Street and MLK Jr. Way south of 8th Street to the ballpark, which will connect West Oakland to the ballpark area. However, the proposed bikeways from Downtown Oakland to the ballpark and from Lake Merritt BART to the ballpark fall short of what a project of this magnitude and importance should achieve.

I-56-6

I-56 Amando Miller

COMMENT

RESPONSE

There are obviously many pedestrian improvements in this plan and we support all of them, including the many new sidewalks, wider sidewalks, pedestrian bridge and upgraded crosswalks and bulb outs. Similarly, the transit improvements are all good and we like the Transportation Hub on 2nd Street, but we have concerns about who will pay for the new transit services needed to get people to and from the ballpark. The DEIR leaves that to future discussions, but there needs to be a real plan to fund and ramp up transit services for game day crowds.

We also are fans of the smart parking management program and know this program will improve bicycle and pedestrian safety by more efficiently directing drivers to available parking spaces and reduce cars circling and looking a spot. We support expanding this program so that Athletics fans can purchase a parking ticket at the same time they purchase their game tickets.

Much of the success of the transportation plan for this project will depend on the Transportation Management Plan (TMP) and its ongoing implementation. Bike East Bay requests there be a seat on the operational oversight group of the TMP for someone representing the interests of people bicycling in the area. The TMP clearly prioritizes bicycling as a goal of the plan and for this reason should have representation from people who bicycle.

**Comments related to bicycling**

This major project and its transportation plan should include high-quality, low stress separated bikeways from all directions and it lacks such bikeways from Downtown Oakland and from the Lake Merritt BART Station (and from points southeast). Buffered bike lanes on busy streets, and especially streets before and after ballgames, are not low-stress bikeways, and the door-zone white stripe on 2nd Street is no bikeway at all.

- From West Oakland: we support the new bike lanes on 7th Street in West Oakland, although we note that this project only commits to the buffered bike lane design for these bikeways, not the protected bike lanes called for in the Oakland Bicycle Plan. Thankfully Oakland has received a state grant to upgrade these bike lanes to needed protected bike lanes.
- From Downtown Oakland: there are three potential options here, according to the Oakland Bicycle Plan and Downtown Specific Plan: 1) Franklin St/Broadway, 2) Clay/Washington and 3) MLK Jr. Way. All three of these bikeways connect at their north end to a planned east-west bikeway on 14th Street. Whichever of these three potential bikeway connections is built to support ballpark access, the bike lanes should be separated and protected and connect to 14th Street, which obviously is the needed access point to and from 12th St/City Center BART Station. Fig 4.15-42 in the DEIR shows projected bike trip generation to the ballpark with TMP, and shows twice as many people bicycling from downtown to the ballpark as compared to from West Oakland. We agree with this projection and request that bikeways from Downtown Oakland be upgraded from the plan's buffered lanes to protected, the whole way.

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I-56 Amando Miller

COMMENT

RESPONSE

- The reason given in the City's bike plan for proposing buffered bike lanes on MLK Jr. Way above 8th Street is the number of driveways along the street. However, most of these driveways are not utilized and are gated/fenced closed, and thus do not function as driveways. As such, they do not create sight line issues nor any need to remove parking for safety. There are many other streets in Oakland planned for protected bike lanes with similar driveways.
- For the Clay/Washington bikeway option, the DEIR does not even include a complete bikeway toward downtown due to 8th Street being one-way, but we assume this is an oversight or typo. Either way, existing and planned bikeways on Clay/Washington are not adequate for game day bike access, particularly the narrow door zone bike lanes on Washington Street. In addition, on game days, Washington Street is planned for significantly increased pedestrian activity and may even be closed off to cars, which is great. But as such, Washington Street should be an auxiliary bikeway to the ballpark, particularly for people bicycling to get something to eat or drink along Washington Street before or after a game. Finally, Oakland Police sometimes close off Washington Street due to safety concerns and as long as OPD has this authority, Washington Street cannot be a bikeway priority to the ballpark.
- For Franklin/Broadway, efforts were (are) underway to plan bikeways on Franklin, but this project's proposal to stripe bus only lanes on Broadway with no bike lanes precludes this as a planned bike option to the ballpark. We support the bus only lanes on Broadway but do not support removal of Broadway as a planned bikeway. Jack London District has been supportive of bike lanes on Broadway and there have been many discussions about improving Broadway for bicycling in the JLD area that this DEIR does not acknowledge. Either way, on any road where people are allowed to bicycle and there is a side-running bus only lane, such as Broadway, people are going to bicycle in the BRT lane and that is exactly where Bike East Bay is going to tell them to bicycle. Bicycling along the right side of the road is the most intuitive place to ride and it is the safest, from our perspective. For this reason, anytime Oakland plans a side-running BRT lane, they should include protected bike lanes or they should plan on bikes in the BRT lane. On Broadway in the JLD, there is room for both, BRT lanes and protected bike lanes as planned for as part of many planning efforts.
- From Lake Merritt BART and points from the southeast, 3rd Street is the best street for planned protected bike lanes because of its width and direct connectivity. Both the Oakland Bicycle Plan and the Downtown Specific Plan identify protected bike lanes on 3rd Street, as has the Oakland Alameda Access Project. In addition, we have met with the Athletics, from the start of this planning process, and they initially agreed and took it on to begin the discussion of 3rd Street as the planned high-quality east-west bikeway in the JLD to the ballpark. We know the bike plan defers to this project for any bikeway modifications, but it does so for game-day reasons, not for reasons unrelated to ballpark access. The two reasons we have heard to select 2nd Street over

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I-56 Amando Miller

COMMENT

RESPONSE

3rd Street are the Produce Market and the Port of Oakland's over-sized truck route on 3rd Street. Neither of these reasons has to do with game-day access and both are illogical. 2nd Street has more produce market issues than 3rd Street and is planned for a transportation hub and a potential TNC zone, which will preclude bike access during increased activity. West of Market Street, this plan does recognize existing buffered bike lanes on 3rd Street where over-sized Port trucks use the street. The issues are the same east of Market Street as they are west of Market. We believe that design issues can be worked out with the Produce Market and the Port of Oakland to make 3rd Street the best option all the way to Oak Street, where planned protected bike lanes are in the works. Either way, it is not this DEIR's responsibility to redo approved bikeways for reasons unrelated to the EIR. In addition, we met with the Port of Oakland and OakDOT to have these discussions in 2019 about 3rd Street, given the concerns, and agreed then that we were going to actually take a look at truck turning issues on 3rd Street before making any decisions, but there has been no followup on that to date. Let's start that followup and in the meantime, 3rd Street is the preferred protected bikeway.

- We support the protected bike lanes on MLK Jr. Way south of 8th Street, but ask for a couple of improvements. One, the intersections of MLK Jr. Way and 7th Street (and 8th Street) need to be protected intersections given the increased bike traffic this intersection will attract with 7th/MLK Jr. Way being a primary bikeway access to the ballpark from West Oakland. Two, down at the project site, the two-way cycle track onto the property of the project needs to be much wider than proposed, particularly as the cycle track makes a turn to the west. We understand why the roadway was widened and the bikeway constrained at this turn due to fire truck and delivery truck access, but the design here should be first for a wide cycle track that is mountable by fire trucks, not a wide roadway for fire trucks that leaves minimal width for bicycling.

As we previously stated, this Project creates a net loss of bikeways to residents of Oakland as compared to the bikeways in approved plans and under development with separate projects. The plan proposes approved bikeways on 7th Street, MLK Jr Way and one block of Washington, but the project proposes to downgrade or eliminate other bikeways in approved plans and projects. There appears to be only two additional new bikeway improvements proposed by the project over and above bikeways in approved plans--a 3 block cycle track on Embarcadero and the bike-ped bridge at Jefferson Street over the RR tracks. The list of lost or downgraded bike lanes includes: Market Street from protected to buffered, Adeline Street eliminated south of 7th St, Broadway eliminated in JLD, 2nd Street at the Transportation Hub during game day, and 3rd Street not upgraded to protected bike lanes. This is a net loss of bike access from what Oakland residents have been expecting to date. Because of this net loss of expected bikeways, we don't support a limited set of bike improvements but rather have two additional asks of the Project: 1) require the pedestrian bridge over the RR tracks to be designed to potentially join with a planned bike-ped bridge over the Oakland Estuary, should the later bridge prove feasible after its current Project Initiation Document concludes in a

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3

I-56 Amando Miller

COMMENT

RESPONSE

year, and 2) require A's to host and promote a Bike to the Ballpark Day, once a year, at a home date in May.

We support the planned 500-1,000 space bike/scooter parking at the ballpark and the cycle track along the interior roadway of the ballpark. The other interior roads should also have bike lanes at build out given the intense development planned.

Over and above what is planned for bike improvements, we know that flexibility and responsiveness will be needed and we support that. For these reasons, we request a seat on the operational oversight group of TMP and ask that this plan have a short list of priority bikeway improvements to be implemented post opening of the ballpark if needed should street conditions be different than forecast. Streets that should be on this short list are 3rd Street, Broadway, MLK Jr. Way and 14th Street. This is important because of the annual TMP surveys to be conducted. If from these attendee surveys, it is learned that more people are needed to bicycle to the ballpark to meet VMT reduction goals, and from the results of the survey we learn that improved bikeways are needed for more fans to bicycle to the ballpark, what exactly would happen next? There needs to be a Plan B for additional bikeway improvements to consider in order to meet VMT goals.

In Fig 4.15-1, Motor Vehicle Influence Area, why are there no intersections east of Broadway studied? In particular, bike travel on Oak Street, and 3rd Street will be impacted by ballpark traffic. Where are these impacts studied? They need to be studied since the DEIR states that the majority of traffic will be coming from these directions.

In Fig 4.15-3, Bicycle Influence Area, the extent of bicycle travel to and from the ballpark (including scooters) needs to extend to the three most adjacent BART Stations: West Oakland, 12th Street/City Center and Lake Merritt, as does Fig 4.15-4, the Pedestrian Influence Area.

Local Roadway Access needs to include Oak Street, 3rd Street and other nearby planned bikeways. There are major NB exits from 880 and SB entrances to 880 in this area and added traffic is going to affect active transportation modes to and from the ballpark. The Alameda County Congestion Management Program requires the Project to study impacts to all modes of travel, including bicycle trips.

**Other comments and concerns**

1. We do not support 8,900 new parking spaces at build out of both phases of the Project. 1 parking space/new residential unit is way too high. There is no need for such a large quantity of parking when there is a nearby transportation hub and three nearby BART stations, a ferry station and BRT. Oakland a few years ago lowered their off-street parking requirements in the downtown area. This Project should do better still.

PO Box 1736, Oakland, CA 94604  
510 845 RIDE (7433) - [info@bikeeastbay.org](mailto:info@bikeeastbay.org)

4

I-56 Amando Miller

COMMENT

RESPONSE

2. We are concerned that there are no/insufficient underpass improvements of 880. More information and details to understand how existing underpasses will be improved for safety and to encourage more people to take BART to games and walk to the ballpark.
3. In analyzing Coliseum site traffic, for comparison VMT purposes, the analysis should use 2018 data, not 2017. The Athletics were 97-65 in 2018 and saw significant attendance increase over 2017 when the A's were 75-87 and in last place. We know with lower attendance a higher percentage of people drive because parking at the stadium becomes more convenient, and vice versa. A well-attended season at the Coliseum should be the baseline for VMT analysis of the new ballpark;
4. How will the queue cutter loop signals function on Market Street at 3rd Street? Will they affect bicycling on either Market Street or 3rd Street? How will the proposed left turn lane on Market Street at 3rd Street effect bicycle circulation? This is not clear in the DEIR.
5. Proposed pedestrian and bicycle access on Washington Street (and potentially other streets) needs to address Oakland Police Headquarters blocking off and closing streets at their discretion, as happened in 2020. We propose giving OakDOT all authority over street closure permits, not just review and input.

Thank you for considering our input and please let us know if you would like to discuss any of our ideas or concerns.

Sincerely,



Dave Campbell  
Advocacy Director  
Bike East Bay  
(510) 701-5971  
[dave@bikeeastbay.org](mailto:dave@bikeeastbay.org)

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5

I-57 Rebecca Wernis

COMMENT

RESPONSE

I-57-1 Given that there will likely be considerable attendance by residents of the City of Alameda, incorporating the (already started) development of a pedestrian and bicycle bridge between Alameda's West End and Jack London Square seems especially advantageous to mitigate traffic related to ball games. These two projects are mutually beneficial and the bike/ped bridge should be prioritized accordingly.

I-57-2 In general I support encouraging alternatives to driving to the ballpark as much as possible to reduce the impacts on local traffic and the air pollution and climate change impacts that arise from driving cars.

I-57-3

I-57-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment I-23-7 for information on changes in travel time through the Webster and Posey Tubes caused by the Project.

I-57-2 The commenter expresses an opinion about the potential benefits of alternatives to driving to the ballpark, but does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, nor response is required, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

The Draft EIR identified a number of mitigation measures that prioritize non-automobile travel, through either programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling. See response to Comment A-10-4 for a summary of these measures.

I-57-3 The commenter is correct that alternatives to driving would reduce air pollution and greenhouse gas (GHG) emissions associated with driving cars and reduce the Project's impacts on air quality and climate change. These strategies are included in numerous mitigation measures in the Draft EIR, including the Project's Transportation Management Plan (TMP) and Transportation Demand Management (TDM) program, as required by Assembly Bill (AB) 734 and Mitigation Measures TRANS-1a and TRANS-2b (see Draft EIR pp. 4.15-183 and 4.15-193). The air quality and GHG benefits from implementation of these measures are quantified in Draft EIR Section 4.2, *Air Quality*, and Section 4.7, *Greenhouse Gas Emissions*.

I-58 Chris Cassidy

COMMENT

RESPONSE

I-58-1 | I'm very disappointed in the poor planning for people biking around the new stadium. Data has showed over and over again that when you built low-stress bike infrastructure, more people bike. This is important for the environment, safety around the ballpark, and healthier fans.

I-58-1

The commenter expresses an opinion about the desire for more low-stress bicycle infrastructure in the vicinity of the Project, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, nor response is required, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-59 Nadene Re

COMMENT

RESPONSE

I-59-1 As a Jack London Square resident, I appreciate the opportunity to comment on the proposed Howard Terminal ballpark CASE FILE ER18-016. I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. I believe it would be a big mistake to omit these crossings from the safety upgrades. The crossings along Embarcadero at Franklin, Webster and Oak Streets have high foot traffic that will only increase as new residences are being built. With the addition of the proposed ballpark fans will be drawn to all the existing and new establishments along that area, before heading back to their homes in the local Oakland/JLS area or to BART, parking lots, buses and other transportation. Omitting Franklin, Webster and Oak crossings would be doing a "half job" and leaving the door open to many potential safety issues. Freight trains move slowly and often stop; I've seen many people look for an "opening" to cross the tracks between those trains rather than wait for a long freight train to go by. In addition to the safety issues, the noise from the crossings that are not included will undoubtedly interfere with the ballpark experience.

I-59-2 PLEASE include Franklin, Webster and Oak crossings at Embarcadero in the safety plan. They will benefit from the same safety measures proposed at the adjacent crossings.

I-59-3 Thank you.

I-59-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-59-2 As stated on p. 4.11-60 of the Draft EIR, CEQA does not require that potential effects of the environment on the Project be analyzed or mitigated, except where the Project impacts exacerbate the existing conditions. CEQA does not generally require lead agencies to consider how existing environmental conditions might affect a project's users, except where the proposed project would exacerbate an existing environmental condition. Accordingly, the degree to which rail operations or other existing noise sources may detract from the experience of attendees inside the ballpark was appropriately not analyzed in the Draft EIR. See also Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-59-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-60 Julie Pastore

		COMMENT	RESPONSE
I-60-1	Case File Number ER18-016		
I-60-2	Please do not proceed with this project, which threatens our community with	I-60-1	See Consolidated Response 4.22, <i>General Non-CEQA</i> .
I-60-3	pollution from construction and increased traffic, further gentrification, loss of union	I-60-2	This comment primarily concerns the commenter’s opinion regarding the proposed project and does not address the adequacy or accuracy of the Draft EIR. For more information on the potential air quality impacts of the proposed project, including those as a result of construction activities and Project mobile sources, the commenter is directed to Section 4.2, <i>Air Quality</i> , of the Draft EIR. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.
I-60-4	jobs, and loss of habitat of marine wildlife.	I-60-3	See Consolidated Response 4.13, <i>Gentrification and Indirect Housing Displacement</i> , and Impact POP-4 starting on p. 4.11-18 of the Draft EIR. While existing commercial tenants of Howard Terminal would need to relocate if the Project proceeds, no associated loss of union jobs has been identified and the City’s adopted CEQA significance thresholds (see p. 4.12-12) are such that a significant impact would occur only if there were substantial displacement necessitating construction of replacement housing in excess of that contained in the City’s Housing Element.
		I-60-4	Potential impacts to marine species were analyzed in Draft EIR Section 4.3, <i>Biological Resources</i> (Draft EIR pp. 4.3-48-52). With Project implementation, only very minor impacts to marine habitat are expected to result, including small amounts of permanent fill. Construction of the relocated and new stormwater outfalls would result in new structures installed approximately at the mean lower low water elevation, similar to the elevation of existing stormwater outfalls at the Project site, and consequently would not affect Bay floor habitat. Aside from the potential use of piles beneath the waterfront decking, no other placement of permanent fill in San Francisco Bay is proposed for this Project. The small loss in habitat within the footprint of in-water piles would have negligible impact on marine wildlife. Any motile marine species within footprint of these piles will have access to accessible habitat of commensurate value within the immediate vicinity of the installed pile. See Draft EIR pp. 4.3-53-55 related to fill of the Bay.

I-61 Katie Egeland

COMMENT

RESPONSE

I-61-1 I am looking forward to the Oakland A's ballpark in Jack London Square and am pleased by many of the cycling, pedestrian, and other transportation improvement outlined in the DEIR. I would like to emphasize Bike East Bay's stance on further improvements needed to Third St. east of Broadway. As an East Oakland resident, bicycle infrastructure to connect to the area near Lake Merritt BART is essential.

I-61-2 Oak St in particular will be impacted by more vehicle traffic for freeway access, and ensuring there are safe bicycle and pedestrian routes in this area needs to be a top priority.

I-61-3 I also wholeheartedly support moving the Alameda bicycle/pedestrian bridge forward. I lived in Alameda for many years and one reason for leaving was the difficulty of crossing to Oakland from the West End. There are many A's fans in Alameda and the ballpark plan should make many transportation options available to travel the very short distance between Alameda and Jack London Square. This project has been a long time coming and it needs the A's full support.

I-61-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-61-2 The commenter expresses an opinion about the desire for additional bicycle infrastructure emphasized by Bike East Bay on 3rd Street east of Broadway and Oak Street and up to Lake Merritt BART station, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

The Oakland Alameda Access Project (OAAP) is under environmental review, with final design expected to start in 2022 and construction completion in 2027. OAAP would, among many other improvements, implement a two-way cycletrack on Oak Street between 3rd and 9th Streets as well as a two-way cycletrack on 6th Street connecting Oak and Washington Streets. Once completed, bicyclists from the Lake Merritt BART station would use the two-way cycletracks on Oak and 6th Street and then the Class II Bike Lanes on Washington Street to access the Project. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-61-3 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-62 Nicholas Danoff

	COMMENT	RESPONSE
	<p>I'm writing to express my strong support for the A's Howard Terminal plan. I live barely over one mile from the proposed ballpark, and I could not be more excited for it.</p>	<p>I-62-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.</p>
<p>I-62-1</p>	<p>The project offers many good-paying jobs, will clean up an environmentally neglected area, and will create a truly special cultural landmark the whole city can be proud of.</p>	<p>I-62-2 CEQA requires analysis of environmental, rather than fiscal impacts, and this comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.</p>
	<p>And not only will it provide housing near the ballpark; it will allow the coliseum site to also be developed into more much needed-housing.</p>	
<p>I-62-2</p>	<p>And of course the ballpark itself will be completely PRIVATELY financed. Any related infrastructure spending coming from the city budget will be well worth it - and should be thought not as costs but as INVESTMENTS in jobs, environmental revitalization, and the culture and identity of our city.</p>	<p>I-62-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.</p>
	<p>I beg the City Council to consider this proposal with an open heart, an eye to the future, and a willingness to dream big. Opportunities like this are once in a generation. PLEASE don't drop the ball!</p>	
<p>I-62-3</p>	<p>Dreaming of the opportunity to chant "Let's Go Oakland!" some day with my daughter at this jewel of a ballpark, Nick Danoff</p>	

I-62

COMMENT

RESPONSE



I-63 Jennifer Nelson

COMMENT

RESPONSE

I-63-1 I have lived in Oakland for 6 years and was previously in DC for 7 years before that. I was able to see the development and economic benefits the Nationals ballpark had for the city, especially since it was put in an area close to the waterfront and near transportation. I think the Howard terminal area could have the same benefits, revitalizing the waterfront there. It's also extremely beneficial to have this near downtown and Jack London. Lastly, it's important to support the last major sports team in Oakland. It would be a bit hit economically if this doesn't happen. The organization has done an excellent job in working with the city to find the best option for everyone. That is rare to have a sports team be such a good partner.

I-63-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-63-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-64 Alex Danoff

COMMENT

RESPONSE

I-64-1

I am an Oakland resident greatly in support of the Oakland Waterfront Ballpark District Project. This project will be a boon to the local economy, will improve local environmental conditions for West Oakland residents and will give Oakland a top-notch facility in a great location for its last remaining major professional sports team. The A's are doing more community outreach and working more closely with the city than most sports organizations ever would, showing they are truly a collaborative, well intentioned partner. I encourage the city council to approve this project so that it can move forward.

I-64-1

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

I-65 Tom Adler

COMMENT

RESPONSE

I-65-1 | I would love to see a pedestrian and bicycle only crossing of the estuary that separates Jack London Square from the western end of Alameda Island be added to the transportation planning.

I-65-1 The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-66 Jia Huang

COMMENT

RESPONSE

I-66-1 | Please make this bike friendly. The bridge from Jack London to Alameda would be great.

I-66-1 The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-67 Mason Curry

COMMENT

RESPONSE

I-67-1 Please include easements and/or full plans for a bike bridge between Alameda and Oakland in these plans.

I-67-1 We need a safer and more pleasant way to get between Alameda's west end and Oakland. The tunnel is horrible and the bridges at the east end are too far away. This would benefit both Alameda and Oakland.

I-67-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-68 Michael Sullivan

COMMENT

RESPONSE

I-68-1 | Please prioritize establishing an easement for the Oakland Landing of the Alameda  
Oakland bike pedestrian bridge. The time to act is now.

I-68-1

The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project.

The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-69 Melissa Mandel

COMMENT

RESPONSE

From: [melissa\\_mandel](mailto:melissa_mandel)  
To: [Plvlmnn@oaklandca.gov](mailto:Plvlmnn@oaklandca.gov)  
Subject: Fwd: No Ballpark at Howard Terminal  
Date: Monday, April 12, 2021 10:28:39 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

CASE File Number ER18-016

Dear Mr. Vollman:

The ballpark question has been troubling Oaklanders for several years now. It is clear that the community wants to keep the game at the Coliseum, while the moneyed interests are looking for some splash at the port.

I-69-1

The Oakland Coliseum is an expensive and large facility well established and settled in East Oakland, with parking and easy highway access. There is no reason to build a ballpark at a completely different location. It is a blatant waste of taxpayer money and goodwill to push for such a development.

That leaves aside all the issues with the moneyed-interest's favored site at the port. Have you even driven out to the port on a regular trucking day? Haven't you experienced the congestion that exists there just based on doing regular and essential port business? There is so much more about putting this development at the port than just traffic though which I'm sure you actually are informed about.

I-69-2

The port and a ballpark are incompatible in every way. Plus a re-development at the Coliseum is justly needed to bring work, housing, economic stimulation and community pride to an historically neglected area of Oakland.

I-69-3

I urge you to veto this Howard Terminal plan!  
Melissa Mandel  
resident of Oakland since 2000.

- I-69-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
- I-69-2 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
- I-69-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. See also Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-70 Jim Devlin

COMMENT

RESPONSE

I-70-1 | This project needs better connectivity with pedestrian and bicycle paths. Ideally a  
I-70-1 | bridge from Alameda to ballpark dedicated to bikes and pedestrians would be  
I-70-1 | provided.

I-70-1

The commenter expresses an opinion about the potential benefits of and desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project.

The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-71 Vincent Schodolski

COMMENT

RESPONSE

I-71-1

It is frequently very difficult to cross Broadway because of train and vehicle traffic on the street. There is also foot traffic from the ferry dock in Jack London Square. It is bound to be more difficult and dangerous when there is a ballgame. Kindly take that under consideration as you proceed.

I-71-1

This comment expresses a concern around the safety of pedestrians crossing the railroad tracks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Thus, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, for responses to issues raised in the comment. Mitigation Measure TRANS-3a (pp. 4.15-235 and 4.15-236) would install fencing along the railroad corridor as well as at-grade crossing improvements such as quad gates and gates for pedestrians and bicyclists that, depending on final design, would eliminate gaps when the gates are down. The final set of railroad corridor improvements will be determined when the Project sponsor undertakes the necessary Diagnostic Study and coordinates with the City, California Public Utilities Commission, and affected railroads and obtains all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).

I-72 Cole Strombom

COMMENT

RESPONSE

I-72-1 I write as a property owner and small business owner in the Jack London Square neighborhood and would like to voice my upmost support of the proposed Howard Terminal A's ballpark project (case file number ER18-016).

I-72-2 I would also like to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-72-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-72-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-73 Colin Whitmarsh

COMMENT

RESPONSE

I-73-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-73-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-74 Anthony Kenck

COMMENT

RESPONSE

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a condo owner to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR.

It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets.

I-74-1

This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

JLS can be Oakland's premier entertainment and gathering district. It needs improvement to really get there. This would be a big fist step.

I-74-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-75 Nadir Visstrong

COMMENT

RESPONSE

I-75-1

Please expand the railroad safety measures to be from Market Street to Oak Street. This whole corridor is tied together, so if we're going to invest in this, we have to do it right. I live across the street from the Oak St. Railroad crossings and every week I see someone crossing it without any regard to safety (I'm a culprit as well).  
Additionally, I've seen drivers plow into the rail because of just bad lighting. This has to be fixed for the greater area.  
  
Case file number ER18-016)

I-75-1

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-76 Eli Pollak

## COMMENT

## RESPONSE

I-76-1 Hello, I am a West Oakland resident and am very impressed by the detail and quality of the plan. I particularly like the focus on the environment, the private financing, and the potential for the project to provide significant new housing and jobs.

I-76-1

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

I-77 Yiyun Liang

COMMENT

RESPONSE

I-77-1  
Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR.  
It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets.  
This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations.  
I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-77-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-78 Julia Epstein

COMMENT

RESPONSE

I-78-1 As a resident of Jack London Square, I very much look forward to having the Oakland A's play ball at Howard Terminal (case file number ER18-016. The proposed railroad safety measures included as transportation mitigation in the draft EIR provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway, but there are no similar safety measures at the crossings along Embarcadero at Franklin, Webster, and Oak Streets. This dense urban area includes residential buildings, restaurants, parking garages, shops, and entertainment venues that will see major game-day increases in pedestrian, bike, and scooter travel at these crossings. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster, and Oak Street receive the same safety measures as those at adjacent crossings.

I-78-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-79 Ken Croley

COMMENT

RESPONSE

I-79-1

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident living at 3rd and Broadway to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It's imperative to extend safety upgrades all the way down to Oak Street. This area has a new apartment complex, a new hotel is planned, and the area receives new traffic from the Brooklyn Basin development. Game days will generate significant use of this corridor. It's critical that the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-79-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-80 Guillaume Egles

COMMENT

RESPONSE

I-80-1  
Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

Best Regards.

Guillaume Egles.

I-80-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-81 Matthew Davison

COMMENT

RESPONSE

I-81-1

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident/property owner to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. The day before yesterday I noticed a family of 4: two adults, two kids. The parents lost sight of one of the kids--only for a minute--and he darted onto the tracks as a train approached. (Oak and Embarcadero). This is one of many dangerous sightings. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-81-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-82 Michael Barnes

COMMENT

RESPONSE

Please enter this into the record:

I-82-1 I am a native of Oakland: attended St. Leo's and Bishop O'Dowd High School, Santa Clara University, BA, and the American University, Washington, D.C. MA.

I-82-1 As an A's fan living in the Houston-Texas area, I fully support the entire plan as presented by the Oakland A's Baseball Club for the Howard Terminal, this includes the ballpark and additional items, such as a hotel, housing and other venues.

I-82-2 I would like to make the following additions/considerations to the Transportation and Circulation section (PDF 4.15):

- I-82-2 • The Oakland City Council should immediately enter into discussions with the Bay Area Rapid Transit (BART) authority and Caltrans to provide direct service to the ballpark either via a rail line spur and/or a creation of a new train station at the Howard Terminal location. Such service should mirror the current facility at the Oakland Coliseum with direct access to the new ballpark. This will facilitate mobility to and from the ballpark and reduce GHG emissions.
- I-82-3 • The Oakland City Council will work with the Bay Area Rapid Transit (BART) authority to provide fare discounts encouraging gameday riders to take BART to baseball games and other scheduled events at the new baseball park for games or concerts.
- I-82-4 • The Oakland City Council working with the City of Alameda, Alameda County, the State of California, Caltrans and the Oakland A's Baseball Club to enter into a discussion to build a bridge from the ballpark site to western Alameda that could be used by pedestrians/cyclists to access the new ballpark and Jack London Square. Construction of such a bridge would additionally reduce GHG emissions and encourage green transportation. The bridge design and construction should be accompanied by a water taxi service between Oakland and Alameda. A water taxi/ferry service should look at clean energy alternatives electric/battery-powered vessels to decrease GHG emissions.

I-82-6 The proposed development as presented will benefit the entire community with a world-class venue that all Californians and visitors can enjoy. The City of Oakland, county and state leaders should all support this project which will show that the Golden State knows how to build a 21st century project that benefits diverse communities and protects the environment. I would encourage the Port of Oakland, all area business and communities to show they are "rooted in Oakland" by supporting this project. We can show that Oakland is truly progressive and inclusive by fully supporting this important project.

I-82-7 This is more than about baseball, which I enjoy dearly, it's also about showing that The Town and surrounding areas can get work together to make the East Bay a better community for people to work and live, while respecting the environment and showcasing a natural resource such as the Oakland estuary.

Best,  
 Michael C. Barnes  
 Michaelcb53@gmail  
 713-823-3169

I-82-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-82-2 This comment expresses an opinion about the need for a new rail station with direct service to the Project via a rail spur or creation of a train station at the Project. Draft EIR p. 4.15-140 documents why a new rail station for Amtrak and new passenger rail station for BART were deemed to be infeasible within the scope of the Project.

I-82-3 This comment expresses an opinion about preference for including fare discounts for ballpark event attendees, but does not state a specific environmental concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-82-4 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-82-5 See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

I-82-5 The commenter expresses an opinion about the desire for a water taxi service connecting the City of Oakland to the City of Alameda, but the comment does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, nor response is required. The

I-82 Michael Barnes

COMMENT

RESPONSE

- commenter’s observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.
- I-82-6 As discussed in the Draft EIR on p. 4.2-45, the “Project is not expected to require additional ferry or excursion vessel service for ballgames, although some weekend and post-game service could be provided if ferries are available.” As explained in Response to Comment I-82-6, the Project is not expected to require additional ferry service, and the San Francisco Bay Area Water Emergency Transportation Authority (WETA) has determined that the existing terminal will be fully utilized by the planned service expansion contemplated in the Downtown San Francisco Ferry Terminal Expansion Project Draft EIR. As such, no ballgame-specific service is possible during peak commute hours and any potential service to the ballpark is expected to fall within the regional service levels analyzed in WETA’s EIR (URS Corporation, 2013). Thus, the Draft EIR does not evaluate additional ferry service.
- I-82-7 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-83 Mercedes S. Rodriguez

	COMMENT	RESPONSE
	Impact TRANS-3: The Project would generate additional multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. (Criterion 2) (Significant and Unavoidable with Mitigation)	
I-83-1	Implement At-Grade Railroad Crossings Improvements. It is important that pedestrians are protected by adding fencing that will prevent those that are crossing from being injured by trains and other vehicles that will cross over the railroad tracks.  Security personnel should be located at all crossing locations for added protection.  All mitigation measures indicated in Trans 3 should be strictly adhered to.	I-83-1 This comment expresses support for fencing along railroad corridors and other safety features identified mitigation measures in Impact TRANS-3 but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Thus, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.  Draft EIR Mitigation Measure TRANS-1b would implement a Transportation Management Plan (TMP) to manage ballpark events before, during, and after events. A draft TMP is provided in Draft EIR Appendix TRA.1 and Chapter 11 in the draft TMP addresses personnel managing crowd control at key intersections including the at-grade railroad crossings.  See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> .
I-83-2	The Developer should be financially responsible for all mitigation's measures that are necessary as a result of a Ballpark developed at Howard Terminal.	I-83-2 Mitigation Measure TRANS-3a, At-Grade Railroad Crossing Improvements, and Mitigation Measure TRANS-3b, Pedestrian and Bicycle Overcrossing, are both proposed for implementation by the Project sponsor. These measures, however, require approval from another agency, the California Public Utilities Commission, as well as the City and the Port, and thus their implementation is not assured. (See Draft EIR p. 4.15-239.) The question of which entity would bear the financial responsibility for implementation is not a CEQA issue, and is outside the scope of this EIR.

I-83

COMMENT

RESPONSE



I-84 John Jackson

COMMENT

RESPONSE

I-84-1 This comment is in support of this project. It is a transformative and forward-thinking plan that will bring tremendous benefits to both the area and city. Growing up in Oakland, I visited Jack London Square (and the old Jack London Village) many times and it always felt like it was lacking in energy and activity. The residents, workers and visitors that this project will bring to the waterfront will take JLS to the next level, creating a new regional destination that Oakland can be proud of. Plus it keeps our A's in Oakland!

I-84-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-85 Mercedes Rodriguez

COMMENT

RESPONSE

I-85-1

1-B 20: OakDOT should not require residents to pay for RPP's. The A's should pay for RPP's for the term of their lease with the Port.

As a result of RPP it should also be understood that Parking Meters should not be installed in residential areas.

I-85-1

The commenter expresses an opinion about the City of Oakland's Residential Parking Permit Program, stating that residents should not pay for permits and that parking meters should not be installed in residential areas. The comment does not specifically raise an issue regarding the sufficiency of the environmental analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required, that would require a response under CEQA. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-85

COMMENT

RESPONSE



I-86 Mercedes Rodriguez

COMMENT

RESPONSE

I-86-1  
Impact TRANS-1B Ballpark VMT: VMT per attendee generated by the ballpark component of the Project would be more than 15 percent below similar uses, resulting in a less than-significant impact for the ballpark component of the Project. (Criterion 1) (Less than Significant with Mitigation)

I-86-1  
Residents of the impacted areas should not have to pay for RPP.  
The A's should pay for RPP's for those in the impacted area for the term of their lease with the Port.

I-86-1  
As a result of RPP it should also be understood that Parking Meters should not be installed in residential areas.

I-86-1 See Response to Comment I-85-1.

I-86

COMMENT

RESPONSE



I-87 Gabriella Montinola

## COMMENT

## RESPONSE

I-87-1 Regarding the proposed A's ballpark at Howard Terminal (case file number ER18-016), I am writing as a resident at the Ellington Condominiums to comment on the proposed railroad safety measures. It appears that the project would provide pedestrian safety upgrades between Market St and Broadway but similar safety measures at the crossings along Embarcadero at Franklin and Webster are not included. This area already attracts significant pedestrian and bike travel over the crossing. Baseball games will likely increase the density in this traffic. I strongly encourage the City of Oakland to require that the RR crossings at Franklin and Webster, and perhaps even Oak Street benefit from the same safety measures proposed at the crossings between Market and Broadway.

I-87-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-88 Steven Sterman

COMMENT

RESPONSE

I-88-1

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I have personally witnessed people running in front of trains to avoid waiting as well as hopping across stopped train cars during prolonged delays in train traffic. This is obviously quite dangerous if the train suddenly begins to move again. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-88-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-89 Pajes Sterman

COMMENT

RESPONSE

I-89-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-89-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-90 Kimberly Sulsar

COMMENT

RESPONSE

I-90-1 | I am appalled that the city continues to defer to large corps and continue to allow  
small business flounder further deepening the crisis within Oakland. I am OPPOSED  
I-90-2 | to this project that will displace so many small businesses. No to this stadium.

I-90-1 The comment expresses general concern about small business displacement but does not offer specifics about which businesses would be displaced and where. If the concern relates to existing tenants of Howard Terminal, see Consolidated Response 4.5, *Truck Relocation*. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-90-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-91 Ernie Stock

COMMENT

RESPONSE

I-91-1 | As a boat owner in JLS for many years, I am opposed to the proposed stadium at Howard Terminal. A marina is like a small residential neighborhood. Howard Terminal is literally on my doorstep exposing residents to noise, bright lights, crowds, loss of parking and traffic restrictions of ingress and egress to our property.

I-91-2 |

I-91-3 | On the estuary, I can't imagine how container ships, the ferry and other water traffic is going to deal with partying fans in boats (large and small) milling around or trying to anchor around the perimeter of Howard Terminal. It invites chaos on the water and a Coast Guard nightmare.

I-91-4 | The Oakland A's are selling a vision of a waterfront stadium with views of the bay while downplaying the fact that most fans will have a view that is directly opposite the Bay Bridge and the San Francisco skyline as homeplate faces east in accordance with MLB rules. It's a bait and switch.

I-91-5 | The obvious choice is to build a state of the art stadium, hotel, residences, office space, etc at the existing Coliseum site with views of our gorgeous Oakland hills that will satisfy all stakeholders and revitalize East Oakland.

I-91-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-91-2 The existing Howard Terminal is an active Port use generating heavy-duty truck trips transporting shipping containers on a daily basis. Additionally, train noise and maritime activity within the adjacent turning basin contributes to existing noise levels. Existing noise levels in the area of the Marina are indicated in Table 4.11-2 on pp. 4.11-8 and 4.11-9 of the Draft EIR. Noise measurement data were collected at location LT-5 at the terminus of Clay Street adjacent to Port offices and at location LT-1 on Howard Terminal and are representative of the existing noise conditions for this area, including noise that is experienced by live-aboards at the Marina.

As shown in Table 4.11-7 on p. 4.11-18 of the Draft EIR, the City of Oakland considers land uses associated with water recreation to be less noise sensitive than residential uses with a normally acceptable noise exposure level of up to 70 dBA, Ldn, compared to up to 60 dBA, Ldn for residential uses. Also, as shown in Figure 4.11-3 and Table 4.11-18 on Draft EIR pp. 4.11-47 and 4.11-48, baseball game noise levels would not exceed the noise ordinance standard at the closest receptors. Concert noise events (shown in Draft EIR Figure 4.11-4 and Table 4.11-19) could exceed the standard in some locations and Mitigation Measure NOI-2a would reduce the severity of this impact, which would remain significant and unavoidable for up to nine concert events per year. (See Draft EIR p. 4.11-51.)

As explained in the discussion of Impact AES-3, Draft EIR p. 4.1-42, and documented in Draft EIR Tables 4.1-3, 4.1-4, and 4.1-5, pp. 4.1-46, 4.1-48, and 4.1-49, the lighting receptor at Water Street and Clay Street (receptor 1), facing the proposed ballpark and two blocks north of the Jack London Square Marina, would experience the greatest amount of spill light and glare during a night game under Project conditions (both Phase 1 and Buildout). However, as shown in the spill light maps in the Project's Technical Lighting Study, Draft EIR Appendix AES.1, the amount of spill light would be dramatically lower in the marina than at receptor 1—less than one-eighth the amount of light as at receptor 1 throughout nearly the entire marina, and a maximum of about one-seventh the amount of spill light. Glare—the greatest amount of which would be generated by the east-facing digital sign outside the ballpark—

I-91 Ernie Stock

COMMENT

RESPONSE

would also be less in the marina than at receptor 1 because the digital sign would not be oriented directly towards the marina, but rather several degrees to the north. Additionally, glare decreases with distance.

Regarding crowds, noise impacts from crowds entering and leaving the proposed ballpark are addressed on pp. 4.11-57 through 4.11-59 of the Draft EIR. As shown on Table 4.11-23 on p. 4.11-59 of the Draft EIR, noise from crowd egressing the proposed ballpark could increase noise levels along one of the three primary pathways by 5 dBA or more for approximately 30 minutes following approximately 56 evening events per year, including concert events. Mitigation Measure NOI-2b, Egress Notifications, is identified to reduce crowd noise to the extent feasible. However, the Draft EIR identifies the impact with identified mitigation measures to be significant and unavoidable for crowd noise.

Regarding parking, see Consolidated Response 4.7, *Parking*.

Regarding ingress and egress, Mitigation Measure TRANS-4, Construction Management Plan, requires the Project sponsor and general contractor to prepare a plan, for review by the City, to minimize potential construction impacts, including ingress and egress considerations for surrounding properties.

I-91-3 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-91-4 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-91-5 See Consolidated Response 4.22, *General Non-CEQA*. See also Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-92 William Kramer

COMMENT

RESPONSE

I-92-1 | I fully support the Oakland A's ballpark development at Howard Terminal.

I-92-1

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

I-93 Michael Barnes

COMMENT

RESPONSE

I-93-1	<p>This letter is an addendum to the comments I filed on April 14, 2021. My new comments speak to the section entitled 4.5 Energy in the EIS as well as building and housing. I am employed by the largest energy infrastructure company in North America, meaning natural gas and oil pipelines (midstream energy), which also has a \$6 billion portfolio for renewables that includes solar and wind facilities. My company recognizes climate change is real and that we must all help in the energy transition to cleaner and affordable energy.</p>	I-93-1	<p>This is a general comment including introductory remarks and does not address the adequacy or accuracy of the Draft EIR. Thus, no response is required.</p>
I-93-2	<p>I urge the City of Oakland and the Oakland A's Baseball Club to state either in the EIS or in a mission statement elsewhere that one of their main goals is to make this entire development "the greenest projects in MLB", a standard for all professional sports businesses and communities to aspire to. The A's and the City will determine how they define green by the energy that is consumed or produced by the project, using recyclable products where possible throughout the project in terms of seating, food and drink containers, project material construction, and other appropriate measurements.</p>	I-93-2	<p>The City appreciates this suggestion. As listed in Section 3.4, <i>Project Objectives</i>, of Chapter 3 of the Draft EIR, an objective for the Project is to construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited green building design and construction practices, walkability features, and sea level rise adaptability standards. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.</p>
I-93-3	<p>The A's and the City have an opportunity to demonstrate commitment and leadership to a cleaner and greener future for the East Bay and surrounding counties. It fits perfectly with the "kelly green" Oakland A's. Before I suggest some specifics, I would like to again, for the record, say I strongly support the Oakland A's Waterfront Ballpark and its associated projects, including commercial/retail development, residential units, hotel and performance/entertainment venue and open space.</p>	I-93-3	<p>See Consolidated Response 4.22, <i>General Non-CEQA</i>.</p>
I-93-4	<p>I generally support the conclusions in this section acknowledging that there are many ways to mitigate GHG impact from this project and continued operations of the many parts of this project. Based upon my experience and knowledge of the energy industry, I would ask that the City and A's Baseball Club consider making the following additions or changes to the EIS or project papers because the suggestions will improve energy efficiency and overall decarbonization. These items are not listed in order of priority:</p>	I-93-4	<p>Mitigation Measure GHG-1 provides a list of required measures and a menu of additional measures for on-site and off-site GHG reduction measures, as well as a monitoring and reporting program enabling the City to actively manage compliance with the mitigation and ensure that the mitigation would effectively reduce project emissions to the "no net additional" threshold of significance.</p>
I-93-5	<ul style="list-style-type: none"> <li>• Sources of energy for the ballpark, commercial space, residential use, entertainment venue, etc.: To the degree that this is possible, solar roof tops should be used on all buildings to power and store energy; this may not be possible with the ballpark design. Companies such as Sunrun, based in San Francisco, that provide integrated solar panel installation and energy storage solutions (batteries) should be engaged ASAP to incorporate in all green building designs. This would encourage the buildings to be self-sustaining when it comes to energy use in the overall complex.</li> </ul>		<p>Mitigation Measure GHG-1 lists several on-site GHG reduction measures that are to be included in the GHG Reduction Plan as necessary to meet the "no net additional" emissions requirements of AB 734 and Mitigation Measure GHG-1. One on-site measure is to install roof-top solar photovoltaic (PV) panels or other on-site renewable energy on all buildings at the Project site subject to space availability. To address the recommendation by the commenter, the Final EIR includes revisions to Mitigation Measure GHG-1, under item A.2)b.(3)i (On-site measures to reduce operational energy emissions). Refer to Consolidated Response 4.2, <i>Formulation, Effectiveness, and Enforceability of Mitigation Measures</i> and Chapter 7, <i>City-Initiated Updates and Errata in the Draft EIR</i>, for the revised mitigation measure language.</p>
I-93-6	<ul style="list-style-type: none"> <li>• Industrial style battery/storage facilities should be located either on property or nearby to store energy for the development. The project managers should have PG&amp;E and other utilities investigate the industrial storage concept so it can be utilized here. Tesla is currently installing industrial storage units for the Texas grid. The company has another facility in Australia at the Hornsdale Power Reserve.</li> </ul>		
I-93-7	<ul style="list-style-type: none"> <li>• Utilities should be required to provide a certain percentage (to be determined) of energy via renewables to this complex.</li> </ul>		
I-93-8	<ul style="list-style-type: none"> <li>• For backup power generation for the baseball stadium and other facilities diesel-powered generators SHOULD NOT BE USED. Diesel is dirty. Natural gas, which is a bridge fuel to a cleaner energy future, is cleaner than diesel in terms of GHG emissions, widely available, and less expensive. The City and the A's baseball club should require that natural gas be used for backup of all electricity generation for this complex.</li> </ul>		
I-93-9	<ul style="list-style-type: none"> <li>• Regarding electric vehicle chargers planned for the complex, these should be encouraged as society bridges to using cleaner forms of transportation. Connections for hydrogen filling stations</li> </ul>	I-93-5	<p>See Response to Comment I-93-4.</p>
		I-93-6	<p>Mitigation Measure GHG-1 lists several on-site GHG reduction measures that are to be included in the GHG Reduction Plan as necessary to meet the "no net additional" emissions requirements of Mitigation Measure GHG-1. One on-site measure is to convert the existing Peaker Power Plant, owned and</p>

I-93 Michael Barnes

COMMENT

RESPONSE

I-93-9

should also be part of the infrastructure planning since it will likely be a fueling option in the future for cars and trucks.

I-93-10

- No penalties should be assessed for people using traditional gasoline-powered vehicles. While society is encouraging the use of EVs, it should be recognized that these vehicles are not affordable at the present for every citizen and that people will continue to use gasoline-powered vehicles for some time. Until EVs become the main source of local transportation, there should be no penalties placed on drivers of gasoline-powered vehicles. When it comes to parking at the stadium and any other venues at this complex, drivers of gasoline-powered vehicles should enjoy the same access and parking prices that the drivers of EVs will enjoy.

I-93-11

- Regarding the energy used to power shuttle buses that may bring people to and from the baseball stadium, buses should use the cleanest energy that is available. Buses using diesel should be prohibited from moving people to and from the baseball stadium complex. Instead, natural gas-powered and/or electric buses should be used to shuttle people back and forth from games. Natural gas remains cleaner and more affordable than diesel-powered vehicles. The aim for all mobility vehicles is to reduce GHG emissions as much as possible.

I-93-12

- Regarding the project's annual operational natural gas consumption, I am not challenging the forecasted estimates. For perspective, it would be helpful to also have current emission numbers from all of the diesel-powered vehicles that are using the overall site in support of current Port activities. By comparing current annual diesel emissions with projected natural gas emissions from both construction and in-use activities at the new ballpark complex facility, the City will have a more accurate impact of GHG for this area. (This report states there will be additional GHG emissions from the project and its use. While that may be true, compared to current GHG emissions occurring today from diesel-powered trucks and cargo/port machinery, it could be less, the same or more. The two should be measured and compared.) GHG emissions should also be taken at all CURRENT ADJACENT properties for an accurate comparison of real impact.

I-93-13

Air quality monitoring should also be installed.

I-93-14

- The City should not handicap or constrain the builders and users of this project to be all electric and should grant waivers, where it makes sense, to its current "All-electric construction in newly constructed buildings" Like other states, California is trying to become cleaner by moving away from fossil fuels to more renewables. Energy experts predict that the energy transition for this country and North America will be gradual. The quickest and cleanest way to help in that transition is to move away from coal-fired plants to natural-gas fired plants which are cleaner than coal. Natural gas is the bridge to a cleaner, renewable future. The City should not penalize users of natural gas in this project and should be granted waivers so they can use natural gas where it makes sense to complement and underpin renewable energy that may come from solar panels and storage at the project site. (As a footnote, California's electricity rates are the highest in the US. Also, California imports more electricity than any other State. Given this context, it makes sense to support natural gas-fired generation, recognizing that it should be incorporated into buildings, while the State aggressively pushes for the expansion of renewables.)

Best, Michael C. Barnes Michaelcb53@gmail 713-823-3169

operated by the Vistra Power Company, to an onsite battery energy storage system that could store energy for use by the Project.

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

I-93-7

Mitigation Measure GHG-1 provides a list of required measures and a menu of additional measures for on-site and off-site GHG reduction measures, as well as a monitoring and reporting program, enabling the City to actively manage compliance with the mitigation and ensure that the mitigation would effectively reduce project emissions to the "no net additional" threshold of significance.

Mitigation Measure GHG-1 lists several on-site GHG reduction measures that may be included in the GHG Reduction Plan as necessary to meet the "no net additional" emissions requirements of AB 734 and MM GHG-1. One on-site measure is to procure 100 percent zero-carbon electricity through East Bay Community Energy or other renewable energy provider (e.g., green power purchase agreement with electric utility) for all electricity loads, including residential, commercial, and retail buildings.

I-93-8

The Final EIR includes a new requirement that alternatives to diesel power emergency backup generators, such as battery storage or hydrogen fuel cells, must be used whenever possible when technology is available and approved for use by the Fire Department. This requirement is now part of Mitigation Measure AIR-2c. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I-93-9

The Project supports the proliferation of ZEVs by providing plug-in electric vehicle (PEV) chargers at 13 percent of total Project parking spaces and providing "EV-capable" spaces at 29 percent of total Project parking spaces. This is stipulated in Mitigation Measure AIR-2e. Refer to Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures* and Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I-93-10

Mitigation Measure GHG-1 does not include any measure that penalizes drivers of gasoline-powered vehicles. The Project includes the installation of

I-93 Michael Barnes

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plug-in electric vehicle (PEV) chargers at 13 percent of total Project parking spaces, which exceeds the City’s Municipal Code requiring full electric circuit for at least 10 percent of the Project’s total parking spaces.<sup>4</sup> These spaces will be restricted to EVs, per the City’s Municipal Code. However, parking access and prices for drivers of EVs will not differ from those provided for drivers of gasoline-powered vehicles.

I-93-11 The City thanks the commenter for the mitigation measure suggestion and recommendation. The Final EIR requires the Project sponsor to provide a shuttle bus service, and all shuttles must be zero emission. This requirement has been incorporated into Mitigation Measures GHG-1 and AIR-2e. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I-93-12 As discussed in Chapter 3, *Project Description*, Draft EIR pp. 3-61 through 3-62, the existing tenants and users of Howard Terminal are assumed to move to other locations within the Seaport, the City, or the region where their uses are allowed under applicable zoning and other regulations. As further explained on Draft EIR p. 4.7-41, all trucks currently making trips in and out of Howard Terminal will continue to make the same number of trips to and from the Seaport from their new locations. Therefore, GHG emissions associated with diesel truck travel are likely to change, but the magnitude of the change and whether GHGs would increase or decrease is currently not known by either the Project sponsor, the City, or the Port. Therefore, estimating the change in GHG emission increases or decreases would be speculative and was therefore not conducted. See Consolidated Response 4.5, *Truck Relocation*, for additional information.

Criteria pollutant and GHG emissions associated with existing Howard Terminal truck activity are presented in Draft EIR Appendix AIR.1, Table 130. Information used to evaluate health risks associated with this activity is presented in Appendix AIR.1, Table 131, and the results of that analysis are presented in Appendix AIR.1, Table 132.

Regarding GHG emissions being calculated at all current adjacent properties, as noted on Draft EIR p. 4.7-9, the City, in partnership with the International Council for Local Environmental Initiatives (ICLEI), prepared the Baseline Greenhouse Gas Emissions Inventory Report to determine the community-

<sup>4</sup> City of Oakland, 2017. Electric Vehicle Infrastructure Requirements for New Multi-Family and Nonresidential Buildings. <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak063669.pdf>, accessed March 2019.

I-93 Michael Barnes

COMMENT

RESPONSE

- wide levels of GHG emissions that the City emitted in its base year of 2005.<sup>5</sup> Table 4.7-2 in Draft EIR Section 4.7, *Greenhouse Gas Emissions*, provides Oakland’s core emissions inventory as estimated in the baseline year of 2005, and subsequently in 2010, 2013, 2015, and 2017.
- I-93-13 As discussed in Response to Comment A-11-3, installing air quality monitoring systems would not reduce air quality impacts but would simply provide measurement of pollutants in the ambient air. All feasible mitigation measures to reduce potentially significant and significant and unavoidable impacts have been identified in the Draft EIR. In addition, regional air quality monitoring is the responsibility of the Bay Area Air Quality Management District (BAAQMD) and is performed at the air district’s existing air quality monitoring stations. The monitoring station closest to the Project site is the Oakland West station approximately 1.3 miles north of the Project site (see Draft EIR Table 4.2-1, p. 4.2-3).
- I-93-14 Both Mitigation Measures AIR-2e and GHG-1 have been revised to be consistent with the City’s natural gas ban, which went into effect on December 16, 2020 via Ordinance 13632 requiring all newly constructed buildings to be all-electric and prohibiting installation of natural gas or propane plumbing. The revised mitigation measure requires the Project to be fully electric, except for food service uses which can seek a waiver for exemption pursuant to Ordinance 13632. The Final EIR includes the revised text in Consolidated Response 4.2, *Formulation, Effectiveness and Enforceability of Mitigation Measures*, subsection 4.2.6 and in Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*.

<sup>5</sup> City of Oakland, 2018. *2015 Greenhouse Gas Emissions Inventory Report*. Public Works Department, Environmental Services Division. March 2018.

I-94 Jinan Jubayli

COMMENT

RESPONSE

I-94-1

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident, to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I have witnessed on multiple occasions residence children and displace community B close to danger with an approaching team train. The area is highly trafficked and more so by the day, Imposes danger to our community. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-94-1

See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-95 Charles Aldred

COMMENT

RESPONSE

I-95-1

The new ballpark will require the use of thousands of cubic yards of concrete. The essential ingredient in concrete is Portland Cement, which is produced in a high temperature industrial process requiring the combustion of coal. Cement plants are significant sources (greater than petroleum refineries) of CO2 emissions and other air pollutants globally and in California. The City of Oakland publicly supports the reduction of greenhouse gasses and opposes the transportation/storage/use of coal. How does the City justify the air pollution that will be generated by the construction of this stadium? Will these emissions be offset or mitigated?

I-95-1

The commenter is correct that the new ballpark will require the use of concrete and the City of Oakland supports the reduction of greenhouse gasses as described.

However, emissions occurring at cement plants at other locations outside the Bay Area Air Basin or outside of the state are not direct emissions caused by the Project. These are considered “life-cycle” or “embodied emissions.” CEQA does not require evaluating life-cycle emissions associated with construction materials or other activities associated with a project (CEQA Guidelines Section 15064(d)). The life-cycle emissions associated with construction materials are not possible to estimate, given that it is currently not known where materials would come from, who would manufacture them, and what the detailed supply chain process would be. This information would be required to estimate GHG emissions associated with embodied carbon in construction materials. Therefore, estimating these emissions would be speculative and not required by CEQA. See Response to Comment O-45-9 for additional discussion.

In any case, as stated in Draft EIR Chapter 1, *Introduction*, p. 1-6, and Section 4.7 *Greenhouse Gas Emissions*, p. 4.7-22, the Project would be subject to the procedural requirements of AB 734 and as such, the Project would not result in any net additional emissions of greenhouse gases. As shown in Draft EIR Table 4.7-7, on p. 4.7-54, the Project’s total net emissions over its 30-year lifetime are anticipated to be 1,266,567 metric tons carbon dioxide equivalent (MTCO<sub>2e</sub>) (after Mitigation Measures AIR-1c and AIR-2c, and with the 20 percent vehicle trip reduction required by AB 734). Mitigation Measure GHG-1 includes the preparation of a Greenhouse Gas Reduction Plan that requires that the Project sponsor achieve “no net additional” GHG emissions as required by AB 734. With implementation of this measure, emissions would be reduced to less-than-significant levels.

I-96 Zhi Chen

COMMENT

RESPONSE

I-96-1 The Draft Environmental Impact Report (DEIR) for the Oakland A's Waterfront Ballpark District clearly indicates that the Oakland A's Waterfront Ballpark District project will have negative and substantial environmental impacts that cannot be adequately addressed or satisfactorily mitigated. First, there are traffic and transportation issues. The proposed Oakland A's Waterfront Ballpark District stadium is too distant from any suitable mass public transportation systems. The proposed Stadium District at least 1 mile away from the West Oakland BART station, the 12th St City Center BART station, and the Lake Merritt Station. Whereas the current Oakland A's stadium is not even 0.5 mile from the Coliseum BART station. Investments made in existing public transportation infrastructure should continue to be leveraged. Additionally, the proposed Oakland A's Waterfront Ballpark District will limit transportation access and operations at the Howard Terminal Port of Oakland. At least 3,000 trucks, along with ships and trains, service the intermodal and other shipping facilities at the Port of Oakland as part of the California's Green Trade Corridor Marine Highway. The proposed Oakland A's Waterfront Ballpark District will negate the environmental intentions behind the intermodal and other shipping facilities by disrupting and displacing truck, ship, and rail flows. The DEIR states that vulnerable road users resulting from the proposed Stadium District will be exposed to "permanent or substantial transportation hazard" from existing at-grade railroad crossings and that mitigation measures "would reduce the hazard, but not to a less-than-significant level." Furthermore, congestion along regional roadways will be increased as a result of the proposed Stadium District and no mitigation measures have been identified to address increased congestion. Second, the proposed Oakland A's Waterfront Ballpark District puts future and current residents at environmental risk. The DEIR states that the proposed Stadium District will create "winds that exceed 36 miles per hour for more than one hour during daylight hours during the year" but the effectiveness of mitigation measures "cannot be determined with certainty." The proposed Stadium District "would also contribute to a significant cumulative exceedance of the wind hazard criterion when combined with cumulative development in the Project vicinity" and that the effectiveness of mitigation measures "cannot be determined with certainty." Air quality from the operations of the Stadium District will continue to worsen the air quality in the environmental justice area of West Oakland. The proposed Project "result in average daily emissions of criteria pollutants that would exceed the City's thresholds" and "contribute to cumulative regional air quality impacts associated with criteria pollutants." Mitigation measures would either "reduce these emissions, but not to a less-than-significant level" or "not [be able to] avoid this significant impact" for residents of West Oakland who already suffer from poor air quality. Project operations will also generate "5-dBA permanent increase in ambient noise levels in the Project vicinity above levels without the Project, or generate noise in violation of the City of Oakland Noise Ordinance" and mitigation measures "would not reduce the impact to a less-than-significant level" or cannot "avoid this significant impact." Aside from these impacts, the DEIR clearly states of all the project alternatives that the "No Project Alternative would be environmentally superior because it would avoid all of the impacts of the proposed Project." The aforementioned negative and substantial environmental impacts that cannot be adequately addressed or satisfactorily mitigated should be enough to pause the Oakland A's Waterfront Ballpark District until these are resolved.

I-96-1 The comment is correct in that the Project would have negative and substantial environmental impacts, some of which cannot be mitigated to less-than-significant levels. Throughout Chapter 4 the Draft EIR evaluates over 80 project-specific impacts as well as cumulative impacts and identifies over 70 mitigation measures to avoid or reduce the severity or magnitude of significant impacts. Several impacts that cannot be mitigated to less-than-significant levels were identified for the following topics: wind, air quality, cultural resources, and transportation (see Draft EIR Section 2.2.1, p. 2-5).

I-96-2 The commenter expresses an opinion about the Project's distance to mass transportation including BART. The commenter does not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

The commenter correctly states that the three BART stations—West Oakland, Downtown, and Lake Merritt—are all about 1 mile from the Project. Draft EIR p. 4.15-2 states that the three BART stations are within the transportation analysis study area and so considered in the analysis. Draft EIR Figures 4.15-41 through 4.15-46 document the resulting automobile, transit, pedestrian, and bicycle trips generated by the non-ballpark development and by a ballpark event. These Project trips were analyzed to identify the CEQA-related and the non-CEQA related impacts to the transportation system that are presented in the Draft EIR.

I-96-3 The commenter asserts that traffic and/or parking demand generated by the Project would disrupt nearby Port uses and thus cause secondary environmental impacts related to Port planning. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-96-4 This comment refers to the at-grade crossing and mitigation stated in the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-96 Zhi Chen

COMMENT

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I-96-5 The commenter correctly states that traffic congestion on regional roadways will degrade with the Project. This is consistent with the Draft EIR findings; Impacts TRANS-6 and TRANS-6.CU (pp. 4.15-243 and 4.15-248) state that the Project traffic volumes would cause a significant degradation of the regional transportation system. The level of Project impact is documented in the technical memorandum titled *Howard Terminal–CMP and MTS Analysis* (December 1, 2020), which is part of the Draft EIR's Additional Transportation Reference Material. As noted in the Draft EIR, it is not feasible to add additional automobile lanes to the regional transportation network and thus the significant and unavoidable Impact for Impacts TRANS-6 and TRANS-6.CU.

While the impacts to the regional transportation network would be significant and unavoidable, there are several mitigation measures in the Draft EIR that prioritize non-automobile travel, through either programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling. Collectively, these measures, listed below (beginning on Draft EIR p. 4.15-183), would reduce Impacts TRANS-6 and TRANS-6CU, but not to a less-than-significant level.

- Mitigation Measure TRANS-1a includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TDM program.
- Mitigation Measure TRANS-1b includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TMP. A draft TMP is provided in Draft EIR Appendix TRA-1 and includes the nearby transit providers, i.e., AC Transit, BART, Capitol Corridor, and WETA, as key stakeholders in coordinating ballpark events as well as Caltrans, California Highway Patrol, and others.
- Mitigation Measure TRANS-1c (p. 4.15-197) would construct a Transportation Hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
- Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway between Embarcadero West and 11th Street by converting one

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motor vehicle lane in each direction to a bus-only lane. There are existing bus-only lanes north of 11th Street to 20th Street on Broadway.

- Mitigation Measure TRANS-1e would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first- and last-mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.
- Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c would implement bicycle improvements consistent with Oakland's Bike Plan that would connect the Project to Oakland's bike network.
- Mitigation Measures TRANS-3a and TRANS-3b would implement at-grade railroad safety improvements including corridor fencing and at-grade crossing improvements for automobiles, pedestrians, transit, and bicyclists as well as a pedestrian and bicycle bridge over the railroad tracks.

I-96-6

As explained in Response to Comment A-7-21, the identification of wind hazards is based on the wind speed exceeded one hour per year at any given location, and all of the wind speeds presented in the Draft EIR's analysis of project wind impacts are based on this wind hazard speed—the wind speed exceeded one hour per year, or approximately 0.3 percent of the time, based on approximately 3,000 hours of daylight annually.<sup>6</sup> The wind hazard threshold speed is described as “dangerous, with the probability of people being blown over, particularly if they are old or infirm.”<sup>7</sup> The wind hazard speeds reported in the Draft EIR, among all scenarios tested, are a maximum of 49 miles per hour (mph), one hour per year, with an average hazard speed among all test points of up to 33 mph.

For the Phase 1 of the proposed Project (ballpark plus Phase 1 office and commercial development), the maximum wind speed exceeded one hour per year would be 49 mph, and the average speed exceeded one hour per year would be 31.3 mph. There would be 46 locations at which the wind hazard

<sup>6</sup> The 36 mph wind hazard threshold is based on one-minute averaging of measured wind speeds; when converted to a one-hour average, the equivalent wind speed is 26 mph, because when winds are measured over a shorter period of time, there is less likelihood of a higher speed being reached than during a longer time period. A 26 mph hourly average wind speed would generate a 3-second gust of wind at 20 meters per second (the equivalent of approximately 44 mph) (Lawson, T.V. and A.D. Penwarden, “The Effects of Wind on People in the Vicinity of Buildings,” Proceedings of the Fourth International Conference on Wind Effects on Buildings and Structures, London, 1975, Cambridge University Press, Cambridge, U.K., 605–622, 1976).

<sup>7</sup> A.D. Penwarden, “Acceptable Wind Speeds in Towns,” *Building Science* 8, 259–267 (1973).

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criterion would be exceeded, for an aggregate total of 151 hours per year, or about 3.3 hours per exceedance. However, only 13 of these 46 locations would have more than three hours per year of wind hazard exceedance.<sup>8</sup> Three hours per year represents approximately 0.1 percent of the time, based on the same 3,000 hours of annual daylight. That is, these winds would occur very infrequently and would likely be avoidable by most observers. This is because the greatest wind speeds typically occur in connection with storms.

Wind conditions would, in some important ways, improve with Full Buildout of the Project, compared to Phase 1 conditions. Although Full Buildout conditions would result in slight increases in the average speed exceeded one hour per year, to 32.4 mph, and the number of hazard exceedance locations would increase by two, to 48, the aggregate time during which hazardous winds would occur would decline by nearly one-third, to 103 hours per year (about 2.1 hours per exceedance).<sup>9</sup> The number of locations at which the wind hazard criterion would be exceeded by more than 3 hours per year (0.1 percent of the time) would drop from 13 with Phase 1 to just six. That is, at Full Buildout, winds exceeding the pedestrian hazard criterion would be even less common than with Phase 1 development. This is an expected result because, as additional construction were to occur at upwind locations, downwind locations would be more sheltered and would generally be subject to winds of somewhat lesser intensity.

Nevertheless, based on the criteria set forth above, hazard wind speeds with implementation of the Project would result in a significant impact even with mitigation, because, as stated on Draft EIR p. 4.1-70, "Since it cannot be stated with certainty that no such localized wind hazard exceedances would result, the impact could be significant with development of Phase 1, with buildout, and/or during the interim period, even with mitigation."

As explained in Response to Comment O-29-74, it would be neither feasible nor meaningful to apply mitigation in the form of design changes at this time because there are no actual building designs that can be altered to reduce pedestrian winds. Draft EIR Mitigation Measure AES-1, Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height, Draft EIR p. 4.1-69, would require that each individual building undergo wind tunnel testing based on the actual detailed building design (as opposed to the more conservative

<sup>8</sup> The greatest duration of hazard criterion exceedance in the Phase 1 scenario would be 14 hours (0.5 percent of the time), at two locations, and 10 hours at a third.

<sup>9</sup> The greatest duration of hazard criterion exceedance at Full Buildout would be 12 hours (0.4 percent of the time), at one location, with no other locations exceeding the criterion for 10 hours or more.

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test done for the Draft EIR that, as noted, was based only on simple rectilinear massing models). Moreover, as stated in Mitigation Measure AES-1, each building would be tested under the existing conditions that exist at the time the building comes forward for approval, as well as under Project buildout conditions, as they may be modified from time to time based on ongoing Project design and development. Together, the use of detailed building plans and a setting condition that is always current would ensure the greatest accuracy in the results for each succeeding wind test and thereby allow consideration of appropriate building design features that could reduce pedestrian-level winds, if necessary.

Although it cannot be stated definitively that no hazardous winds would occur under either Phase 1 or Full Buildout, the relatively large number of wind hazard exceedances that occur no more than three hours per year makes it likely that many such reported hazard exceedances could be reduced, or even eliminated, through careful building design and imposition of design modifications that could result from implementation of Mitigation Measure AES-1.

I-96-7

The commenter's concern regarding the Project's significant and unavoidable impacts to air quality in the West Oakland area, an area that already experiences poor air quality, is noted. As the commenter notes, the Draft EIR does find significant and unavoidable air quality impacts for Impacts AIR-1, AIR-2, AIR-1.CU, and AIR-2.CU. These impacts are mitigated to the maximum extent feasible as required by CEQA through a number of air quality mitigation measures, including Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR 4b, AIR-2b, AIR-1.CU, and AIR-2.CU. These impacts would also be mitigated through transportation measures including Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits.

As part of the Final EIR, a number of mitigation measures have been revised and/or strengthened. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

While the addition of these measures would not reduce the Project's criteria air pollutant emissions to less-than-significant levels, the measures include implementing all of the most advanced and feasible on-site mitigation that is currently available. CEQA does not require a less-than-significant finding; it

I-96 Zhi Chen

COMMENT

RESPONSE

requires that a project's environmental impacts be fully disclosed based on substantial evidence, that any potentially significant impacts be mitigated, and that any significant and unavoidable impacts be reduced by implementing all feasible mitigation. The Draft EIR satisfies these requirements in Section 4.2, *Air Quality*.

For additional discussion of environmental justice issues, see Consolidated Response 4.14, *Environmental Justice*.

I-96-8 Operational noise impacts from baseball events and concerts are assessed on pp. 4.11-45 through 4.11-51 of the Draft EIR. With respect to expected noise levels from baseball events, Table 4.11-18 on p. 4.11-47 of the Draft EIR shows that noise levels from baseball events are expected to be 49.9 dBA or less at the nearest receptors and that this noise level would not exceed the City's noise ordinance standard and the impact of baseball events would be less than significant for both daytime and nighttime hours.

With respect to expected noise levels from concert events, Table 4.11-19 on p. 4.11-48 of the Draft EIR shows that noise levels from concert events are expected to be 49.4 dBA for receptors in Oakland and 61.8 dBA at receptors along the Alameda waterfront (Cardinal Point Retirement Home) and that this noise level would exceed the Alameda's noise ordinance standard and the impact of concert events would be significant for both daytime and nighttime hours. Mitigation Measure NOI-2a, Sound Control Plan for Concert Events, is identified on pp. 4.11-50 and 4.11-51 of the Draft EIR to reduce the severity of this impact to the degree feasible. However, the Draft EIR found that even with implementation of feasible mitigation, the impact from concert events to receptors in the City of Alameda would be significant and unavoidable.

I-96-9 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-96-10 In accordance with State CEQA Guidelines Section 15091 (Findings) and 15093 (Statement of Overriding Considerations), the decision makers who consider whether to approve the proposed Project will have to incorporate changes into the Project to mitigate significant impacts or make a finding that doing so is infeasible for specific reasons. If significant impacts cannot be mitigated, they must be weighed against the Project benefits.

I-97 Mercedes Rodriguez

COMMENT

RESPONSE

I-97-1 I have attached my letter of concern about the DEIR. I have been working with the A's for over three years. I have invited them to attend many community meetings so that people can understand what the impact will be for a Ballpark at Howard Terminal. I would prefer for the Ballpark to stay at the Coliseum site because  
I-97-2 Howard Terminal is not a good option due to the impact of traffic, parking, trucks, railroad crossing, noise etc . Thanks for your consideration.

I-97-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.  
I-97-2 The comment primarily concerns the merits of the Proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the Proposed Project.

I-97

COMMENT

RESPONSE

- I-97-3 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here.
- I-97-4 See Consolidated Response 4.5, *Truck Relocation*.
- I-97-5 See Consolidated Response 4.7, *Parking*.

April 17, 2021

Peterson Vollmann, Planner IV  
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**RE: Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal**

To the City Planner:

I-97-3

My name is [insert name] and I live in West Oakland. As a resident of West Oakland I am concerned that the impacts of the A's proposed project on the West Oakland community have not been addressed in the Draft Environmental Impact Report. Having reviewed the Draft Environmental Impact Report for this project, I believe there are gaps in the report's conclusions related to traffic, housing and gentrification, and hazards which understate the costs of these impacts on my community.

I-97-4

West Oakland community members like myself fought for years to get truck traffic off our neighborhood streets. This problem was remedied when the City designated Howard Terminal as the staging and waiting area for trucks coming and going from the Port. Removing Howard Terminal from this critical use will force thousands of large trucks back onto West Oakland streets as they wait for shipments and drop-off times, undoing years of work to improve health and safety in West Oakland.

I-97-5

The DEIR acknowledges that Howard Terminal is currently being used by truckers but concludes that these trucks are "assumed to move to other locations" when Howard Terminal is converted to luxury condos. "Assumed to move" is not an analysis of the impact of where these trucks will go, which will be back onto residential West Oakland streets. The DEIR therefore does not do an analysis of the gridlock and pollution likely to come from cargo trucks diverted into neighborhood streets due to the development.

Similarly, the DEIR incorrectly concludes that it is sufficient for the A's development to allocate only 2,000 parking spots to the approximately 10,000 game day visitors the A's are expecting to arrive by car. The report provides no mitigation measures on the part of the A's to deal with the additional 5,000+ visitors they aren't planning to provide parking for, just conceptual ideas for bus lines, parking meters, and the use of existing parking lots that do not supply the additional 5,000+ parking spaces needed. The report does not truly assess the impact that having thousands of cars trying to park as close to the stadium as possible will have on nearby neighborhood streets and homes because the A's have not provided sufficient parking.

I-97

COMMENT

RESPONSE

I-97-6

The DEIR also unrealistically concludes that most visitors will arrive through other means, like walking a mile from the nearest BART station, and therefore does not consider the impact of the extensive congestion we will inevitably see on game days as tens of thousands of fans cut through residential streets to attend games. If only 25% of attendees to games at the Coliseum use BART, which has a stop at the doorstep of the venue, it is illogical to conclude that even more game-day attendees will take BART when the closest station is a mile away. Until the project outlines a concerted traffic plan to deal with these tens of thousands of cars and the report analyzes the impact and feasibility of this plan, the DEIR will remain insufficient.

It is also concerning to me that the DEIR concludes that the introduction of 3,000 new luxury residential units to the area will help address our housing crisis instead of correctly assessing the impact that this type of housing will have on the surrounding community. The report makes a conscious choice not to evaluate the likelihood of gentrification and displacement because it deems it "speculative," which is not true. You only have to look at other stadium and luxury housing projects across the country to see that introducing homes and businesses geared towards the wealthy into low-income communities causes considerable displacement of the existing residents.

I-97-7

The DEIR concludes that the project will contribute to meeting our region's housing needs but does so with no analysis of the type of housing that will actually be built at the site and whether this housing meets local needs. The majority of housing built at this site will be luxury condos and will likely be far out of reach financially for most renters or potential home buyers in Oakland, especially for residents of the mostly low-income communities directly adjacent to the project. As a result, this expensive housing will not, in fact, help meet our local region's housing needs. Instead, it will gentrify our neighborhoods and force long-time residents out.

The DEIR's analysis of the housing impacts of this project is insufficient as long as it ignores the actual impact the type of housing built will have on the surrounding community, which will only serve to gentrify West Oakland and displace low-income Black and Latino residents.

I am also seriously concerned about the DEIR's conclusions about toxic cleanup of the Howard Terminal site. Currently, there is a physical cap over toxic substances in the soils at Howard Terminal. Excavation and construction will disturb these toxins and potentially spread them into the water and air, with the worst impacts threatening surrounding neighborhoods in West Oakland.

I-97-8

The DEIR finds that the project will result in significant and unavoidable environmental and health impacts, including pollutant emissions that exceed the City's thresholds for cumulative health risk impacts on sensitive receptors, but does not provide or analyze the A's actual work plan for cleaning it up. Mitigation related to the disruption of the toxic substances was left to "future studies" and a future plan for how the toxic soil will be remedied. Without completing these studies and defining their plan for full site cleanup first, it is impossible for the EIR to fully analyze the impact of removing the cap over these toxins and exposing them to the air and nearby water.

I-97-6

The commenter expresses an opinion, asserting that the Project does not have a traffic plan to deal with the tens of thousands of cars and the Draft EIR is insufficient until it analyzes the impact and feasibility of the traffic plan. There are several mitigation measures in the Draft EIR (beginning on p. 4.15-183) that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

- Mitigation Measure TRANS-1a includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TDM program.
- Mitigation Measure TRANS-1b includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TMP. A draft TMP is provided in Appendix TRA-1 and includes the nearby transit providers, AC Transit, BART, Capitol Corridor, and WETA, as key stakeholders in coordinating ballpark events.
- Mitigation Measure TRANS-1c would construct a Transportation Hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project, with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
- Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing bus-only lanes north of 11th Street to 20th Street on Broadway.
- Mitigation Measure TRANS-1e would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first- and last-mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.
- Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c would implement bicycle improvements consistent with Oakland's Bike Plan that would connect the Project to Oakland's bike network.

I-97

COMMENT

RESPONSE

- Mitigation Measures TRANS-3a and TRANS-3b would implement railroad crossing improvements including fencing and at-grade crossing improvements to enhance safety for automobile drivers, pedestrians, and bicyclists crossing the tracks as well as a grade-separated pedestrian and bicycle bridge.

Collectively, these mitigation measures represent the transportation plan to support the ballpark events. A draft Transportation Management Plan (TMP) is provided in Draft EIR Appendix TRA.1, which incorporates all of the above mentioned mitigation measures. The TMP includes elements on: ballpark travel management strategies; transit; pedestrian; bicycle; personal automobiles and parking management; ride-sourcing and taxis; at-grade rail crossings; pre- and post-event management; curb management; freight; emergency vehicles; communication; and monitoring, refinement, and performance.

The TMP outlines improvements and operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event, while minimizing disruption to existing land uses and communities. The TMP considers the travel characteristics of ballpark attendees, workers, and all other visitors to the ballpark site. Its primary goal is to ensure safe and efficient access for all people traveling to and from the site, with a focus on promoting pedestrian, bicycle, and transit access, thereby reducing vehicular impacts to the site and surrounding neighborhoods, including the Port of Oakland.

The Parking Management Plan (PMP) in the TMP is a key component to minimize automobile congestion from the Project. A draft PMP is provided in the Draft EIR's Additional Transportation Reference Materials (*Toward a High-Performance Parking Management System for a Thriving Oakland: A Plan*).<sup>10</sup> The PMP would implement an advanced parking reservation system that ballpark attendees would use to reserve a parking space prior to an event. In this way, attendees would drive directly to their reserved space rather than driving and circulating in neighborhoods looking for an available space. In addition, residential parking permits would be provided to protect residential neighborhoods and on-street parking would be metered with the ability for the City to control parking meter duration to manage the number of ballpark attendees that park on-street.

<sup>10</sup> Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

I-97

COMMENT

RESPONSE

Draft EIR p. 4.15-80 notes that the Project would provide at buildout 2,000 parking spaces (3,500 spaces at opening day) for the ballpark, compared to 9,100 parking spaces at the Coliseum. With substantially less parking for the Project's ballpark, attendees will be more likely to use one of the three BART stations, each located within about 1 mile of the Project, compared to the Coliseum where parking is plentiful. Providing less parking for the ballpark at the Project is intentional to disperse automobile traffic to the many underutilized parking garages within 1 to 1.5 miles of the Project. This approach minimizes traffic congestion by dispersing it throughout Downtown Oakland rather than concentrating traffic at a single location like the Coliseum site.

While not evaluated for CEQA, the Draft EIR included a detailed intersection operations analysis of the Project (Draft EIR Appendix TRAF.3). The analysis included buildout of the Project plus ballpark events and incorporated the mitigation measures above, including the draft TMP, as well as the off-site transportation improvements described in the Draft EIR (pp. 4.15-94 through 4.15-136). The analysis showed that a ballpark event could be successfully managed with intersection operations in the area generally at Level of Service (LOS) D or better.

I-97-7 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-97-8 This comment expresses concerns about three topics, each of which is addressed below.

**Disturbance of Cap**

As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure

I-97

COMMENT

RESPONSE

protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining the cap over the Project site.

**Significant and Unavoidable Environmental and Health Impacts**

None of the impacts analyzed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, would be significant and unavoidable. The impacts would be either less than significant or less than significant with mitigation.

**Does Not Provide Actual Work Plan, Leaving Mitigation for Future Plans**

As explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment* and in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by DTSC and the City of Oakland building official. Grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses would not be issued until DTSC and the building official have approved the various actions required by the mitigation measures.

I-97

COMMENT

RESPONSE

I-97-9

This comment is predicated on other comments in this submittal; please see Responses I-97-4 through I-97-8. The City has prepared the EIR in accordance with CEQA requirements with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project.

This is a major gap in the report. The fact that a plan for toxic cleanup would be approved after the EIR is certified renders the entire EIR useless.

The health, safety, homes, and livelihoods of West Oakland residents are at stake. The City has an obligation to take seriously and fully analyze the project's impacts on traffic, gentrification and displacement, and the health of our neighborhood. There are numerous gaps in these areas in the DEIR, allowing traffic impacts, displacement, and toxic health hazard issues to go unmitigated.

Please address these serious gaps in the DEIR's analysis before this project is allowed to move forward.

Thank you,

**Mercedes S. Rodriguez**

HT/CBA Transportation Steering Committee  
Block Captain, BayPorte Village Neighborhood Watch  
Neighborhood Watch Steering Committee Board Member, Area 1  
(510) 444-0803  
[MercedesMSR@att.net](mailto:MercedesMSR@att.net)



I-97-9

I-98 Ted Choper

COMMENT

RESPONSE

I-98-1 Hello,  
I'm writing to express my support for updated railway safety at intersections not just to Broadway, but also to Franklin, Webster, and Oak Streets. One of my primary motivations is to allow my neighborhood to be eligible to be a Train Quiet Zone. Train horn noise, especially in the middle of the night, is an enormous source of concern for residents in the area (we are often awoken in the middle of the night by particularly loud and long-lasting horns.

I-98-2 I hope that you will add my voice to the many who are similarly complaining. Many thanks for your attention to this.

Kind regards,  
  
Ted Choper  
Tower Lofts

I-98-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-98-2 See Consolidated Response 4.11, *Quiet Zone*.

I-99 Myra Redman

COMMENT

RESPONSE

I-99-1 The proposed A's ballpark at Howard Terminal will include improved safety measures between Market Street and Broadway, but not between Broadway and Oak Street  
A safe crossing on Oak, just down from the Lake Merritt Bart is also needed. Walking distance from the proposed stadium.

I-99-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-100 Brittany Onyimba

COMMENT

RESPONSE

I-100-1 I write to express my full support for extending the safety measures proposed for the 5 rail crossings to Franklin, Oakland and Webster Streets. As a resident who lives at the intersection of Webster Street and 2nd Street, I have seen, first hand, how much of a nuisance the train noise has been to everyday life in Jack London. I have high blood pressure and am frequently startled by the unnecessary loud train noise, both inside and outdoors. It makes it difficult to concentrate, think or truly enjoy my home and the neighborhood.

I-100-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-100-2 As a home owner in Jack London, I often think about how the train noise made us consider selling our home one month after buying it, because it felt impossible to deal with --- instead, we have spent thousands of dollars adding sound proof glass to our windows, which has made the sound minimally bearable. As a millennial and working professional in tech, I think about all of my friends who are deterred from buying in the area simply because of the train noise, even though it fits all of their other needs.

I-100-2 See Consolidated Response 4.11, *Quiet Zone*.

I-100-3 The train noise significantly brings down the quality of life in Jack London for residents, patrons of local businesses and even passerbys. Jack London has so much potential and is primed to be a true epicenter of Oakland culture and spirit. It's important that we protect the entire vibrant community of Jack London and as a collective, work to make it a safe and enjoyable destination of Oakland

I-100-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-101 Marcus Taylor

COMMENT

RESPONSE

I-101-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-101-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-102 Ansumana Hull

## COMMENT

## RESPONSE

I-102-1

I just moved to 311 2nd street and could not believe how few safety measures were put in place to protect pedestrians and cars from train traffic at Jack London Square. As Bars and restaurants have reopened I am very concerned that with additional traffic via the A's stadium that there will be many dangerous scenarios with drunk fans and rush of fatalities. I strongly urge for the consideration of 3 more crossings at Franklin, Webster, and Oak Streets to become part of the safety measures and quiet zone. Celebrating A's, bar hopping and lack of safety barriers are recipe for disaster. Please consider how this can protect visitors new to the area and ensure their safe returns to Bart, their cars and homes.

I-102-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-103 Kristine Kern

COMMENT

RESPONSE

I-103-1 As a resident of this area I am in support of securing the quiet zone for the Webster, Franklin and oak intersections. This would greatly improve neighborhood quality of life.

I-103-2  
Sincerely,  
Kristine Kern

I-103-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*. See also Consolidated Response 4.11, *Quiet Zone*.

I-103-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-104 Michael Leibfried

COMMENT

RESPONSE

I-104-1 We are really looking forward to welcoming the stadium. It will be a great location for the A's and help to revitalize the surrounding area. The train quiet zone and enhanced public safety will be imperative to a great and safe experience at the A's games. However the quiet zone should be extended all the way to include all rail crossings from Howard Terminal to Oak street. Parking and traffic patterns will be it imperative to continue the quiet zone throughout Jack London Square including the Amtrak stations. Local businesses and restaurants will be attracting fans to eat and drink in addition to additional parking that exists all the way to Oak street. Without encompassing these additional crossings, public safety will be at risk, particularly in light of alcohol consumption before, during, and after games. I would highly suggest working with the community and residents to ensure a fully safe A's and Jack London Square experience with this project. Thanks.

I-104-2

I-104-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-104-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*. See Consolidated Response 4.11, *Quiet Zone*.

I-105 Thomas Galt

COMMENT

RESPONSE

I-105-1 I, along with many of my building neighbors, are extremely excited about the planned A's Stadium at Howard Terminal and the huge potential for community growth and employment opportunities that it offers.  
We're also extremely hopeful that the Train Quiet Zone initiative will become a reality, including the area extending south to Oak Street.

I-105-2 Currently, the frequent train horns are ear-shatteringly loud and are truly detrimental to the entire Jack London region, negatively affecting quality of life, visitor experience, and commerce.

I-105-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-105-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-106 Glen Helfand

COMMENT

RESPONSE

I-106-1

I've been a resident of the Jack London neighborhood for almost eight years. It's been a wonderful place to be, though its deepening sense of infrastructure has been slow going. The prospect of the A's stadium at Howard Terminal is truly exciting in the way it can activate the neighborhood and deepen the sense of culture by creating more thriving businesses (including a real grocery store!), safer railroad crossings and a bit more quiet. I very much support this project!

I-106-1

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

I-107 Nicole Yu

COMMENT

RESPONSE

I-107-1 Hello, would love if the safety measures that are proposed for the 5 rail crossings between Market Street and Broadway to include 3 more crossings at Franklin, Webster, and Oak Streets.

I-107-2 This would improve quality of life and reduce noise pollution for residents, businesses, and those who visit JLS, while maintaining safety.

I-107-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-107-2 See Consolidated Response 4.11, *Quiet Zone*.

I-108 Chandan Kaur

COMMENT

RESPONSE

I-108-1

The proposed 5 rail crossings @ Market Street and Broadway and @ Franklin, Webster, and Oak Street intersections will greatly help secure the safety of the Jack London pedestrian community. With increasing foot traffic in this area, it is of utmost criticality that these measures be taken.

I-108-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-109 Jef Connor

COMMENT

RESPONSE

I-109-1 | The train noise through JLS makes life very difficult. With the caveat the we understand the necessity of public safety - it has always seemed unnecessary, excessive and, sometimes, even ridiculous. Knowing that there are solutions, we ask that efforts be made to decrease need for and the excessive use of the horns.  
|  
| Thanks...Jef Connor

I-109-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-110 Laura Connor

COMMENT

RESPONSE

I-110-1 Please do everything possible to eliminate the excessive unrelenting train air horn noise through Jack London Square. It is a highly residential area and the noise goes on through the night and is especially disturbing in the early morning hours of 3, 4, 5 a. m. . THE TRAIN NOISE IS AN UNHEALTHY PUBLIC DISTURBANCE FOR FAMILIES TRYING TO HAVE A NORMAL LIFE IN THE AREA. PLEASE IMPLEMENT THE SAFETY MEASURES THAT ARE PROPOSED FOR THE RAIL CROSSINGS BETWEEN MARKET AND OAK ST!

I-110-1 See Consolidated Response 4.11, *Quiet Zone*.

I-110-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-111 Matthew Vieyra

COMMENT

RESPONSE

I-111-1 I live in Oakland near the proposed stadium and I wanted to write my support for the project. It'll bring much needed economic activity to the region including jobs and housing that are sorely needed as we recover from the COVID pandemic

I-111-2 I am also writing about securing the train tracks and extending the safety measures to include Franklin, Webster, and Oak Streets. I live right next to the tracks and the trains constantly blare their horns increasing the level of noise pollution in the area.

I-111-3 By extending the safety measures to these additional streets will make it easier to

I-111-4 recommend the Jack London Square area as a place to both shop and live.

I-111-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-111-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-111-3 See Consolidated Response 4.11, *Quiet Zone*.

I-111-4 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-112 Janny Bae

COMMENT

RESPONSE

I-112-1 Writing in support for the new stadium and extending to secure the 3 remaining intersections at Franklin, Webster and Oak. This is in support for the well-being of  
I-112-2 the residents of the area and the right to live in a quiet zone that doesn't impinge on the ability to sleep and live in the residence in the neighborhood.

I-112-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-112-2 See Consolidated Response 4.11, *Quiet Zone*.

I-113 Spencer Applegate

COMMENT

RESPONSE

I-113-1

I'd like to express the importance of extending the safety measures that are proposed for the 5 rail crossings between Market Street and Broadway to include 3 more crossings at Franklin, Webster, and Oak Streets in Jack London Square. An extension of these measures will be important to the safety of Jack London Square as a whole and not preclude any areas in favor of others.

Thank you,  
Spencer Applegate

I-113-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-114 Elizabeth O'Hara

COMMENT

RESPONSE

I-114-1 Please extend the Train Quiet Zone to include the intersections of Franklin, Webster and Oak. There are many new condo and apartment homes in that area of Oakland.

I-114-2 Since many of us work from home, the train whistles are increasingly disturbing, especially in the warmer weather when our windows are open.

I-114-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-114-2 See Consolidated Response 4.11, *Quiet Zone*.

I-115 Neal Miller

COMMENT

RESPONSE

I-115-1 | Could not be more excited about the possibility of Quiet Zones in Jack London  
I-115-2 | Square and the safety that the project could bring. This may well make the  
I-115-2 | difference in how Oakland and this neighborhood grows and expands to meet the  
I-115-2 | promise of the last 20 years. Please support these positive changes - and thanks for  
I-115-2 | your consideration.

I-115-1 | See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.  
I-115-2 | This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-116 Alex Maciel

COMMENT

RESPONSE

I-116-1 As a resident of Jack London Square I can, with 100% certainty, say that the loudness of the train horn is unlike anything I've experienced. Not only does it wake me up every night, but even when I am a few blocks away I can't have a conversation while it's passing through.

I-116-2 With friends and neighbors, it seems like it's all we can talk about because of how disturbing. I also wouldn't be surprised if it's negatively affecting some of the wildlife around here (being on the water).

I-116-1 See Consolidated Response 4.11, *Quiet Zone*.

I-116-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. See Draft EIR pp. 4.3-1 through 4.3-72 for a thorough analysis and findings of significance for potential impacts on terrestrial and marine biological resources from Project construction and operations.

I-117 Niranjan Krishnamurthi

COMMENT

RESPONSE

I-117-1	I purchased a place in Jack London Square at the height of the pandemic as we needed more space to work from home. It was a conscious decision to purchase in Jack London - we wanted to be close to public transport, close to downtown Oakland and didn't want to displace families rooted in Oakland. Our building, the Bond, serves all of these needs.	I-117-1	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
I-117-2	Thinking forward, I fully support the building of the stadium at Howard terminal. I believe this stadium will offer downtown Oakland a great economic boost and will also bring other businesses in to town.	I-117-2	See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> .
I-117-3	Of concern is the active train tracks going through the heart of Jack London. While there is a proposal for a train quiet zone across 5 crossings between Market and Broadway - it confuses and saddens me that the 3 other crossings at Franklin, Webster and Oak streets were not considered for the quiet zone. I believe it is necessary to include these additional 3 crossings in the quiet zone plan too because:	I-117-3	See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> , and Consolidated Response 4.11, <i>Quiet Zone</i> .
I-117-4	- the quiet zone brings with it safety measures. Yet game attendees arriving on Amtrak or from Lake Merritt Bart or driving from the south may need to go across the 3 crossings not included in the plan	I-117-4	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
I-117-5	- Extending the quiet zone will bring a better quality of life for us living by these 3 crossings. With Work from Home being the new norm for a lot of us, the trains passing through the tracks on a frequent basis can be very disruptive and impacts our quality of life.	I-117-5	See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> .
I-117-3	- Extending the quiet zone will ensure that the loud freight trains don't disrupt games. If you live in Oakland, you've heard these trains. They are much louder than the regular Amtrak trains and can be very disruptive when passing by, even when not directly in front of you.		
I-117-4	We love where we live.. and would love to think about living here long term and contributing to the local economy. Please include us in your plans to make the area		
I-117-5	better and please include our 3 stops at Franklin, Oak and Webster part of the quiet zone plan.		

I-118 Richard Abisla

	COMMENT	RESPONSE
I-118-1	I love living in Jack London Square, and am excited that the new stadium is coming to the neighborhood. The A's seem like they will be good neighbors and that they are making good improvements to the neighborhood, in particular the improvements that will make the constant train traffic more safe. The trains now barrel down Embarcadero at high speed, thinking that leaning on their horns at 110 decibels makes the neighborhood safer. It does not.	I-118-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
I-118-2	We need physical improvements so that the area is safer and these improvements need to extend all the way to Oak Street. Obviously people will take Bart and walk from Lake Merrit Bart station to the new stadium, and obviously people will take Amtrak and park at the Amtrak parking lot and need to walk to the new station. The improvements do not include these areas, and they must. The whole neighborhood must be made safer from train traffic. An ancillary, but critical element, is the Train Quiet Zone, which will help elevate the quality of life of this area and all of the surrounding area. The physical improvements must be extended to Oak Street in order to improve safety and make the option of a Train Quiet Zone a reality.	I-118-2 This comment a general comment that includes introductory remarks and serves to introduce more specific comments which are responded to in detail below. As a result, no specific response is provided here. ). See Response to Comment I-118-4.
I-118-3		I-118-3 See Consolidated Response 4.11, <i>Quiet Zone</i> .
I-118-4		I-118-4 See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> .
I-118-5		I-118-5 See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> , and Consolidated Response 4.11, <i>Quiet Zone</i> .
I-118-6		I-118-6 See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> .

I-119 Vy Ngo

COMMENT

RESPONSE

I-119-2 | I support the new stadium as well the 3 railway crossings at Webster, Franklin and  
Oak.

I-119-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-119-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-120 Dhruv Gupta

COMMENT

RESPONSE

I-120-1 I'd like to comment on extending the safety measures that are proposed for the 5 rail crossings between Market Street and Broadway to include 3 more crossings at Franklin, Webster, and Oak Streets. Jack London square is one on the busiest areas as well as the most popular areas in the neighborhood. It is also next to the Amtrack station. Unclear why we would spend all this money and leave out the 3 crossings - there is no rationale to it. Get it done, get the entire Oak street covered, so residents can be safe and free from noise pollution caused by the trains. Sounds like a win  
I-120-2 win.

I-120-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-120-2 See Consolidated Response 4.11, *Quiet Zone*.

I-121 Diya Das

COMMENT

RESPONSE

I write as a resident in Jack London Square to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. The project appears to include pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets.

I-121-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-121-1

Due to the high density of entertainment venues, restaurants, and parking areas in this neighborhood, there will be significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Streets benefit from the same safety measures proposed at the adjacent crossings. Thank you for your consideration.

I-122 Xueyan Mou

COMMENT

RESPONSE

I-122-1 As a resident of the BOND building, I'd like to express that it's really important that we can extend the safety measures that are proposed for the 5 rail crossings between Market Street and Broadway to include 3 more crossings at Franklin, Webster, and Oak Streets. We are very excited about the A's stadium is finally coming to light soon and we'd love to take this opportunity to express that if we can include the 3 more crossings in the train quiet zone, it will greatly improve our quality of life, boost the the prosperity of the community and make the neighborhood much much more attractive to new residents and visitors. I sincerely urge that we can make this happen and highly appreciate it!!!

- I-122-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.
- I-122-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
- I-122-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.
- I-122-4 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-123 James Rey

COMMENT

RESPONSE

I-123-1 | Stop the noise pollution in and around JLS. People come to visit but don't return once they get blasted by the train whistle. ..

I-123-1 See Consolidated Response 4.11, *Quiet Zone*.

I-124 Andrew Ryno

COMMENT

RESPONSE

I-124-1 | I live in the Jack London Square neighborhood and wholly support the construction of the new stadium at Howard Terminal. It is a huge win for the city of Oakland to retain the A's as well as keeping their home so close to downtown Oakland.

I-124-2 | In addition to the safety improvements to train crossings and implementation of a quiet zone, I support extending the improvements to include intersections between Broadway and Oak streets to cover the entirety of the Jack London Square neighborhood. Webster is an incredibly popular crossing point for pedestrians to cross into JLS and could benefit from better and safer crossings.

- Andrew Ryno

I-124-1 | This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-124-2 | See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-125 Jordan Hague

COMMENT

RESPONSE

I-125-1 The establishment of a train quiet zone in Jack London Square would really enhance commercial opportunities in the neighborhood and allow this area to realize its full potential as a Bay Area residential community.

I-125-1 See Consolidated Response 4.11, *Quiet Zone*.

I-125-2 See Consolidated Response 4.11, *Quiet Zone*.

I-125-2 We understand the importance of train safety, but the excessive use of the train horns through this area is a severe disruption. How is this area supposed to attract families for all ages when its impossible to sleep through the night without being awoken by train horns?

I-126 Lee Butterman

COMMENT

RESPONSE

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations.

I-126-1

Water Street, one street south, is essentially car-free, and if a quiet zone takes improving the car-filled Embarcadero into a pedestrian mall, with occasional cross streets, this would be a net benefit, especially during times of increased danger of respiratory plague.

I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

Thank you for your time.

I-126-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-127 JoAnna Bradley

COMMENT

RESPONSE

It is not essential to develop that portion of the waterfront. There is no need to re-create the San Francisco Giants experience. If I want a harbor baseball experience I can go to San Francisco. The current ballpark provides a different experience. It is where our families go to spend time together. It is where a family can go and enjoy a live event. It supplies jobs as well as trickle down free-lance companies to thrive in Oakland. It must stay put.

I-127-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-127-1

I'm fortunate. I can always afford to go see The Giants. Normally, that is something I do with my pals. If I want to do something with family we go see the A's. What would happen to it? The families living in the neighborhood need it to stay there. The free-lancers need it to stay there. Those employed by the venue need it to stay there.

JoAnna Bradley  
94610

I-128 Emily Galt

COMMENT

RESPONSE

I-128-1 I am in support of the A's Stadium at Howard Terminal as I believe it will usher in a needed revitalization of the area. However, as a Jack London Square resident I strongly feel that it is imperative that the safety measures that are proposed for the 5 rail crossings between Market Street and Broadway be extended to include 3 more crossings at Franklin, Webster, and Oak Streets. These crossings are directly adjacent to Jack London Square and are likely to see increased vehicular and pedestrian traffic. I have personally witnessed several close calls at these intersections and dread the possibility of people unfamiliar with the area being put at risk by subpar safety measures at the crossings. Thank you.

I-128-2

I-128-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-128-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-129 Denzil Thies

COMMENT

RESPONSE

I-129-1 | I believe the additional safety zones are completely necessary and will be critical for the growth of Jack London. Getting rid of the train horns as well as they safety measures will change this place in the best way possible.

I-129-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*. and Consolidated Response 4.11, *Quiet Zone*

I-130 Dylin Redling

COMMENT

RESPONSE

I write as a concerned homeowner in the Ellington at 222 Broadway (at 3rd Street) regarding the proposed Howard Terminal A's ballpark (case file number ER18-016).

I would like to comment on the railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at five at-grade railroad crossings between Market Street and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets.

This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations.

I-130-1

My wife and I have lived in the Jack London Square neighborhood for over seven years, and we walk along the waterfront nearly every day. Over the years, we have seen many instances of dangerous crossings and activity around the railroad tracks. This includes vehicles driving on the tracks, going around the safety arms, pedestrians and bicyclists crossing in front of trains, and pedestrians climbing over trains that have stopped on the tracks.

I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

Best regards,

Dylin Redling

Resident of The Ellington at 222 Broadway

I-130-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-131 Julia Althoff

COMMENT

RESPONSE

I-131-1 There really needs to be a quiet zone for the train as it goes through Jack London Square.

I-131-2 Maybe not as much of an issue when it was mostly warehouses, but now that it has become more residential, it is more vital. The area has high property values, which means more tax income for the city. But I know that my property values would increase significantly if the train were not so loud, so frequently.

I-131-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-131-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-132 David Gassman

COMMENT

RESPONSE

I am active in the Sierra Club, altho I am speaking here in my personal capacity & these comments are in no way intended to represent anyone but myself.

I-132-1 When I first heard about this Howard Terminal project it struck me as ridiculous for all of the reasons that you have heard about & will continue to hear about. I have yet to substantially change my mind about it, & I wanted as little as possible to do with it as I could manage to arrange. But because I was also active in No Coal in Oakland (NCiO), which worked with the West Oakland Environmental Indicators Project (WOEIP), which I gather is pursuing a Community Benefits Agreement here, I got sucked into this as a mediator of sorts.

I-132-2 Now of course I could be wrong in my assessment, & I will gladly admit that should it be the case. But what I am quite clear about, & what I consider almost certainly correct, is that this project is being rushed, fast-tracked, pushed, rail-roaded, steam-rolled etc. without adequate consideration of the many problems & complications involved in it.

I-132-3 Now I will admit to you, that given the homeless problem here in Oakland, if this project was creating low-income housing, I would have been much more favorably inclined toward it. But that not being the case I can see no reason to pursue this project with anything like the rapidity with which it is being done, & I strongly urge the Planning Commission to REJECT the Draft Environmental Impact Report (DEIR) & send it back to the developers/authors & ask them to do a genuinely thorough job.

I-132-4 Should the Planning Commission decide to send the draft EIR on to the Oakland City Council, I will have to demand that the council members reject it. I do not like making demands of people. It is not a happy or particularly effective way to behave.

I would much prefer it if the members of the Planning Commission used their judgment, & the power that they have to reject this DEIR, & save me the trouble & the embarrassment of having to DEMAND that people do the right thing. THANK YOU.

Home: 510-835-2334

I-132-1 See Consolidated Response 4.22, *General Non-CEQA*.

I-132-2 As noted by many commenters, the Draft EIR took many months to prepare and is an extensive document, which provided an opportunity for the public to review and comment on analyses and conclusions regarding potential environmental impacts of the Project. The City of Oakland published a Notice of Preparation (NOP) on November 30, 2018, pursuant to State CEQA Guidelines Section 15082, indicating that an EIR would be prepared for the Oakland Waterfront Ballpark District Project and inviting comments on the scope of the Draft EIR's analysis. During the NOP comment period (November 30, 2018 to January 14, 2019), public scoping sessions were conducted by the Oakland Landmarks Preservation Advisory Board on Monday, December 17, 2018, and the Oakland Planning Commission on Wednesday, December 19, 2018. The scoping sessions provided a forum for public agencies and interested persons or groups to offer comments regarding the scope of the EIR, including topics to be analyzed in the EIR. The Draft EIR was released for public review and comment on February 26, 2021. During the Draft EIR review period (February 26, 2021, to April 27, 2021), a public meeting of the Oakland Landmarks Preservation Advisory Board (LPAB) on was held on March 22, 2021, and a public hearing at the Oakland City Planning Commission was held on April 7, 2021, and oral comments on the Draft EIR were collected. Also, an informational workshop pursuant to AB 734 was held on March 6, 2021, to inform the public of the key analyses and conclusions of the Draft EIR.

This comment does not raise significant environmental issues or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-132-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-132-4 See Consolidated Response 4.22, *General Non-CEQA*.

I-133 Ben Huang

COMMENT

RESPONSE

I-133-1 | Hi, I am writing to express the importance of extending the safety measures that  
are proposed for the 5 rail crossings between Market Street and Broadway to include  
3 more crossings at Franklin, Webster, and Oak Streets. I am a resident of Jack  
London Square and believe doing so will be imperative to the safety of the entire  
community.

I-133-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-134 Ben Huang

COMMENT

RESPONSE

I-134-1 | I sent an earlier comment about supporting the importance of extending the safety  
measures that are proposed for the 5 rail crossings between Market Street and  
I-134-2 | Broadway to include 3 more crossings at Franklin, Webster, and Oak Streets - forgot  
to mention I'm highly in favor of the planned A's Stadium at Howard Terminal.

I-134-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-134-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-135 Jason Mok

## COMMENT

## RESPONSE

I-135-1 | As a property owner in Jack London Square, I am very much in support of the A's  
I-135-2 | stadium, as well as vitally in extending the safety measures for the Franklin,  
Webster, and Oak intersections!

I-135-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-135-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-136 Jeremy Yan

## COMMENT

## RESPONSE

I-136-2 | I support the stadium and it's important to secure the remaining 3 intersections  
(Franklin, Webster, and Oak) because it would reduce the train noise during games.

I-136-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-136-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-137 Christine Jones

COMMENT

RESPONSE

I-137-2 | I support the addition of the A's Ballpark to this community. I however, think it is critical extend the already proposed safety measures to add 5 rail crossings between Market Street and Broadway to include 3 more crossings at Franklin, Webster, and Oak Streets. More traffic will also be coming from these directions to the Park so I think this is necessary. Thank you for the opportunity to comment.

I-137-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-137-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-138 Brian Jones

COMMENT

RESPONSE

I-138-1

While I support the new location of the ballpark, I do not think the current plans to only add 5 rail crossings between Market Street and Broadway are sufficient. I would like to propose adding 3 more crossings at Franklin, Webster, and Oak Streets. Thank you.

I-138-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-139 Kate Dinh

COMMENT

RESPONSE

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident in Jack London Square to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR.

I-139-1 It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations.

I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings to ensure the safety of all that enjoy this area of Jack London Square.

I-139-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-140 Michael Berg

COMMENT

RESPONSE

I-140-1  
I purchased my home in April of 2014. I was wrapping up my career in NYC and moving back to the Bay Area to retire. Finally in July I was able to move in.  
  
I had not been able to spend a lot of time here on my visits and really never encountered the train horn noise issue. I came to realize to scope of the problem pretty quickly. While the horns are necessary for safety purposes it is obvious the some of the operators really relish blowing the horns at full volume late at night and early in the morning. The fact is that this is more an issue with AMTRAK trains that the freight trains. There are times that it is overwhelming and obnoxious.  
  
I fully support the plans to build a new ball park at Howard terminal. I believe that this would really benefit the city and turn the Jack London district into an amazing entertainment center for the city of Oakland as well as the county. This would also be a great opportunity to solve some traffic and infrastructure problems.  
  
I-140-2  
Taming the train horn issue is going to key to making the most of this opportunity. How excited will sports fans (or diners for that matter) be if they can't focus on the game or their meal.  
  
Please extend the Train Quiet Zone to include Franklin, Webster and Oak Streets.  
  
I-140-3  
Thank You  
Michael Berg

I-140-1 See Consolidated Response 4.11, *Quiet Zone*.  
  
I-140-2 Regarding train noise, see Consolidated Response 4.11, *Quiet Zone*. The commenter's statement of support will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.  
  
I-140-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-141 Howard Egerman

COMMENT

RESPONSE

I-141-1 HOWARD Terminal must be rejected. Am a season ticket holder and east oakland resident. Coliseum site is best site for me to see games. Best transit with Barts and walkway as well AC transit. Best for seniors. No dedicated transit at Howard Terminal. Also Best for economy with East Oakland having jobs at coliseum. Other teams have had parks built at the same site in the parking lot. This will result in least disruption for the city and residents. I urge that Howard Terminal be rejected in favor of the Coliseum site.

I-141-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*, for a discussion of this alternative analyzed in Chapter 6 of the Draft EIR.

I-142 Jonathan Skelding

COMMENT

RESPONSE

I-142-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. I am a huge supporter of the proposed ballpark, I expect it will drive a great number of positives for my neighborhood but also many negatives. The local road and transportation infrastructure is already significantly strained with current development and the ballpark will only exacerbate problems. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-142-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-142-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-143 Jonathan Gonshor

COMMENT

RESPONSE

I-143-1 | please upgrade the three crossings between Broadway and Oak Street as part of this  
| plan!!

I-143-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-144 Kevin M Corbett

COMMENT

RESPONSE

I-144-1 | Please, we desperately need the thousands of permanent jobs and the affordable housing that this project will provide. Oakland needs this project, it is a once in a lifetime opportunity to improve our community for the long term.

I-144-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-145 Zhi Chen

COMMENT

RESPONSE

From: [Zhi Chen](#)  
 To: [Phyllis@oaklandca.gov](mailto:Phyllis@oaklandca.gov)  
 Subject: Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal  
 Date: Monday, April 19, 2021 5:17:10 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To Peterson:

I-145-1

My name is Zhi Chen and my family lives in West Oakland. As a citizen from West Oakland, I am concerned that the impacts of the A's proposed project on the West Oakland community have not been addressed in the Draft Environmental Impact Report. Having reviewed the Draft Environmental Impact Report for this project, I believe there are gaps in the report's conclusions related to traffic, housing and gentrification, and hazards which understate the costs of these impacts on my community.

I-145-2

West Oakland community members like myself fought for years to get truck traffic off our neighborhood streets. This problem was remedied when the City designated Howard Terminal as the staging and waiting area for trucks coming and going from the Port. Removing Howard Terminal from this critical use will force thousands of large trucks back onto West Oakland streets as they wait for shipments and drop-off times, undoing years of work to improve health and safety in West Oakland.

I-145-3

The DEIR acknowledges that Howard Terminal is currently being used by truckers but concludes that these trucks are "assumed to move to other locations" when Howard Terminal is converted to luxury condos. "Assumed to move" is not an analysis of the impact of where these trucks will go, which will be back onto residential West Oakland streets. The DEIR therefore does not do an analysis of the gridlock and pollution likely to come from cargo trucks diverted into neighborhood streets due to the development.

I-145-4

Similarly, the DEIR incorrectly concludes that it is sufficient for the A's development to allocate only 2,000 parking spots to the approximately 10,000 game day visitors the A's are expecting to arrive by car. The report provides no mitigation measures on the part of the A's to deal with the additional 5,000+ visitors they aren't planning to provide parking for, just conceptual ideas for bus lines, parking meters, and the use of existing parking lots that do not supply the additional 5,000+ parking spaces needed. The report does not truly assess the impact that having thousands of cars trying to park as close to the stadium as possible will have on nearby neighborhood streets and homes because the A's have not provided sufficient parking.

The DEIR also unrealistically concludes that most visitors will arrive through other means, like walking a mile from the nearest BART station, and therefore does not consider the impact of the extensive congestion we will inevitably see on game days as tens of thousands of fans cut through residential streets to attend games. If only 25% of attendees to games at the Coliseum use BART, which has a stop at the doorstep of the venue, it is illogical to conclude that even more game-day attendees will take BART when the closest station is a mile away. Until the project outlines a concerted traffic plan to deal with these tens of thousands of cars and the report analyzes the impact and feasibility of this plan, the DEIR will remain insufficient.

It is also concerning to me that the DEIR concludes that the introduction of 3,000 new

- I-145-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here.
- I-145-2 See Consolidated Response 4.5, *Truck Relocation*.
- I-145-3 See Consolidated Response 4.7, *Parking*.
- I-145-4 See Response to Comment I-97-6.



I-145

COMMENT

RESPONSE

occupancy or similar operating permits for new buildings and uses would not be issued until DTSC and the building official have approved the various actions required by the mitigation measures.

I-145-7

This comment is predicated on other comments in this submittal; see Responses I-145-2 through I-145-6. The City has prepared the EIR in accordance with CEQA requirements with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project.

I-146 Wen hui Shen

COMMENT

RESPONSE

I-146-1 | I moved into Jack London Square from Oakland hills in 2013. I loved how many faces Jack London Square presents; vibrant at times, peaceful and contemplative in other times. I always felt there is so much unfulfilled potential at Jack London Square. An example, the forever talked about but never materialized market hall.

I-146-2 | I wholeheartedly support moving the A's stadium to Howard terminal. I also envision a protected pedestrian waterfront promenade from the stadium to Oak street. I think these two synergistic projects will change the face of Jack London Square and bring business revenue to Oakland!

To have a protected waterfront promenade for business and pedestrians, I support a railroad fence from stadium to Oak street.

I-146-1 | This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-146-2 | See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

This comment expresses support for fencing along railroad corridors and other safety features identified mitigation measures in Impact TRANS-3 but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-147 Varun Dupuguntla

COMMENT

RESPONSE

I-147-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-147-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-148 Jack Fleck

COMMENT

RESPONSE

I-148-1 Date: April 19, 2021 To: City of Oakland From: Jack Lucero Fleck 4163 Culver Street, Oakland, CA 94619 Registered Professional Traffic Engineer A's Fan Re: Howard Terminal Ball Park EIR As a long time Oakland resident and A's fan, I support efforts to keep the team in Oakland. However, as a responsible citizen and taxpayer, I think it is critical that the City of Oakland not engage in any financial support for the team, which is a business owned by a billionaire. This is a profit making business, and should not be treated differently than other businesses, i.e. Oakland is happy to have businesses locate here, but not if it will be a financial drain on the city. Mayor Schaaf has said that the City of Oakland should not be left on the hook for any expenses, and I agree that this is a very important requirement for the A's plans to build a new ballpark.

I-148-1 Because the focus of CEQA is environmental rather than fiscal impacts, this comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-148-2 With that in mind, as a professional traffic engineer, I must raise my concern about the Howard Terminal site and the issue of the railroad crossings. The issue is safety and whether the City of Oakland will have design immunity for the pedestrian crossings at Market Street and at Martin Luther King, Jr Way. The crossings at Broadway, Washington and Clay have existed, as the EIR points out, for many decades, with numerous events. Although there have been collisions—e.g. 4 collisions in the past 5 years and 13 collisions between 1999 and 2009 as noted in the EIR—I assume that the City of Oakland has been able to argue that these intersections are covered by design immunity since they met basic approved engineering standards when they were first designed. This means that the City of Oakland is not liable for these collisions. However, the crossings at Market Street and Martin Luther King, Jr. Way are not part of the historic Jack London Square. Therefore, the city will not be protected by design immunity for the dramatic changes in crossing demand at these crossings. Introducing crowds of 30,000 people and saying that it will be no different than nearby intersections at Jack London Square is not likely to stand up in court. The first time someone is injured, they will rightly say, why didn't you require this to be designed to current engineering standards, i.e. grade separation? And I don't think the City will be able to defend itself. I notice in Figure 3.15-12 that during one week of observation there were nearly 20 incidents where the gates were down 15 minutes or more. If this happens on a game day, which it inevitably will, people will be tempted to cross the tracks when the gates are down, clearly an unsafe situation.

I-148-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.  
  
 This comment expresses an opinion about safety and design immunity but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Thus, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-148-3 I note that the plan does include a pedestrian/bike overpass at either Clay or Jefferson Street. This is good, but the same thing should be done at Market St and MLK, Jr Way. One problem is how do you get people to actually use the overpass? One way to address this is to design the entry to the ball park at the height of the pedestrian overpass. In this way people will have no reason to avoid using the overpass. In fact, this is exactly what is done at the current Coliseum entrance from BART across the same set of tracks that the Howard Terminal park is being designed for. I strongly urge the city to consult with attorneys who are experienced in tort liability to make sure the city will be on solid legal footing. As it stands, it appears to me that, after one or two collisions with big settlements, the City will be forced to build overpasses that the A's should be doing as part of the project. And, as noted above, if the overpasses do not lead directly to entrances at the same level, people will be tempted to ignore them.

I-148-3 This comment expresses an opinion that the pedestrian and bicycle overcrossing may not attract users and tort liability experts -should be consulted. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. With respect to the comment that more overcrossing should be provided, see Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation* and Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-148-4 I note that the current design calls for about 3000 cars per hour to cross the tracks. I also think this is ill advised and should be designed to include grade separations. Regarding funding for these grade separations, I was originally alarmed when I saw that the Alameda County Transportation Authority was considering funding for three grade separation projects, including a gondola for over \$1 billion: 173 Gondola Project Phase 1 Washington Street Oakland \$350 (million) 174 Gondola Project Phase 2

I-148-4 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-148

COMMENT

RESPONSE

I-148-5 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*, and Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

I-148-4 Alameda Connection Segment Oakland \$569 175 Howard Terminal Railroad Grade Separation Project for Vehicles and for Pedestrians/Bikes Oakland \$298 I see that these have been removed from the County's current funding list. But the fact that the A's recognized that such improvements could be required in the future should be a cautionary note that the City of Oakland could be left on the hook for future expenses. And it shows that grade crossings for "Vehicles and for Pedestrians/Bikes" are feasible, if costly. If the A's are not willing to pay the \$298 million for grade separations, I think their commitment to fully fund this ball park is shown to be untrue.

I-148-5 I must also add that the Coliseum site is ideally designed for a ball park with easy access to BART and to the freeway. I urge the City of Oakland to think very carefully about the wonderful asset that the Coliseum property represents, and not sell it to the A's at less than market price as a way to subsidize the A's. I understand that some groups are putting together packages that will rebuild the stadium at the coliseum site. I strongly urge the city council to consider these plans before making an ill-advised decision to approve the risky Howard Terminal site. If the Howard Terminal site is chosen, even though it lacks the public transit access that the Coliseum has, at the very least grade separations for vehicles, pedestrians and bicycles need to be added to the design. As a professional engineer, and as an A's fan (they just won 8 straight!), I would be happy to review modifications to the existing plan to address the issues I have raised. Thank you for your consideration of these comments.

I-149 Michael Mendez

COMMENT

RESPONSE

I-149-1 The Draft Environmental Impact Report for the A's proposed project at Howard Terminal makes a spurious claim that almost 10,000 jobs will be created as a result of the A's project, but this number fails to include the number of jobs that will be lost as a result of the disruption of the Port. The jobs analysis doesn't not account for the thousands--if not tens of thousands--of jobs that will be lost when economic activity at the Port decreases as a result of the truck and rail traffic interference that will occur as thousands of cars and people clog up streets used to ensure the flow of port traffic. With these thousands of jobs at risk, this will ultimately result in a net loss of jobs should the project move forward.

I-149-2

I-149-3 Additionally, this number includes stadium work such as concessionaires and ushers, which aren't "new" jobs - they already exist at the Oakland Coliseum. The DEIR math regarding these "new" jobs just doesn't add up.

I-149-3 In addressing the many deficiencies in the Howard Terminal DEIR, we urge you to properly calculate and acknowledge the job loss that would result from a development of this scope at a working waterfront, as well as the myriad negative impacts to the shipping and transportation industries that would follow. It is not simply a matter of numbers on a spreadsheet--it's lives, livelihoods, a thriving working class, and the safety and security of the region that is at stake.

I-149-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-149-2 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-149-3 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-150 Rebecca Lasky

COMMENT

RESPONSE

I-150-1

I-150-2

I-150-3

I fully support the A's Stadium going in at Howard Terminal, as a resident of the area, my biggest concern is the train noise. I understand the safety reasons for using the horn at intersections, and some train operators are very nice and lightly tap the horn. I have stood at the intersection watching train operators hit the horn so hard between market to JLS station when no one has been in the street, or when it is 2 am in the morning that is completely unnecessary. As more and more residents live in the JLS area, the quiet zone, or regulating the sound of the train horn is critical to the quality of life of the residents. That being said, as more people come to visit JLS increasing cleanup crews would also be nice, as it does get quite trashed on pleasant evenings...

- I-150-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
- I-150-2 See Consolidated Response 4.11, *Quiet Zone*.
- I-150-3 The comment is beyond the scope of analysis in the Draft EIR, as the City's discretionary action on the proposed Project does not include responsibility of the Oakland A's for waste collection services outside of the Project site. No further response is required.

I-151 Michael Wolf

COMMENT

RESPONSE

The Port of Oakland, which moves 99% of the containerized goods in Northern California, is a major job-creating economic engine that sustains thousands of blue-collar jobs in the region. These are jobs in industries like transportation, logistics, warehousing, and wholesale trade. They are middle-wage jobs: well-compensated, skilled labor positions that don't require an advanced degree – a type that is increasingly disappearing from the workforce.

I-151-1

The Howard Terminal Draft Environmental Impact Report clearly demonstrates what we already know – the A's proposal to build a stadium and luxury development will cause significant negative impacts to our working waterfront and the West Oakland community, yet the DEIR fails to fully address these issues. Those of us who work in and around the Port of Oakland understand first-hand that this project is not compatible with existing land and sea use and cannot support this flawed proposal.

The team's proposal to overtake port land for their stadium and luxury housing development would threaten to destroy nearly 90,000 essential, good-paying union jobs for low-wage jobs at the Howard Terminal ballpark.

I-151-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-152 Maria Moreno

COMMENT

RESPONSE

I-152-1	<p>My name is Maria Moreno. I work in Fruitvale and serve workers all of over the City of Oakland.</p> <p>I'm here because I'm concerned about the proposed development at Howard Terminal.</p> <p>The EIR is too long and complicated for the average person to review and understand in the time provided and many of our workers who are always the most affected by these developments don't have the time or space to assess the effect. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.</p>	I-152-1	<p>This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has prepared and circulated the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127).</p> <p>The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See also Consolidated Response 4.19, <i>Comment Period Extension</i></p>
I-152-2	<p>The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.</p>	I-152-2	<p>This comment is acknowledged. As the designated lead agency under CEQA, the City has prepared the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127).</p>
I-152-3	<p>I'm worried about the gentrification a project like this would bring about and the lack of knowledge about how many affordable housing units will be available as part of this project. We have already experienced a mass exodus of lower income folks from Oakland and many who have managed to stay can barely afford housing here. This population which makes up a majority of our members (hundreds) deserves acknowledgment and assistance from projects of this magnitude.</p> <p>How are we ensuring that our most vulnerable communities are taken into consideration in this development?</p>	I-152-3	<p>See Consolidated Response 4.13, <i>Gentrification and Indirect Housing Displacement</i>.</p>
I-152-4	<p>The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.</p> <p>The city should go back to the drawing board and re-do this analysis and recirculate this report.</p> <p>Our neighborhoods deserve better.</p> <p>- Maria Moreno Lead Organizer ROC The Bay</p>	I-152-4	<p>For impacts and mitigation measures related to public health, see Draft EIR Section 4.8, <i>Hazards and Hazardous Materials</i>, and the discussion of mitigation measures starting on p. 4.8-51, as well as Draft EIR Section 4.2, <i>Air Quality</i>, and the discussion of Impact AIR-4 and related mitigation starting on p. 4.2-97 and Impact AIR-2.CU starting on p. 4.2-140 and HIA analysis (see Draft EIR Appendix AIR.3).</p> <p>This comment is predicated on other comments in this submittal; see Responses I-152-1 through I-152-3. The City has prepared the EIR in accordance with the requirements of the California Environmental Quality Act (CEQA) with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project. Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR (see Chapter 7 of this document),</p>

I-152 Maria Moreno

COMMENT

RESPONSE

no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-153 Susan Shawl

COMMENT

RESPONSE

From: Susan Shawl  
To: Pylvimann@oaklandca.gov  
Subject: DEIR for Project ER18-016 for the Oakland Waterfront Ballpark District Project  
Date: Tuesday, April 20, 2021 10:34:36 PM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

April 20, 2021

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

**Re: Comments on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016)**

Dear Mr. Vollmann:

I am a resident in Rockridge, living less than a block from the Claremont/College Safeway store project you managed. I am writing to express serious concerns about the Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project (ER18-016).

I am concerned about the toxic contamination at the site and that Oakland could very well find itself up against the same sort of problems that occurred in San Francisco's dealings with the toxic materials that were supposedly totally removed from the former Naval Shipyard.

The Howard Terminal site is currently so contaminated with toxic materials that it is illegal to build housing there. The DEIR states that the A's will work with the Department of Toxic Substances Control (DTSC) to clean up the site but does not provide specific information about how the site will be cleaned up, instead promising to create a plan after the City approves the DEIR. The DEIR claims that compliance with DTSC rules and regulations will ensure that the Howard Terminal site is properly cleaned up, but the A's recently sued DTSC for its failure to enforce environmental laws at the Schnitzer Steel facility adjacent to Howard Terminal—and they won that lawsuit. How can the public trust that DTSC's regulation will make the site safe for housing if the A's can't trust DTSC to regulate the neighboring property?

What about low-income housing in the area. There does not appear to be any concrete commitments to include a meaningful number of homes for people.

I also wonder about how this development will effect the number of jobs at the port that is such a great economic engine for our City. The port is already cramped. The number of trucks lining up to unload/reload at the adjacent port will cause worse traffic headaches and additional green house gas pollution in the area where this is already an issue for the folks that live there.

I think this site is NOT the best location for the ball park. There is no existing mass transit to the site as there is to the Coliseum. An aerial tram or gondola will not have enough capacity to come close to handling the kinds of crowds that a winning team will draw.

I-153-1 As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR provide the City with a mechanism for ensuring that the Project complies with DTSC's regulatory requirements. Thus, grading, building, or construction permits, and certificates of occupancy for new buildings and uses cannot be issued until the DTSC has approved the site-specific remediation strategies, land use controls, and associated plans (Mitigation Measures HAZ-1a and HAZ-1b) and until a Health and Safety Plan has been prepared in compliance with state law (Mitigation Measure HAZ-1c).

The DTSC cannot approve a remediation plan until the EIR has been certified, and that remediation plan is expected to contain a variety of strategies starting with importing fill materials to elevate the level of the site and excavating/removing contamination if/as needed to accommodate on-site utilities. While there is no evidentiary basis to question the effectiveness of regulatory requirements as they would be implemented at the Project site, actions of public agencies are always subject to public scrutiny and judicial review as provided by law. See also Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*.

I-153-2 See Consolidated Response 4.12, *Affordable Housing*.

I-153-3 This comment primarily concerns the merits of the proposed project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. With regard to GHG impacts, Mitigation Measure GHG-1 requires the Project sponsor to prepare and implement a GHG Reduction Plan that would include a menu of additional measures including off-site measures to reduce transportation emissions including funding or implementing programs that promote walking and/or increase electrification of public transit buses in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community.

I-153-4 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. It is noted that the gondola would be designed to transport a maximum of up to 6,000 passengers per hour per direction and would be one of many strategies to achieve the 20 percent vehicle trip reduction mandated for the Project if implemented (Draft EIR p. 5-132). See Draft EIR Section 4.15, *Transportation and Circulation*, for more information. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-153-1

I-153-2

I-153-3

I-153-4

I-153

COMMENT

RESPONSE

I-153-5

This location just doesn't make common sense. Given these problems with the DEIR, it is impossible for members of the public to evaluate the impacts of the project, and it is not possible for the City of Oakland to make an informed decision on whether to proceed with this project. The DEIR should be revised and recirculated to provide members of the public and decision makers with accurate and transparent analysis. Thank you for considering these comments.

Sincerely,

Susan Shawl  
326 63rd Street  
Oakland, CA 94618  
Cell, 415-793-1841

I-153-5 This comment is predicated on other comments in this submittal; see Responses I-153-1 through I-153-4. The City has prepared the EIR in accordance with the requirements of the California Environmental Quality Act (CEQA) with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project. Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-154 Wendy Cohen

COMMENT

RESPONSE

I-154-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

**From:** [Armstrong, Desmona](#)  
**To:** ["amendamenobasep@gmail.com"](#); [Gara Menus \(omarusco@gmail.com\)](#); [Jonathan Elm \(jmenuso@gmail.com\)](#); [Bryan Vito \(@bmvitoc@hmcarchitects.com\)](#); [Machil Heede \(rtheedeCFC@gmail.com\)](#); [Sahar Shrair \(saharshrair@gmail.com\)](#); [Tom Limon \(limon\\_ooo@gmail.com\)](#)  
**Cc:** [Votmann, Peterson; Payne, Catherine](#)  
**Subject:** FW: We need the A's new ballpark!  
**Date:** Wednesday, April 21, 2021 9:38:16 AM

Forwarding comments for today's PC meeting.

[Desmona R. Armstrong, PSR |City of Oakland | Bureau of Planning](#)  
250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612  
510.238. 6343 direct | [DRArmstrong@oaklandca.gov](mailto:DRArmstrong@oaklandca.gov)  
[www.oaklandca.gov/departments/planning-and-building](http://www.oaklandca.gov/departments/planning-and-building)

**From:** Wendy Cohen <[wendycohen100@hotmail.com](mailto:wendycohen100@hotmail.com)>  
**Sent:** Tuesday, April 20, 2021 5:03 PM  
**To:** Armstrong, Desmona <[DRArmstrong@oaklandca.gov](mailto:DRArmstrong@oaklandca.gov)>  
**Subject:** We need the A's new ballpark!

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To whom it may concern:

I have lived in Oakland for over 40 years. I own a home, have raised my children here and have no plans to leave. But something must change. We need a new ballpark -- our economy needs it, the residents need it, and this is an opportunity for Oakland to shine. The proposed park will revitalize the industrial area and bring new vitality to the area around Jack London Square. It will encourage investment and bring badly needed jobs to our city.

Please don't let this opportunity for jobs, for environmental improvement, and community growth and pride to go away.

Yours truly,  
Wendy Cohen

I-154-1

I-155     Burton Boltuch

COMMENT

RESPONSE

I-155-1    This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

**From:** [Armstrong, Desmona](#)  
**To:** ["amendamosobampo@gmail.com";](#) [Gara Menus \(omarusoco@gmail.com\);](#) [Jonathan Fain \(jmenuso@gmail.com\);](#) [Bela Nyirco \(@hmcarchitects.com\);](#) [Machil Heede \(inheedeCF@gmail.com\);](#) [Sahar Shraat \(saharshraat@gmail.com\);](#) [Tom Limon \(limon\\_ooo@gmail.com\)](#)  
**Cc:** [Vollmann, Peterson; Payne, Catherine](#)  
**Subject:** FW: Support for Howard Terminal project  
**Date:** Wednesday, April 21, 2021 9:40:40 AM  
**Attachments:** [image001.png](#)

Public Comments for today's PC...

Desmona R. Armstrong, PSR |City of Oakland | Bureau of Planning  
250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612  
510.238. 6343 direct | [DRArmstrong@oaklandca.gov](mailto:DRArmstrong@oaklandca.gov)  
[www.oaklandca.gov/departments/planning-and-building](http://www.oaklandca.gov/departments/planning-and-building)

**From:** Burton Boltuch <[bboltuch@workplacelaw.biz](mailto:bboltuch@workplacelaw.biz)>  
**Sent:** Tuesday, April 20, 2021 7:57 PM  
**To:** Armstrong, Desmona <[DRArmstrong@oaklandca.gov](mailto:DRArmstrong@oaklandca.gov)>  
**Subject:** Support for Howard Terminal project

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Please provide this email to the members of the Planning Commission before the commencement of the session on April 21 at 3:00 p.m.

As a business owner and homeowner in Oakland, I write in support of the Oakland A's project at Howard terminal. I may be one of the few that has read the entire draft EIR. It is very well- written and sets out the issues and, in my opinion, why the project will be of the utmost benefit to the City of Oakland and its residents and businesses, as well as to the entire East Bay. It is time for the Planning Commission and then the City Council to approve the new ballpark and surrounding improvements at Howard Terminal.

I have lived in Oakland and had a business in Oakland since 1976, with some short periods when I lived and worked elsewhere. I love as I call it "Oaktown" and have advocated for our town for 45 years. It is understandable that politicians are leery of aiding, even in minor ways, a professional sports team. The Oakland Raider fiascos (the renovation to build Mt. Davis and then the games played by Marc Davis before the move to Las Vegas) is still fresh in our minds, and the departure of the Warriors stings. We cannot afford to lose the Oakland A's and, a rationale analysis of the Coliseum site leads to the conclusion that a ballpark project will not yield the economic, environmental and housing benefits that will result if the park at Howard terminal is built.

I admit I am a diehard fan of the A's, but I am a bigger fan of Oakland. We cannot let this opportunity slip away. The opponents are loud and boisterous, but the opponents

I-155-1

I-155

COMMENT

RESPONSE

are not able to establish why the Coliseum site is better for all of the businesses and residents of Oakland.

Vote to approve.

Thank you.

But Boltuch



Burton F. Boltuch  
The Law Offices of Burton F. Boltuch  
11 Hawks Hill Court  
Oakland, CA 94618  
Cell: 510.541.9988  
Email: [bboltuch@workplacelaw.biz](mailto:bboltuch@workplacelaw.biz)  
Website: [www.workplacelaw.biz](http://www.workplacelaw.biz)

 Please consider the environment before printing this email.

I-156 Kitty Kelly Epstein, PhD

COMMENT

RESPONSE

Among the many ways that billionaire John Fisher's takeover of Port property harms the Oakland environment;

I-156-1 1. This whole real estate project threatens the health of the Port of Oakland, and the Port is the treasure which prevents Oakland from becoming one of the burned-out, deindustrialized cities of the Mid-West. Shippers have already indicated that they will leave Oakland and use other Ports, if this project goes through.

I-156-2 2. In what is supposed to be a moment of racial justice reckoning we should not even consider a project which will destroy the relatively well-paying jobs of Black workers in the ILWU

I-156-3 3. Billionaire Fisher's proposed project requires thousands of people to cross one of the most active rail crossings in California. It's already dangerous; increasing that danger is ridiculous..

I-156-4 4. Residents of the area would suffer from noise pollution for eight years.

I-156-5 5. There is no plan to deal with toxic emissions which far exceed City standards.

I-156-6 6. There is no plan for the 3200 trucks that use Howard Terminal

I-156-7 7. Instead of wrecking the port which is unhealthy for Oakland, whatever stadiums are built or reconstructed should use the Coliseum property which WOULD enhance the health of Oakland as a community..

I-156-8 In summary, the environmental question should be, "Does this enhance the lives of Oakland residents, who are, on average, the least affluent people in the County, and the answer is "No!". This is not a proposal to bring benefit to Oaklanders. It's a proposal to enrich a billionaire, and create luxury housing for the wealthy.

Fisher doesn't live here. We do

I-156-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-156-2 While the commenter's concerns are appreciated, there is no evidence that jobs would be lost as a result of the proposed Project. The Draft EIR considers physical environmental impacts of the Project and does not assess economic impacts. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, for responses to comments about land use compatibility, including potential impacts on Port operations.

I-156-3 This comment expresses concerns around the safety of road users crossing the railroad tracks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See Consolidated Response 4.6 *Rail Safety, Grade Crossing, and Grade Separation* for responses to issues raised in the comment. Mitigation Measure TRANS-3a (pp. 4.15-235 and 4.15-236) would install fencing along the railroad corridor as well as at-grade crossing improvements such as quad gates and gates for pedestrians and bicyclists that, depending on final design, would eliminate gaps when the gates are down. The final set of railroad corridor improvements will be determined when the Project sponsor undertakes the necessary Diagnostic Study and coordinates with the City, California Public Utilities Commission, and affected railroads and obtains all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). Even with the mitigation measures installed, Draft EIR Impact TRANS-3 would be significant and unavoidable.

I-156-4 As stated on p. 3-55 of Chapter 3, *Project Description*, of the Draft EIR, construction activities associated with each of the two project phases are anticipated to occur over four years, so it may be expected that there would be approximately eight years of construction for the entirety of the Project.

Construction-related noise impacts are discussed on pp. 4.11-28 through 4.11-42 of the Draft EIR. Mitigation measures to address construction-related noise impacts of the proposed Project are identified on pp. 4.11-38 through 4.11-42 of the Draft EIR. These measures include:

- Mitigation Measure NOI-1a (Construction Days/Hours).

I-156 Kitty Kelly Epstein, PhD

COMMENT

RESPONSE

- Mitigation Measure NOI-1b (Construction Noise Reduction).
- Mitigation Measure NOI-1c (Project-Specific Construction Noise Measures).
- Mitigation Measure NOI-1d (Construction Noise Complaints).
- Mitigation Measure NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors).

Construction noise impacts are identified as significant and unavoidable for the approximate eight-year duration of the Project.

I-156-5 The commenter is incorrect in stating that the Project does not address and mitigate toxic air contaminant (TAC) emissions. The Draft EIR discusses the Project’s construction and operational health risk impacts from TAC emissions under Impacts AIR-4 and AIR-5. Impact AIR-4 analyzes health risk impacts to existing off-site receptors from Project construction and operation while Impact AIR-5 analyzes impacts to future on-site receptors. The Draft EIR determines that at the Project level, the Project would result in significant impacts to both off-site and on-site receptors and identifies Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, and AIR-4b to mitigate this impact to a less-than-significant level. Therefore, with mitigation, the Project does not exceed the City’s thresholds for health risks.

For cumulative impacts, the Draft EIR recognizes that the Project is located in an area disproportionately affected by poor air quality. The cumulative health risk analysis in the Draft EIR was developed in consultation with the Bay Area Air Quality Management District (BAAQMD), relies heavily on modeling data provided by the BAAQMD for the West Oakland Community Action Plan (WOCAP), and follows the same modeling approach as the BAAQMD used to develop the WOCAP. Because the existing background health risks in the area already exceed the BAAQMD’s cumulative thresholds of significance, any additional TAC emissions associated with a project of any size would result in a significant and unavoidable impact, as does the proposed Project (see Draft EIR p. 4.2-149). Mitigation Measure AIR-2.CU requires the Project sponsor to implement all applicable strategies and actions from the WOCAP that apply to the Project and requires the Project sponsor to “achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the

I-156 Kitty Kelly Epstein, PhD

COMMENT

RESPONSE

Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions.”

Impact AIR-2.CU would also be reduced through Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR 4b, AIR-2b, and AIR-1.CU, along with transportation measures including Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits.

I-156-6 See Consolidated Response 4.5, *Truck Relocation*.

I-156-7 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-156-8 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-157 Mercedes Rodriguez

COMMENT

RESPONSE

I-157-1

Impact AIR-2.CU: The Project, combined with cumulative development would contribute to cumulative health risk impacts on sensitive receptors. (Criteria 4 and 5) (Significant and Unavoidable with Mitigation) - My response to the above is. All of the items listed below will cause health problems in the community. Even with the measures outlined in the DEIR, there will still be significant and unavoidable health risks to the community. Implement Bus-Only Lanes on Broadway. Implement Pedestrian Improvements. Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. Implement At-Grade Railroad Crossing Improvements.

I-157-1

The commenter's concern regarding the Project's significant and unavoidable contribution to the area's cumulative health risks and recommendations for additional mitigation measures to reduce these risks is noted. The Project's health risk impacts are evaluated in conformance with the Bay Area Air Quality Management District's (BAAQMD's) CEQA guidelines and use the City's adopted thresholds of significance for project-level health risks and cumulative health risks.

As the commenter notes, the Draft EIR does find significant and unavoidable air quality impacts for Impacts AIR-1, AIR-2, AIR-1.CU, and AIR-2.CU. These impacts are mitigated to the maximum extent feasible as required by CEQA through a number of air quality mitigation measures, including Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2b, AIR-1.CU, and AIR-2.CU. These impacts would also be mitigated through transportation measures including Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits.

As part of the Final EIR, a number of mitigation measures have been revised and/or strengthened. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

Because the existing background health risks in the area already exceed the BAAQMD's cumulative thresholds of significance, any additional TAC emissions associated with a project of any size would result in a significant and unavoidable impact, as does the proposed project (see Draft EIR p. 4.2-149). CEQA does not require a less-than-significant finding; it requires that a project's environmental impacts be fully disclosed based on substantial evidence, that any potentially significant impacts be mitigated, and that any significant and unavoidable impacts be reduced by implementing all feasible mitigation. The Draft EIR satisfies these requirements in Section 4.2, *Air Quality*.

I-157

COMMENT

RESPONSE



I-158 Gunnar Hissam

COMMENT

RESPONSE

I-158-1 | Hi Gang,  
I'm an A's fan and I think staying at the Coliseum and tearing down Mount Davis is  
the better option for everyone.  
Sincerely,  
Gunnar Hissam

I-158-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-159 Minister Cherri Murphy

COMMENT

RESPONSE

I-159-1	<p>My name is Minister Cherri Murphy. I live in District 5, Fruitvale area.</p> <p>I'm concerned about the proposed development at Howard Terminal.</p> <p>The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.</p> <p>The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.</p>	<p>I-159-1 This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, <i>Comment Period Extension</i>.</p>
I-159-2	<p>Gentrification and the lack of an affordable housing plan.</p> <p>The DEIR says there will be 3,000 residential units, but doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable.</p> <p>The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city. The DEIR doesn't analyze the impacts of displacement and gentrification.</p>	<p>I-159-2 See Consolidated Response 4.12, <i>Affordable Housing</i>.</p>
I-159-3	<p>The city should go back to the drawing board and re-do this analysis and recirculate this report.</p> <p>Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.</p>	<p>I-159-3 See Consolidated Response 4.13, <i>Gentrification and Indirect Housing Displacement</i>. This comment is predicated on other comments in this submittal; see Responses I-159-1 through I-159-2. The City has prepared the EIR in accordance with the requirements of the California Environmental Quality Act (CEQA) with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project. Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, <i>Recirculation of the Draft EIR</i>, for more information.</p>

I-160 Tim Courtney

COMMENT

RESPONSE

Dear Mr. Vollman and members of the Oakland Planning Commission,

Today I write as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site.

This project:

- Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.
- Brings much-needed 3,000 housing units, including affordable housing, in an area that the City of Oakland designated as a "Priority Development Area" by the Plan Bay Area 2040 vision for long-term growth.
- Will come with a robust transit-first approach, aiming to reduce car trips, expand public transportation options, and invest in bike and pedestrian safety and infrastructure.
- Comes with a commitment to transform the industrial site through environmental mitigation and remediation with private dollars that will allow 18 acres of new parks and open space for public use.
- Will serve as an essential catalyst to addressing long standing environmental issues at the Port and in West Oakland.

I-160-1

Further, the Port of Oakland has determined Howard Terminal is not needed now or in the future for Port activities, and that redevelopment is the better course for the Port's long-term viability. The A's have also committed to redeveloping the existing Coliseum site into a park and cover the existing surface parking lot with generous greenspace, housing, offices, retail, and a community center.

Please note the opposition campaign is funded by the deep pockets of Schnitzer Steel, a company fined \$4.1 million for polluting in West Oakland. This settlement funds the Prescott-Joseph Center's Breathmobile Program, a mobile pediatric asthma clinic! Keeping Howard Terminal operating as a truck terminal would provide none of the environmental benefits of the stadium project while continuing to subject West Oakland residents to the pollution from dozens of idling trucks every day.

Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.

Sincerely,

Tim Courtney

I-160-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-161 Jesse Pollak

COMMENT

RESPONSE

I live at 8th and Peralta in West Oakland, have been in Oakland for 8 years, and West Oakland for the last six. Today I write as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:

Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.

Brings much-needed 3,000 housing units, including affordable housing, in an area that the City of Oakland designated as a "Priority Development Area" by the Plan Bay Area 2040 vision for long-term growth.

Will come with a robust transit-first approach, aiming to reduce car trips, expand public transportation options, and invest in bike and pedestrian safety and infrastructure.

Comes with a commitment to transform the industrial site through environmental mitigation and remediation with private dollars that will allow 18 acres of new parks and open space for public use.

Will serve as an essential catalyst to addressing long standing environmental issues at the Port and in West Oakland.

Further, the Port of Oakland has determined Howard Terminal is not needed now or in the future for Port activities, and that redevelopment is the better course for the Port's long-term viability. The A's have also committed to redeveloping the existing Coliseum site into a park and cover the existing surface parking lot with generous greenspace, housing, offices, retail, and a community center.

Please note the opposition campaign is funded by the deep pockets of Schnitzer Steel, a company fined \$4.1 million for polluting in West Oakland. This settlement funds the Prescott-Joseph Center's Breathmobile Program, a mobile pediatric asthma clinic! Keeping Howard Terminal operating as a truck terminal would provide none of the environmental benefits of the stadium project while continuing to subject West Oakland residents to the pollution from dozens of idling trucks every day.

Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.

Sincerely,

Jesse Pollak

I-161-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-162 Stella Dennig

COMMENT

RESPONSE

I-162-1

Dear Mr. Vollman and members of the Oakland Planning Commission,  
 Today I'm writing as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:  
 Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.  
 Brings much-needed 3,000 housing units, including affordable housing, in an area that the City of Oakland designated as a "Priority Development Area" by the Plan Bay Area 2040 vision for long-term growth.  
 Will come with a robust transit-first approach, aiming to reduce car trips, expand public transportation options, and invest in bike and pedestrian safety and infrastructure.  
 Comes with a commitment to transform the industrial site through environmental mitigation and remediation with private dollars that will allow 18 acres of new parks and open space for public use.  
 Will serve as an essential catalyst to addressing long standing environmental issues at the Port and in West Oakland.

Further, the Port of Oakland has determined Howard Terminal is not needed now or in the future for Port activities, and that redevelopment is the better course for the Port's long-term viability. The A's have also committed to redeveloping the existing Coliseum site into a park and cover the existing surface parking lot with generous greenspace, housing, offices, retail, and a community center.

Please note the opposition campaign is funded by the deep pockets of Schnitzer Steel, a company fined \$4.1 million for polluting in West Oakland. This settlement funds the Prescott-Joseph Center's Breathmobile Program, a mobile pediatric asthma clinic! Keeping Howard Terminal operating as a truck terminal would provide none of the environmental benefits of the stadium project while continuing to subject West Oakland residents to the pollution from dozens of idling trucks every day.

Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.

Sincerely,  
 Stella Dennig

I-162-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-163 Cynthia Morfin

COMMENT

RESPONSE

My name is Cynthia morfin and I am a West Oakland resident. I'm writing to express concern over the DEIR for the proposed Howard Terminal project. Specifically, the toxicity of the land and the continuing effects of gentrification.

Toxins in the land.

- The land where the A's are proposing to build this project is so toxic that no housing is allowed to be built there.

I-163-1 - I am concerned about the health risks for construction workers who will be digging in this contaminated soil, and if the cleanup is not done properly, future residents and visitors to the parks and open space planned for the site may be exposed to these toxic materials  
- This report doesn't provide a plan of how the developers are going to clean it up.  
- We don't trust the developers or the Department of Toxic Substances Control to figure it out later on, after the project is approved.

Gentrification and the lack of an affordable housing plan.

- The DEIR says there will be 3,000 residential units, but doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable.

I-163-2 - The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city.  
- The DEIR doesn't analyze the impacts of displacement and gentrification.

The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.

I-163-3 The city should go back to the drawing board and re-do this analysis and recirculate this report.

Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.

I-163-1 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining the cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses would not be issued until the DTSC and the building official have approved the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

As explained in Section 4.8, *Hazards and Hazardous Materials*, under *Approach to Analysis*, the Project would be regulated by the various laws,

I-163 Cynthia Morfin

COMMENT

RESPONSE

regulations, and policies summarized in Section 4.8.2, *Regulatory Setting*. Compliance by the Project with applicable federal, state, and local laws and regulations is assumed in this analysis, and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. The Draft EIR expects that the DTSC will enforce applicable laws and regulations. Note that compliance with many of the laws and regulations is a condition of permit approval.

I-163-2 See Consolidated Response 4.12, *Affordable Housing*, regarding the Project's affordable housing component.

I-163-3 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*. For impacts and mitigation measures related to public health, see Draft EIR Section 4.8, *Hazards and Hazardous Materials*, and the discussion of mitigation measures starting on p. 4.8-51, as well as Draft EIR Section 4.2, *Air Quality*, and the discussion of Impact AIR-4 and related mitigation starting on p. 4.2-97 and Impact AIR-2.CU starting on p. 4.2-140.

This comment is predicated on other comments in this submittal; see Responses I-163-1 through I-163-2. The City has prepared the EIR in accordance with the requirements of the California Environmental Quality Act (CEQA) with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project. Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-164 Saabir Lockett

COMMENT

RESPONSE

Peace and blessings. My name is Saabir Lockett. I am a West Oakland resident and father of my two year old son. I have lived at 7th and Peralta, near the proposed site for this project, for the past 5 years. I serve as the director of the Faith Alliance for a Moral Economy (FAME), which is an initiative of The East Bay Alliance for a Sustainable Economy (EBASE). FAME is a network of clergy, spiritual leaders, and people of faith whose mission is to educate and mobilize our communities of faith to stand with low-wage workers and residents and raise a strong moral voice and provide accompaniment for those struggling for social change and economic justice.

For the past 16 months, I have also served on the Steering Committee of the City-sponsored community benefits public process for the Howard Terminal project. Specifically, I co-chaired the Jobs and Economic Development topic cohort, which issued recommendations around living wage job standards, local and fair chance hiring practices, and resources for small, locally owned businesses.

In my time as a steering committee member, we did not receive any overview or analysis of the EIR for this project. In fact, if I wasn't part of Oakland United, I would not have had the time or personal capacity to review this gargantuan 6,000 page report on my own, simply because I am busy working full time, raising my son and attending to other responsibilities. I know that if this is the case for me, it is likely the case for many of my neighbors who probably haven't been able to review, understand, and digest what is in this report.

Oakland United and a number of our community allies requested an extension of the comment period to allow more time for the public to take in this information, but the Mayor and city administration did a disservice to the public by not granting the maximum amount of time possible to read and understand the report.

I am here today to express my deep concerns about the potential repercussions of this project. For far too long, West Oakland communities have dealt with the consequences of environmental racism by being subjected to unhealthy air quality and toxic pollution. I myself suffer from asthma and I worry about my son's health, and his exposure to harmful particulates in the air, especially since he's still so young, and his body is developing.

If this project is approved, it will inevitably have significant and unavoidable impacts, both during the construction phase, and during the on-going operations throughout the life of the project. These impacts stem from vehicles and mobile sources producing harmful air pollutants.

I-164-1 See Consolidated Response 4.19, *Comment Period Extension*.

I-164-2 The City acknowledges the commenter's concern regarding health impacts resulting from the poor air quality in West Oakland. The commenter is correct that the Project is located in an overburdened community disproportionately impacted by air pollution.

The project's health risk impacts are evaluated in conformance with the Bay Area Air Quality Management District's (BAAQMD's) CEQA guidelines and use the City's adopted thresholds of significance for project-level health risks and cumulative health risks and identifies feasible mitigation measures to reduce potentially significant and significant and unavoidable impacts.

As the commenter notes, the Draft EIR does find significant and unavoidable air quality impacts for Impact AIR-1 (Construction Emissions), AIR-2 (Emissions from Overlapping Construction and Operation), AIR-1.CU (Cumulative Criteria Pollutant Emissions), and AIR-2.CU (Cumulative Health Risks). As noted on Draft EIR p. 4.2-149, Project-specific health risks (Impact AIR-4) do not exceed the project-level threshold. However, because the existing background health risks in the area already exceed BAAQMD's cumulative threshold of significance, additional TAC emissions associated with a project of any size would result in a significant and unavoidable cumulative impact, as does the proposed Project.

Consistent with CEQA requirements, significant and unavoidable impacts are mitigated to the maximum extent feasible as required by CEQA through a number of air quality mitigation measures, including Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2b, AIR-1.CU, and AIR-2.CU. These impacts would also be mitigated through transportation measures including Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits.

As part of the Final EIR, a number of mitigation measures have been revised and/or strengthened. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

CEQA does not require a less-than-significant finding; it requires that a project's environmental impacts be fully disclosed based on substantial evidence, that any potentially significant impacts be mitigated, and that any

I-164 Saabir Lockett

COMMENT

RESPONSE

significant and unavoidable impacts be reduced by implementing all feasible mitigation. The Draft EIR satisfies these requirements in Section 4.2, *Air Quality*.

For additional discussion of environmental justice issues, see Consolidated Response 4.14, *Environmental Justice*.

I-165 Adele Watts

COMMENT

RESPONSE

I-165-1 My name is Adele Watts. I live in Oakland.  
I'm here because I'm concerned about the proposed development at Howard Terminal.  
The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.  
The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.  
I'm worried about gentrification and the lack of an affordable housing plan.

I-165-2 The DEIR says there will be 3,000 residential units, but doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable.  
The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city.

I-165-3 The DEIR doesn't analyze the impacts of displacement and gentrification.  
The City Administration's DEIR is insufficient and the proposed remediations will not adequately address the massive impacts this project will have.

I-165-4 The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.  
The city should go back to the drawing board and re-do this analysis and recirculate this report.  
Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.

I-165-1 This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, *Comment Period Extension*.

I-165-2 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-165-3 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-165-4 The Draft EIR evaluates the environmental impacts associated with implementing the proposed Project throughout Chapter 4. With respect to public health and safety, the Draft EIR contains evaluations of potential adverse effects related to air quality, hazards and hazardous materials, noise, and traffic safety (see Sections 4.2, 4.8, 4.11, and 4.15). The Draft EIR identifies 34 mitigation measures in these topical areas that would avoid or reduce significant effects on public health and safety. These mitigation measures are presented in Draft EIR Table 2-1; see pp. 2-11 through 2-39 (Air Quality measures), pp. 2-55 through 2-57 (Hazards and Hazardous Materials measures), pp. 2-66 through 2-71 (Noise measures), and pp. 2-90 through 2-94 (Traffic Safety measures). Some impacts in these topical areas would remain significant and unavoidable even with mitigation (see summary discussion on Draft EIR pp. 2-5 and 2-6).

Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR in response to comments and as City-initiated updates (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a

I-165 Adele Watts

COMMENT

RESPONSE

substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-166 Austin Tam

	COMMENT	RESPONSE
I-166-1	Dear Oakland Planning Commission, I strongly oppose the Oakland A's Coliseum to be built on Howard Terminal.	I-166-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.
I-166-2	The money spent could be better used on Accessibility for People with disabilities - no access to safe public transportation.	I-166-2 See Response to Comment H2-1-39.
I-166-3	Infrastructure is not there who is going to pay for it? Our money can be better used for schools, public housing, investing in community programs, and most of all used to address systemic racism that our society is going through right now. This will definitely impact surrounding cities of Alameda (where I reside), Berkeley, and other cities.	I-166-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-167 Finn Stern

COMMENT

RESPONSE

Dear Mr. Vollman and members of the Oakland Planning Commission,  
Today I write as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:  
Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.  
Brings much-needed 3,000 housing units, including affordable housing, in an area that the City of Oakland designated as a "Priority Development Area" by the Plan Bay Area 2040 vision for long-term growth.  
Will come with a robust transit-first approach, aiming to reduce car trips, expand public transportation options, and invest in bike and pedestrian safety and infrastructure.  
Comes with a commitment to transform the industrial site through environmental mitigation and remediation with private dollars that will allow 18 acres of new parks and open space for public use.  
Will serve as an essential catalyst to addressing long standing environmental issues at the Port and in West Oakland.

I-167-1

Further, the Port of Oakland has determined Howard Terminal is not needed now or in the future for Port activities, and that redevelopment is the better course for the Port's long-term viability. The A's have also committed to redeveloping the existing Coliseum site into a park and cover the existing surface parking lot with generous greenspace, housing, offices, retail, and a community center.  
Please note the opposition campaign is funded by the deep pockets of Schnitzer Steel, a company fined \$4.1 million for polluting in West Oakland. This settlement funds the Prescott-Joseph Center's Breathmobile Program, a mobile pediatric asthma clinic! Keeping Howard Terminal operating as a truck terminal would provide none of the environmental benefits of the stadium project while continuing to subject West Oakland residents to the pollution from dozens of idling trucks every day.  
Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.  
Sincerely,  
Finn stern

I-167-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-168 Sung Lee

COMMENT

RESPONSE

I-168-1

Port of Oakland is used by Northern California to conduct international trade. The fact a that an entertainment company wants to take over maritime land for all Californians is before he commission. The Howard Terminal belongs to California and the commission should not allow this project to go any further.

I-168-1

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

I-169 Sara McDaniel

COMMENT

RESPONSE

Dear Mr. Vollman and members of the Oakland Planning Commission,  
Today I write as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:  
Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.  
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Comes with a commitment to transform the industrial site through environmental mitigation and remediation with private dollars that will allow 18 acres of new parks and open space for public use.  
Will serve as an essential catalyst to addressing long standing environmental issues at the Port and in West Oakland.

I-169-1 Further, the Port of Oakland has determined Howard Terminal is not needed now or in the future for Port activities, and that redevelopment is the better course for the Port's long-term viability. The A's have also committed to redeveloping the existing Coliseum site into a park and cover the existing surface parking lot with generous greenspace, housing, offices, retail, and a community center.  
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Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.  
Sincerely,  
Sara McDaniel

I-169-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-170 Stella Ramos

COMMENT

RESPONSE

My name is Stella Ramos. I am currently in Los Angeles due to the pandemic, but work in Oakland.

I'm here because I'm concerned about the proposed development at Howard Terminal.

I-170-1

The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.

The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.

The City Administration's DEIR is insufficient and the proposed remediations will not adequately address the massive impacts this project will have.

The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.

I-170-2

The city should go back to the drawing board and re-do this analysis and recirculate this report.

Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.

I-170-1

This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, *Comment Period Extension*.

I-170-2

The Draft EIR evaluates the environmental impacts associated with implementing the proposed Project throughout Chapter 4. With respect to public health and safety, the Draft EIR contains evaluations of potential adverse effects related to air quality, hazards and hazardous materials, noise, and traffic safety (see Sections 4.2, 4.8, 4.11, and 4.15). The Draft EIR identifies 34 mitigation measures in these topical areas that would avoid or reduce significant effects on public health and safety. These mitigation measures are presented in Draft EIR Table 2-1; see pp. 2-11 through 2-39 (Air Quality measures), pp. 2-55 through 2-57 (Hazards and Hazardous Materials measures), pp. 2-66 through 2-71 (Noise measures), and pp. 2-90 through 2-94 (Traffic Safety measures). Some impacts in these topical areas would remain significant and unavoidable even with mitigation (see summary discussion on Draft EIR pp. 2-5 and 2-6).

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I-171 Tim Courtney

COMMENT

RESPONSE

I-171-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

From: [Tim Courtney](#)  
To: [svollman@oaklandca.gov](mailto:svollman@oaklandca.gov)  
Subject: Comment in SUPPORT of Howard Terminal Draft EIR for Planning Commission Meeting 4/21  
Date: Wednesday, April 21, 2021 9:02:41 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollman and members of the Oakland Planning Commission,

Today I write as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:

- Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.
- Brings much-needed 3,000 housing units, including affordable housing, in an area that the City of Oakland designated as a "Priority Development Area" by the Plan Bay Area 2040 vision for long-term growth.
- Will come with a robust transit-first approach, aiming to reduce car trips, expand public transportation options, and invest in bike and pedestrian safety and infrastructure.
- Comes with a commitment to transform the industrial site through environmental mitigation and remediation with private dollars that will allow 18 acres of new parks and open space for public use.
- Will serve as an essential catalyst to addressing long standing environmental issues at the Port and in West Oakland.

Further, the Port of Oakland has determined Howard Terminal is not needed now or in the future for Port activities, and that redevelopment is the better course for the Port's long-term viability. The A's have also committed to redeveloping the existing Coliseum site into a park and cover the existing surface parking lot with generous greenspace, housing, offices, retail, and a community center.

Please note the opposition campaign is funded by the deep pockets of Schnitzer Steel, a company fined \$4.1 million for polluting in West Oakland. This settlement funds the Prescott-Joseph Center's Breathmobile Program, a mobile pediatric asthma clinic! Keeping Howard Terminal operating as a truck terminal would provide none of the environmental benefits of the stadium project while continuing to subject West Oakland residents to the pollution from dozens of idling trucks every day.

Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.

Sincerely,

Tim Courtney

I-171-1

I-172 Jesse Pollak

COMMENT

RESPONSE

I-172-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

From: [jesse.pollak](mailto:jesse.pollak@oaklandca.gov)  
To: [vollman@oaklandca.gov](mailto:vollman@oaklandca.gov)  
Subject: Comment in SUPPORT of Howard Terminal Draft EIR  
Date: Wednesday, April 21, 2021 9:53:15 AM

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollman and members of the Oakland Planning Commission,

I live at 8th and Peralta in West Oakland, have been in Oakland for 8 years, and West Oakland for the last six. Today I write as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:

- Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.
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Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break ground on what will be a fantastic amenity for the city and the neighborhood.

Sincerely,

I-172-1

I-172

COMMENT

RESPONSE

Jesse Pollak

I-173 Stella Dennig

COMMENT

RESPONSE

I-173-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

From: [Stella Dennig](#)  
To: [svollmann@oaklandoa.gov](mailto:svollmann@oaklandoa.gov)  
Subject: Howard Terminal Project  
Date: Wednesday, April 21, 2021 10:05:49 AM  
Attachments: [image.png](#)

[[EXTERNAL]] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr. Vollman and members of the Oakland Planning Commission,

Today I'm writing as a resident in support of the draft EIR for the Howard Terminal project and in support of the A's developing a new ballpark and mixed use development on the site. This project:

- Partners with the West Oakland Environmental Indicators Project (WOEIP), a resident-led, community-based environmental justice organization, to develop a shared environmental justice agenda on issues of public health, air quality, land use, and equity.
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Thank you again for your consideration and vote in support of this Draft Environmental Impact Report. I look forward to the process moving forward and seeing the A's break

I-173-1

I-173

COMMENT

RESPONSE

ground on what will be a fantastic amenity for the city and the neighborhood.

Sincerely,

Stella Dennig

**Reference**

[Town Business website](#) with Howard Terminal overview, Existing Coliseum site plans, and FAQ.

**Talking points for Howard Terminal**

- Brings much-needed 3,000 housing units, including affordable housing, in an area that the City of Oakland designated as a "Priority Development Area" by the Plan Bay Area 2040 vision for long-term growth.
- Fits with a second Transbay tunnel alignment which would open up future transit opportunities.
- The project contributes 18 additional acres of parkland and an additional 2,000 linear feet of waterfront promenade which are great for the health and wellbeing of Oakland residents.
- Brings local jobs, redevelopment, and a renewed sense of town identity

**Against Status Quo**

- Current site is a parking lot, contributing to the urban heat island effect and hosting dozens of idling trucks per day polluting West Oakland air.
- Opposition to this project is astroturf, funded by the deep pockets of Schnitzer Steel, a company fined \$4.1 million for polluting in West Oakland, including funding the Prescott-Joseph Center's Breathmobile Program, a mobile pediatric asthma clinic.
- The port, which by continuing to exist doesn't provide the benefits to the community that will be gained by negotiating a robust Community Benefits Agreement

**Mythbusting Opposition Claims**

- "gentrification" talking point
- Traffic
- Jobs

**Action**

- Comments emailed to [pvollmann@oaklandca.gov](mailto:pvollmann@oaklandca.gov) or live at the Planning Commission

I-173

COMMENT

RESPONSE

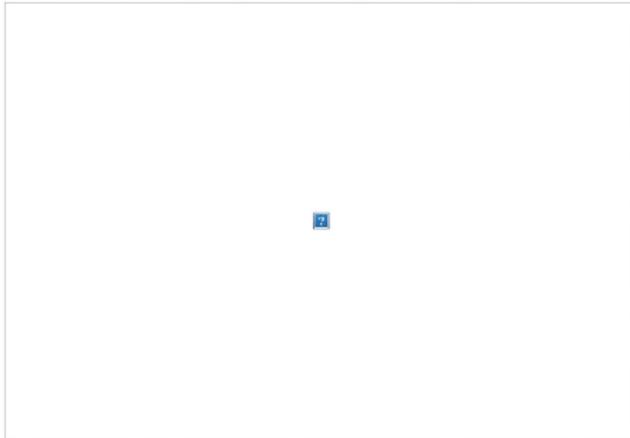
meeting, April 21 at 3:00pm:  
<https://cao-94612.s3.amazonaws.com/documents/April-21-2021-Planning-Commission-Meeting-Agenda-Online.pdf>

- 
- Comments on the draft EIR before April 27, 4p  
<https://comment-tracker.esassoc.com/oaklandportseir/index.html>

**Fact Check**

- [Schnitzer Steel agrees to pay \\$4.1 million settlement for allegedly polluting West Oakland neighborhood](#)
- [Attorney General Becerra Announces \\$4.1 Million Settlement with Schnitzer Steel for Illegally Releasing Hazardous Waste and Harmful Emissions into the West Oakland Community](#)
- [Dirty Truths About Big Ports](#)

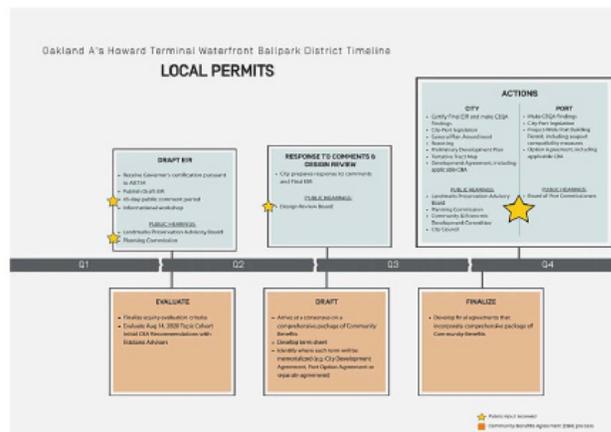
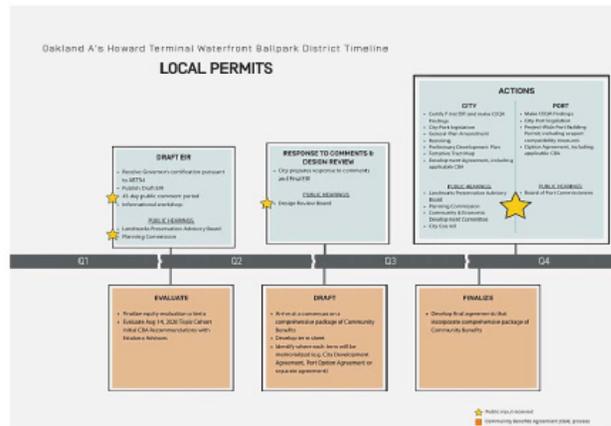
**Timeline**



I-173

COMMENT

RESPONSE



I-174 Sandy Sanders

COMMENT

RESPONSE

I-174-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

**From:** [Sandy Sanders](#)  
**To:** [Phyllis@oaklandoa.gov](mailto:Phyllis@oaklandoa.gov)  
**Subject:** Re: Case File Number ER18-016, Proposed New A's Ballpark  
**Date:** Wednesday, April 21, 2021 2:06:30 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Re: Case File Number ER18-016, Proposed New A's Ballpark

Dear City of Oakland,

There is absolutely no need for a new A's ballpark on the Oakland Waterfront or anywhere else when we have a perfect one at Oakland Coliseum. That stadium is perfect for baseball and provides fans with beautiful mild summer days and an enjoyable experience. Why fix something that already works. The stadium is excellent. The attendance problem is not the People of Oakland's problem. It is A's Management's problem. If they marketed themselves better to the entire East Bay to get the fans back in the already beautiful stadium, no need for a new one. If the A's don't like the stadium then maybe the City should buy or eminent domain the team to ownership by the City. We fans are tired of bombastic owners dictating the terms of their businesses in American cities. Without us and the citizens of those regions these teams are just a team. We are not here to subsidize these businesses. We are customers. Or better yet, owners.

It is high time for the public to own professional sports teams that use cities as their home base and as the source of their business income. The Cities thereby can avoid power plays to get good subsidized deals and know that the team will stay with Oakland instead of running off for a bigger, better deal bargained elsewhere. Like the Raiders that have now done this twice to the fans of Oakland. No more. Enough.

Personally, as teen and college student I worked as walk-around vendor at Oakland Coliseum and Candlestick Park. I love Oakland Coliseum. It is a beautiful stadium. The A's need marketing needs work, not a new stadium.

Sincerely,

Sandy Sanders

I-174-1

I-175 Anna Mathai

COMMENT

RESPONSE

I-175-1 | The current location of the A's seems to be a much better fit than this project.  
 I-175-2 | Howard Terminal is not well served by public transit (BART) or adequate parking.  
 I-175-3 | Fans are unlikely to change their current behavior and will continue to drive and try to park in the neighborhood which will be badly impacted. And constructing on a chemically hazardous site is a terrible idea.

I-175-1 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-175-2 See Consolidated Response 4.7, *Parking*.

I-175-3 The comment provides an opinion but does not provide a specific reason for objecting to redeveloping the Project site. The following explains how the hazardous materials currently encapsulated at the Project site will be addressed.

As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses would not be issued until the DTSC and the building official have approved the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting*, under *Human Health and Ecological Risk Assessment*, a Human Health and Ecological

I-175 Anna Mathai

COMMENT

RESPONSE

Risk Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-176 Rita Look

COMMENT

RESPONSE

I-176-1 This comment expresses an opinion about the proposed Project but does not raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR. See Response to Comment A-3-2, which addresses parking and how the parking management plan would disperse traffic across multiple interchanges on I-880 and I-980 and protect residential neighborhood on-street parking, thereby minimizing concentrated traffic congestion like that occurring at the Coliseum before and after an event.

I-176-1 The draft EIR is deficient most likely because they're trying to whitewash the fact that this project is being shoehorned into an improbable spot that has no direct transit – no direct freeway exits – an active railroad dividing us from them with insufficient plans for grade separation – an area so small, there's only 2000 parking spaces for a 35,000 seat stadium – and on landfill without provisions for piers down to bedrock. If they had adequately addressed these issues in the DEIR, there would be much less opposition to the project.

I-176-2

I-176-3 Air quality impacts: The DEIR doesn't adequately address congestion around intersections and freeways. WO is a tiny island surrounded by freeways. Traffic will be lined up for miles on the freeways leading to the closest exits, with cars waiting at the bottom for lights to turn green, and then drive 30 feet to another red light, etc. Uber and Lyft will contribute to this congestion. Also impacting air quality – I've lived in West Oakland for almost 20 years/ Ellen Wyrick worked for years to get idling trucks out of the neighborhood to have a place for them off streets with engines off which is the current use of the Howard terminal - there's no provisions for these truck in the DEIR.

I-176-4

I-176-5 Also surprising - no absolute plans to grade separate railroad from all streets leading to site – seems unimaginable. CalTrain on the Peninsula has been raising/ lowering tracks for years, knowing that every road or path that crosses tracks are accidents waiting to happen. The rail is essential for the Port's operation - limitations on rail due to traffic will impact business. The project isn't compatible with surrounding businesses.

I-176-6 There are impacts to the well being of residents with cars coming into the area, looking for parking, there could be gridlock - parking permits will be required. Who will pay for them? – who will enforce parking? And then there's noise – A's regularly shoot off fireworks - I'm less than a mile from the site! Also, will the project be properly built on landfill? – a building less than 10 yrs old in Foster City at my company was torn down because the half that didn't have piers down to bedrock sunk and started splitting off from the rest of the building. Has the DEIR addressed how it will support the massive structures it will be building on landfill? Toxic dust kicked up from these essential activities aren't addressed.

I-176-7

I-176-8

I-176-9 In conclusion, the draft EIR presents a sexy project next to the water and doesn't honestly address the limitations of the site and with no plans to make it more user friendly with infrastructure and transportation improvements, the project creates an unhealthy, dangerous traffic congestion and parking nightmare, to either be solved at a later time with money coming out of public's pockets and/or dealt with in perpetuity by residents. Full impacts to resident's health is not addressed. It's not fair that the A's are essentially black-mailing the City with threats of leaving. Why do WO, Chinatown and Jack London residents have to pay for this project with their health and their well being?

I-176-10

Regarding transit, there are three BART stations within about 1 mile of the Project, and Mitigation Measure TRANS-1e would construct pedestrian improvements connecting the Project to the three BART stations. There are 12 AC Transit bus routes within a 15-minute walk of the Project, and Mitigation Measure TRANS-1c would construct a Transportation Hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour. Mitigation Measure TRANS-1d would construct bus-only lanes on Broadway between Embarcadero and 11th Street, where they would connect to existing bus-only lanes extending to 20th Street that would be used by the buses serving the Transportation Hub.

The comment notes the presence of the railroad tracks separating the Project site from downtown Oakland. Draft EIR Mitigation Measures TRANS-3a and TRANS-3b describe a comprehensive set of physical and operational measures to manage vehicle, pedestrian, bicycle, and transit flows across the tracks including rail corridor fencing, at-grade crossing improvements, and a pedestrian and bicycle bridge connecting the Transportation Hub over the railroad tracks to the ballpark site. Even with these railroad corridor improvements, Impact TRANS-3 would be significant and unavoidable.

For those bicycling to the Project, the Draft EIR includes Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c, which provide bicycle infrastructure connecting the site to Oakland's bicycle network via 7th Street connecting the West Oakland BART station to Martin Luther King Jr. Way; along Martin Luther King Jr. Way from the Project to 7th Street.

I-176 Rita Look

COMMENT

RESPONSE

The Oakland Alameda Access Plan (OAAP), a separate project under environmental review with construction expected to be completed by 2027, would construct two-way cycletracks on Oak Street connecting Lake Merritt BART station and 3rd Street and on 6th Street connecting Oak Street to Washington Street where riders could use the striped bike lanes on Washington Street to access the Project via Water Street.

I-176-2 Site conditions and requirements for the proposed Project for geotechnical stability are discussed in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources*, with additional details of geotechnical recommendations for ground preparation and foundations support provided in Draft EIR Appendix 9 - GEO, which provides the Preliminary Geotechnical Exploration Report. For example, the Project would implement deep dynamic compaction and direct power compaction to prepare subsurface materials for foundations prior to construction of deep foundations; rapid impact compaction may be used as well. The ballpark itself would involve approximately 2,000 14-inch square precast piles or similar foundation elements to support building loads. Finally, as explained in Draft EIR Section 4.6.3, *Significance Criteria*, under *Approach to Analysis*, the California Building Code requires the preparation of a final geotechnical investigation that would provide final recommendations for ground preparation and foundation support.

I-176-3 The commenter expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways with a concentration of traffic in West Oakland. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. However, the City did require for informational purposes a detailed intersection operation analysis of the Project (see Draft EIR Appendix TRA.3).

To minimize concentrations of traffic congestion noted by the commenter the Project would include measures to disperse ballpark-related automobile traffic. Mitigation Measure TRANS-1b would include a Transportation Management Plan (TMP) and one element of the TMP would be a Parking Management Plan (see the Draft EIR's Additional Transportation Reference

I-176 Rita Look

COMMENT

RESPONSE

Material - Toward a High-Performance Parking Management System for a Thriving Oakland)<sup>11</sup> that would include:

- Residential Permit Parking for on-street parking in West Oakland. This action would deter ballpark attendees from driving and parking on streets in West Oakland.
- Parking reservation system for ballpark attendees who drive and park. The system would be available for off-street parking garages up to about 1.5 miles from the Project. Drivers would then use the freeway access nearest their reserved parking space including: I-980 interchanges at 17th/18th, 11th/12th, and Jackson Streets; and I-880 interchanges at Union, Adeline, Market, Broadway, Jackson, and Oak Streets. There are currently no off-street parking garages in West Oakland that would have a parking reservation system for ballpark attendees.
- There are surface parking lots at the West Oakland BART station that could be used by ballpark attendees when the parking is not being used by BART patrons. The resulting traffic congestion when used by ballpark attendees would be similar to the congestion caused by BART patrons.
- There would be limited on-site parking for the ballpark and the automobile traffic generated by these spaces would access I-880 via 5th and 6th Streets while traffic destined to I-980 would access via Brush and Castro Street.

A draft TMP is provided in the Draft EIR (see Appendix TRA.1). The TMP outlines improvements and operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event, while minimizing disruption to existing land uses and neighborhoods. The TMP considers the travel characteristics of ballpark attendees, workers, and all other visitors to the ballpark. Its primary goal is to ensure safe and efficient access for all people traveling to the site, with a focus on promoting pedestrian, bicycle, and transit access to reduce automobile trips to the site and surrounding neighborhoods such as West Oakland.

<sup>11</sup> Primus Consulting, 2020. Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan, January 2020.

I-176 Rita Look

COMMENT

RESPONSE

The TMP is intended to be a living document and amended periodically by the Oakland A's, in consultation with the City and Port of Oakland, and with input from key stakeholders as identified in the TMP (see Draft EIR Appendix TRA.1 Draft Transportation Management Plan, Table 1-1). Revisions to the TMP will be subject to the review and approval of the City of Oakland.

I-176-4 See Consolidated Response 4.5, *Truck Relocation*.

I-176-5 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-176-6 See Consolidated Response 4.7, *Parking*.

I-176-7 Noise impacts related to fireworks displays are addressed on pp. 4.11-51 and 4.11-52 of the Draft EIR. The Draft EIR notes that while peak firework noise may occasionally exceed the instantaneous performance standard for residential uses, which are generally applicable to stationary noise sources, given the brief duration and limited number of firework events that would occur at the ballpark, noise from firework displays is expected to result in a less than significant human exposure impact, with noise levels of 70 to 78 dBA for a limited period of time.

I-176-8 Site conditions and requirements for the proposed Project for geotechnical stability are discussed in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources*, with additional details of geotechnical recommendations for ground preparation and foundations support provided in Draft EIR Appendix 9 - GEO, which provides the Preliminary Geotechnical Exploration Report. For example, the Project would implement deep dynamic compaction and direct power compaction to prepare subsurface materials for foundations prior to construction of deep foundations; rapid impact compaction may be used as well. The ballpark itself would involve approximately 2,000 14-inch square precast piles or similar foundation elements to support building loads. Finally, as explained in Draft EIR Section 4.6.3, *Significance Criteria, Approach to Analysis*, the California Building Code (i.e., Chapter 18A, *Soils and Foundations*), and the City of Oakland Building Code and Grading Regulations (i.e., Section 1802B.6, *Site Map and Grading Plan*) requires the preparation of a final geotechnical investigation that would provide final recommendations for ground preparation and foundation

I-176 Rita Look

COMMENT

RESPONSE

support. For additional discussion related to toxic air pollutants associated with site remediation, refer to Response to Comment O29-1-19.

I-176-9 This comment is predicated on other comments in this submittal; please see Responses to Comments I-176-1 through I-176-8. Regarding the financial-related comments, see Consolidated Response 4.22, *General Non-CEQA*. These comments will be forwarded to the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed Project.

I-176-10 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-177 Pam Satjawatcharaphong

COMMENT

RESPONSE

I-177-1 I'm writing to express my STRONG SUPPORT for securing the intersections of Broadway and Franklin/Webster/Oak so that a train quiet zone can be established there. Having lived in Jack London Square (JLS) for over 5 years, I found the community to be vibrant and diverse, and I really enjoyed my time there. Since the area was such a fun place to live, I adapted to dealing with the loud train horns that I could hear both within my residence and when I was out in the neighborhood walking, dining, or shopping. I still own a condo in JLS and I truly believe quality of life of my tenants and the many residents in the JLS community would be improved with these modifications. It would also support local businesses as it will improve the experience of individuals who will be visiting for games at the planned Howard Terminal stadium. Thank you for your consideration!

I-177-2

I-177-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-177-2 See Consolidated Response 4.11, *Quiet Zone*.

I-178 Margot Hamer

COMMENT

RESPONSE

I-178-1 Firstly, the review period for the EIR is far too short for a project of this size and complexity.

I-178-2 Second - The area proposed for development has high levels of toxins in the ground soil. The EIR does not have a plan for mitigation of this, including protection of the workers on site during construction. Is this not exactly the kind of thing the EIR is intended to address? This is an inexcusable omission that must be remedied.

I-178-3 Third - I understand the project will include 3,000 residential units, but it is not specified how many will be affordable. The city of Oakland desperately needs more affordable housing at a variety of levels to support residents. The EIR does not analyze the impacts of displacement and gentrification caused by this project. Furthermore, it states that the developer may choose not to build affordable housing at all, but instead pay impact fees to the city. I think this option should not even be on the table.

Oakland and its residents deserve due care and attention. The EIR submitted for this project does not demonstrate respect for this community. The city should review and amend this plan accordingly, and then provide ample time for public review and comment.

I-178-1 This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements. The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, *Comment Period Extension*.

I-178-2 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting, Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses would not be issued until the DTSC and the building official have approved the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk

I-178 Margot Hamer

COMMENT

RESPONSE

Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-178-3 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*. The potential for displacement is also addressed in Draft EIR Section 4.12, *Population and Housing*, in accordance with the City's adopted thresholds of significance.

I-179 Mary Forte

COMMENT

RESPONSE

		I-179-1	See Consolidated Response 4.22, <i>General Non-CEQA</i> .
		I-179-2	See Consolidated Response 4.10, <i>Alternative 2: The Off-Site (Coliseum Area) Alternative</i> .
I-179-1	<p>As an Oakland resident born and raised in East Oakland, I am opposed to the Howard Terminal project for the Oakland A's. I support a world class sports facility in East Oakland. Rather than displacing industrial and maritime businesses, it's in the best interest of both the City of Oakland and A's fans for a new, state-of-the-art ballpark to be constructed at the Coliseum complex in East Oakland. The Coliseum site is already approved for ballpark construction, is transit-accessible and would serve as an economic engine for the surrounding East Oakland neighborhoods. I urge you to reject the A's plan to build their new stadium and luxury condos on the working waterfront and condition any sale of the Coliseum property to the A's on building the new ballpark at their existing home. The city can have a win-win here – a world-class sports facility in East Oakland and a world-class port in West Oakland. My primary concerns are in the public financing of a ball park at the Howard terminal, the lack of transparency and the unacceptable involvement of the East Oakland community in the process. Public Financing concerns</p> <ul style="list-style-type: none"> <li>● The public has been kept in the dark throughout this entire process and to this day the A's still have not publicly disclosed how the full cost of the stadium and the needed infrastructure improvements at Howard Terminal will be paid for or even how much those costs will total.</li> <li>● Despite the project's massive impact on the region's traffic and infrastructure, the A's have avoided providing any details or commitment to fund infrastructure improvements - the DEIR leaves that to future discussions.</li> <li>● Until then, we truly have no idea exactly how much the A's plan would cost Oakland taxpayers like me and it would be irresponsible for any city official to consider entertaining this proposal without a full analysis of its economic impact.</li> </ul>	I-179-3	See Consolidated Response 4.22, <i>General Non-CEQA</i> , regarding fiscal impacts and concerns.
I-179-2		I-179-4	See Consolidated Response 4.22, <i>General Non-CEQA</i> , regarding fiscal impacts and concerns, and Consolidated Response 4.4, <i>Port Operations and Land Use Compatibility</i> .
I-179-3		I-179-5	See Consolidated Response 4.1, <i>Project Description</i> .
		I-179-6	See Consolidated Response 4.22, <i>General Non-CEQA</i> , regarding fiscal impacts and concerns. CEQA is only concerned with the environmental impacts of a proposed project.
I-179-4			<ul style="list-style-type: none"> <li>● What we do know is that in 2019 the A's wrote a letter of support for SB 293, a bill that would allow public funds to pay for their development because "this project cannot be built to the level of services and amenities we desire without this legislation." They specifically call out the need for the legislation to support paying for infrastructure, environmental remediation, public open space and affordable housing – all benefits the community believes will be delivered by the A's as part of the development.</li> <li>● While the A's would like us to believe that their waterfront development would be "privately financed", it is clear that in order for their project to pencil out, the City of Oakland would need to pay hundreds of millions of dollars for new infrastructure – money that could be better spent on vital city services and address the large budget deficit our city is facing. Mayor Schaaf said she believes taxpayers will foot a \$200 million bill for this project, at a minimum.</li> <li>● In addition to the hundreds of millions the City of Oakland would be on the hook for, the A's plans to build on the working waterfront would undermine the competitiveness of Oakland's top economic driver, the Port of Oakland which generates \$130 billion annually, as well as threaten to destroy nearly 90,000 good-paying union jobs and replace them with low-wage jobs at the Howard Terminal ballpark.</li> </ul>
I-179-5			<ul style="list-style-type: none"> <li>● While the A's claim that this project will generate massive community benefits, they have made no real commitments for how those would be achieved and when the community would actually get those benefits. While they have said the ballpark would be "phase one" there has been no commitment on the timing or financing of other aspects of the project.</li> </ul>
I-179-6		<ul style="list-style-type: none"> <li>● The A's must release a complete economic study and clear breakdown of public vs. private costs immediately – until they do it would be unthinkable for any government entity to consider the viability</li> </ul>	

I-179 Mary Forte

COMMENT

RESPONSE

I-179-6 of the project. One cannot separate the environmental report from the economic data, the two go hand in hand.

- The A's current plan will cost Oakland taxpayers, harm the economic viability of the port, and threaten tens of thousands of good paying union jobs. We need full transparency, concrete commitments and answers to basic questions before we can move forward.
- As an Oakland resident and taxpayer, I urge you to reject the A's plan to build their new stadium and luxury condos at Howard Terminal and condition any sale of the property to the A's on building the new ballpark at their existing home. It's in the best interest of Oakland for a new ballpark to be constructed at the Coliseum, we can have a world-class sports facility in East Oakland and a world-class port in West Oakland.
- The A's claim their new stadium will be privately financed, but the truth is that they will leave taxpayers on the hook for hundreds of millions of dollars in infrastructure costs to accommodate gameday traffic. The DEIR is only further evidence that the A's know traffic and infrastructure improvements are severely needed to make this project work, but they don't intend to pay for most of them. This is taxpayer money that should go towards improving our children's education, community services, and addressing homelessness, especially when the current Coliseum already has great transportation infrastructure.

I-179-7 ● The DEIR refuses to acknowledge the inevitable gentrification and displacement that will occur in West Oakland as a result of this project. It's happened in communities across the nation, and it will happen in West Oakland: residents of historically Black and Latinx neighborhoods are forced out of their homes and replaced with white high income earners as a shiny new stadium, and the waves of additional luxury development that follow, drive up rent prices and push out small family-owned businesses. It's astonishing that the DEIR acknowledges this displacement is likely, but doesn't consider it a significant impact. East Oakland residents unacceptable treatment and need for transparency

I-179-8 ● The A's Draft Environmental Impact Report provides the Coliseum site as a project alternative but refuses to do the analysis and comparison necessary to demonstrate the Coliseum site is a better location for this proposed development, especially in terms of the environment, transportation access, gentrification and urban decay, and public safety.

I-179-9 ● Additionally, the DEIR does not consider the additional luxury development the A's are planning for the Coliseum as an arm of the Howard Terminal project, despite the fact that the A's and MLB leadership have acknowledged that the Coliseum development will be used to pay for the Howard Terminal project. Thus, the environmental and neighborhood impacts of both projects ought to be taken into account in this EIR.

I-179-10 ● The DEIR does not outline a viable plan to account for the economic vacuum that the A's will leave behind in East Oakland if they move to Howard Terminal, abandoning the community that has housed and supported the team since the first pitch was thrown in 1968.

I-179-10 ● The Coliseum in East Oakland is already approved for a ballpark development, does not require environmental remediation, has an adjacent BART station, and won't require pedestrians to cross busy railroad and trucking corridors, making it the logical choice for a new ballpark.

I-179-7 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*, and Consolidated Response 4.15, *Urban Decay*.

I-179-8 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-179-9 See Consolidated Response 4.22, *General Non-CEQA*, regarding fiscal impacts and concerns, and Consolidated Response 4.15, *Urban Decay*.

I-179-10 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-179 Mary Forte

COMMENT

RESPONSE

- I-179-10
  - The Coliseum already has the necessary transportation infrastructure to handle a world-class ballpark, offices, and affordable housing because our community has made sacrifices and investments over the years to create that infrastructure, with the expectation that it would be used to generate benefits for East Oakland. Replacing the stadium with luxury condos and a tech campus - that won't create jobs for current East Oakland residents and will serve only to gentrify and price us out – is an insult to our community.
- I-179-11
  - The A's haven't even thought to include the East Oakland community in their plans for some of the most valuable public land in our city. A legitimate community proposal was completed four years ago by Oakland's planning department, and the result of that process prioritized a state-of-the-art sports and entertainment district at the current Coliseum. Our community sees the potential of retaining and investing in this asset and using it as an economic engine to bring jobs and affordable housing.
  - The City has an opportunity to build a new stadium at the existing Coliseum site. An opportunity to invest in East Oakland – to provide our community with a world-class stadium, surrounded by affordable housing, shopping, restaurants, and entertainment. An opportunity to grow jobs and support East Oakland residents. Having the A's rebuild a new stadium at the Coliseum site with robust community benefits would infuse much-needed economic development in the area and revitalize the sports legacy in our long-neglected but deserving community.
- I-179-12
  - Given the economic importance the stadium has for East Oakland, it is necessary for the City to condition any agreement on the Coliseum land with an enforceable requirement that the A's build their new stadium at the Coliseum site and fully embrace the community development standards of the East Oakland community.
  - It is unacceptable that the A's are attempting to buy the Coliseum at a discount, asking Oakland to give up valuable taxpayer-owned land for less than it's worth – and without any promise to stay and invest in East Oakland by building a ballpark there. The city should not allow the A's to strong-arm them into providing a public subsidy, without enforceable conditions, under threat of leaving town.
- I-179-13
  - This is about self-determination. East Oakland neighborhoods have suffered under cycles of neglect, broken promises, gentrification, and displacement. Having the Oakland A's remain at the current site with additional housing and commercial activity will create economic opportunities in a community that needs and deserves the benefits that a redeveloped world-class stadium would bring.

I-179-11 The commenter's preference for the Coliseum site is noted. See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-179-12 See Consolidated Response 4.22, *General Non-CEQA*, regarding fiscal impacts and concerns.

I-179-13 The commenter's preference for the Coliseum site is noted. Comments regarding the merits of the Project or alternatives of the Project do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-180 Shadi Rasheed

COMMENT

RESPONSE

In regards to the proposed Howard Terminal A's ballpark (case file number ER18-016), I am for the ballpark, but the safety measures need to expand from Oak st to Broadway.

The new ballpark is just part of Jack London and the current iteration of the safety measures neglects all the restaurants and venues that will become even more populated once the ballpark is built.

As a resident of the area, I've seen pedestrians constantly cross the tracks as a train is oncoming. This will increase once sport fans park in a nearby parking garages to walk to the stadium. Also, just as is with the Giants stadium, a lot of fans will stay in the area to have dinner after games and the train blaring their horn as patrons eat outside is a terrible experience.

Extending the safety measure until oak st would be a smart safety measure that will promote the total stadium experience.

The new stadium would become a big part of Jack London, but the safety measures need to cover all of Jack London.

I-180-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-180-1

I-181 Mercedes S. Rodriguez

COMMENT

RESPONSE

I am concerned about the Port and its future operations along with retaining jobs for the Longshoremen.

Traffic and parking will create a transportation nightmare for those that live and work in the four impacted areas: West Oakland, Old Oakland, Jack London and Chinatown.

I-181-1

I am also concerned about the public infrastructure contemplated, which is needed, along with public safety and railroad safety issues. None of these projects should be financed by Oakland taxpayers. These are the A's responsibility since it is them that want a Ballpark at Howard Terminal.

I-181-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. See also Consolidated Response 4.22, *General Non-CEQA*, which addresses issues such as financial considerations, and Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-181

COMMENT

RESPONSE



I-182 Mercedes S. Rodriguez

COMMENT

RESPONSE

I-182-1

Affordable Housing: The DEIR mentions that the project will have 3,000 residential units. However, it does not specify how many of those units will be affordable and what level of affordability they will be. As of April 2020, the City of Oakland's low income for a family of 4 is \$104,400. I am sure that most people in the impacted area of Howard Terminal do not have an income in that bracket. As a result, those that live outside of Oakland will be applying and residing in those units, guarantying that the project will cause gentrification.

I-182-1 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-182

COMMENT

RESPONSE



I-183 Jessie Ortiz

COMMENT

RESPONSE

I-183-1 See Consolidated Response 4.5, *Truck Relocation*.

I-183-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

From: [jessie.ortiz](mailto:jessie.ortiz)  
To: [svollman@oaklandca.gov](mailto:svollman@oaklandca.gov)  
Subject: no leisure housing at the Port please  
Date: Friday, April 23, 2021 8:29:41 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Mr Vollman,

The Port of Oakland is extremely important for Oakland residents because it provides jobs for so many. The 3000 trucks that now line up to load containers are another major factor in Oakland's economy. Where will those trucks go if the Fischer real estate development is built near the Port?

Oakland is a city that needs to keep the Port as efficient as possible & to employ its residents. This real estate development will only benefit rich people. Most Oakland residents are not rich.

But development at the Coliseum would really help the city. Hopefully the Planning Commission is cognizant of the needs of our communities.

Thank you for considering it he future of our city.  
Jessie Ortiz (Maxwell Park)

Sent from my iPhone

I-183-1

I-183-2

I-184 Mercedes S Rodriguez

COMMENT

RESPONSE

I am concerned that the construction of the proposed Project would result in substantial temporary or periodic increases in ambient noise levels in the Area in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Criteria 1 and 2) (Significant and Unavoidable with Mitigation)

I am concerned that the Operation of the proposed Project would result in generation of noise resulting in a 5-dBA permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, or generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise. (Criteria 3 and 4) (Significant and Unavoidable with Mitigation)

I-184-1

Construction activities of the proposed Project combined with cumulative construction noise in the Project area would cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity during construction. (Significant and Unavoidable)

Operation of the proposed Project when considered with other cumulative development would cause a substantial permanent increase in ambient noise levels in the Project vicinity. (Significant and Unavoidable)

I should mention that I live on Market Street between 8th and 10th Street.. Currently we can hear BART trains, AM Track Trains and noise from trucks that are parked illegally and idling on Market Street. The addition of a Ballpark at Howard Terminal will just make the noise level intolerable for those that live in the vicinity . The A's have said they will have events 365 days a year, not only on game days. The noise level from concerts and fireworks will also make things worst.

I-184-1

Cumulative construction noise impacts of the proposed Project are discussed on pp. 4.11-66 and 4.11-67 of the Draft EIR. Mitigation measures identified to address the Project's contribution to construction noise include the following (see Impact NOI-1):

- Mitigation Measure NOI-1a: Construction Days/Hours
- Mitigation Measure NOI-1b: Construction Noise Reduction
- Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.
- Mitigation Measure NOI-1d: Construction Noise Complaints
- Mitigation Measure NOI-1e: Structural Improvements or Off-site Accommodations for Substantially Affected Receptors

These construction noise impacts are identified as significant and unavoidable with mitigation.

Cumulative operational noise impacts of the proposed Project are discussed on pp. 4.11-67 and 4.11-75 of the Draft EIR. Mitigation measures identified to address the Project's contribution to operational noise include the following (see Draft EIR Section 4.15, *Transportation and Circulation*):

- Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan
- Mitigation Measure TRANS-1b: Transportation Management Plan

The noise impact assessment considered both the magnitude of construction and operation noise levels in consideration of the existing measured noise levels. Existing monitored noise levels inclusive of the nearest residences to BART and Amtrak lines are presented in Table 4.11-2, p. 4.11-8 of the Draft EIR.

Noise impacts related to concerts are addressed on pp. 4.11-48 through 4.11-51 of the Draft EIR. Mitigation Measure NOI-2a, Sound Control Plan for Concert Events, is identified to address concert noise. The residual impact is identified as significant and unavoidable for up to nine concert events annually, given the potential for concert events to extend beyond the 10:00

I-184 Mercedes S Rodriguez

COMMENT

RESPONSE

p.m. hour currently allowed by Section 12.56.030 of Oakland’s Municipal Code.

Noise impacts related to fireworks displays are addressed on pp. 4.11-51 and 4.11-52 of the Draft EIR. The Draft EIR notes that while peak firework noise may occasionally exceed the instantaneous performance standard for residential uses, which are generally applicable to stationary noise sources, given the brief duration and limited number of firework events that would occur at the ballpark, noise from firework displays is expected to result in a less than significant human exposure impact, with noise levels of 70 to 78 dBA.

The decisionmakers who decide whether to approve the proposed Project will have access to this comment and will be asked to weigh the impacts of the Project—including those discussed here—against its benefits, consistent with CEQA Guidelines Section 15093 (Statement of Overriding Considerations).

I-184

COMMENT

RESPONSE



I-185 Sheryl Walton

COMMENT

RESPONSE

I-185-1 See Consolidated Response 4.7, *Parking*.

I-185-2 This comment expresses an opinion about the proposed project based on funding commitments by the A's, which is an economic issue, not environmental issue under CEQA. It does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

April 23, 2021

Peterson Vollmann, Planner IV  
City of Oakland Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 2214  
Oakland, CA 94612  
[PVollmann@oaklandca.gov](mailto:PVollmann@oaklandca.gov)

**RE: Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal**

Dear Planner Vollmann:

Thank you for the opportunity to comment on the Draft EIR for the Oakland A's' proposed ballpark and auxiliary development at Howard Terminal. As a resident of Oakland, I am concerned that a number of impacts on the Oakland community and the maritime community have not been properly analyzed or mitigated.

I-185-1

The DEIR concludes that it is sufficient for the A's development to allocate only 2,000 parking spots to the approximately 10,000 game day visitors that the A's are expecting to arrive by car. The report provides no confirmed mitigation measures on the part of the A's to deal with the additional 5,000+ visitors they aren't planning to provide parking for, just conceptual ideas for parking meters and the use of existing parking lots that do not supply the additional 5,000+ parking spaces needed and are not guaranteed to happen. As such, the report does not assess the impact that having thousands of cars trying to park as close to the stadium as possible will have on nearby neighborhood streets and homes. The report must provide a proper analysis of and mitigation plan for the A's failure to provide adequate parking, or nearby residents will suffer severe impacts from the increase in car traffic and visitors to the area.

I-185-2

In addition to parking, the DEIR fails to properly analyze the infeasibility of managing game day and entertainment day traffic, car, bike, and pedestrian, primarily because the A's have not committed to paying for the considerable traffic improvements needed to prepare the areas for the influx of tens of thousands of visitors. Without a committed, approved, and "paid for" transportation plan for how to transport 35,000 visitors to a stadium development on the working waterfront, the DEIR cannot properly analyze the impact of these visitors on the operations of the port, nearby residents, and the existing transportation infrastructure. Theoretical bus lines and designated curbs for rideshare companies cannot be considered mitigation of these considerable traffic impacts unless the A's have committed to developing and paying for them, which they have not.

It is also concerning to me that the DEIR determines that the introduction of 3,000 new luxury residential units to the area will help address our housing crisis instead of correctly assessing

I-185

COMMENT

RESPONSE

I-185-3 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-185-3

the impact that this type of housing will have on the surrounding low-income community. The report makes a conscious choice not to evaluate the likelihood of gentrification and displacement because it deems it "speculative," which is not true. You only have to look at other stadium and luxury housing projects across the country to see that introducing homes and businesses geared towards the wealthy into low-income communities causes considerable displacement of the existing residents.

The DEIR concludes that the project will contribute to meeting our region's housing needs, but does so with no analysis of the type of housing that will actually be built at the site and whether this housing meets local needs. The majority of housing built at this site will be luxury condos and will likely be far out of reach financially for most renters or potential home buyers in Oakland, especially for residents of the mostly low-income communities directly adjacent to the project. As a result, this expensive housing will not, in fact, help meet our local region's housing needs. Instead, it will gentrify our neighborhoods and force long-time residents out.

The DEIR's analysis of the housing impacts of this project is insufficient as long as it does not identify the estimated cost and impact of this type of housing on the surrounding community, which will only serve to gentrify West Oakland and displace low-income Black and Latino residents.

Please address these serious gaps in the DEIR's analysis before this project is allowed to move forward.

Thank you,

Sheryl Walton

I-186 Ruth Goran

COMMENT

RESPONSE

I-186-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-186-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-187 Julia Epstein

COMMENT

RESPONSE

Re ER18-016:

Please include the rail crossings to the to the East of Broadway--Franklin, Webster, Oak--in the safety mitigation plan for the new A's stadium. I very much support the stadium and hope that in developing the plans around it, we can take care of some of the noise pollution and dangers to pedestrians created by the train crossings. Safety and noise abatement in the whole area should be paramount considerations.

Thank you.  
Julia Epstein  
Jack London Square Resident

I-187-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-188 Christopher Hain

COMMENT

RESPONSE

I-188-1

The biggest issue I have with the train noise is when trains blow the horn/whistle between 10pm - 8am. At least once a week there is a train that blows the horn extremely loudly around 2 or 3am which causes an unacceptable disturbance while people are sleeping. Please find a way to prevent trains from taking that action.

I-188-1 See Consolidated Response 4.11, *Quiet Zone*.

I-189 John Marx

COMMENT

RESPONSE

I say vote yes on this thing. Oakland City Council needs to vote on this as soon as possible.

I-189-1 Opponents of this project need to be ignored. All they want is for Oakland to lose all three professional sports teams. Alliance Oakland wants this to happen.

Vote yes on this now.

I-189-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-190 Martha Kirsch

COMMENT

RESPONSE

I-190-1 In planning for long term solutions for safety and noise concerns, please look into what was done in Reno, Nevada back in 2007. There, the train came through the center of town causing noise and safety issues. The solution was to put the train tracks below street level providing noise abatement and pedestrian safety as well as traffic easement. The funding came through federal funds as well as state and local funds. It is certainly a much more comfortable place to walk, drive, and listen.

I-190-1 The Capitol Corridor Joint Powers Authority (CCJPA) Vision Implementation Plan envisions a 2-mile tunnel through Jack London Square, potentially under 2nd Street, which would completely separate passenger and freight rail traffic from automotive, pedestrian, and bicycle circulation in the area. This tunnel has an estimated cost of \$1.2 billion and would not be complete for 20 to 25 years. The operating plan assumes that up to four trains per hour would pass through the area, but these would pass through the tunnel rather than along the at-grade right-of-way. Given the time frame for construction of this tunnel, the plans outlined in the CCJPA Vision Implementation Plan would not alter the Draft EIR Impact TRANS-3, the associated mitigation measures, or the conclusion that Impact TRANS-3 would be a significant and unavoidable impact to rail safety.

I-191 Bryan Cauwels

COMMENT

RESPONSE

I-191-1 This is a comprehensive EIR that addresses the many issues that have been raised or will be raised for this project. Cities are rarely given an opportunity to approve a once in a lifetime project with so much upside that is privately financed. I feel that this document adequately addresses the concerns and the benefits of this project and I urge that the EIR is approved and ultimately the project is approved. There are so many community benefits for the city and us residents that I am excited to support this EIR and the project! Let's Go Oakland!

I-191-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-192 Anthony Broadley

COMMENT

RESPONSE

I-192-1

As an international Oakland Athletics fan I firmly believe the A's belong to Oakland and in Oakland. One aspect that is a common detriment to the A's continues to be the coliseum whether it be from fans who have been or fans who haven't but have been out off by its 'dive bar' reputation. I firmly believe the Howard Terminal project/location would attract many more international visitors to Oakland which can only benefit both the A's and Oakland. You may not know but Oakland are the 2nd most supported MLB side in the AL here in Britain but the coliseum is never mentioned as a 'must visit' ground. Instead the SF Giants stadium gets the nod. Finally, as someone who is very environmentally conscious the new plans and it's environmentally friendly aims is something that is not only extremely positive for Oakland but will capture the attention of youth throughout Oakland and beyond. We are seeing it in football (soccer) in this country, Forest Green Rovers are being praised to great acclaim for their 'green' stadium and I think this movement and demand will increase across all aspects of life going forward. Building the HT stadium is a win both for the Oakland population and for attracting international visitors like myself and my family.

I-192-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-193 Melvin Mackay

COMMENT

RESPONSE

City of Oakland  
Planning

I-193-1

The Draft Environmental Impact Report for the A's proposed project at Howard Terminal makes a spurious claim that almost 10,000 jobs will be created as a result of the A's project, but this number fails to include the number of jobs that will be lost as a result of the disruption of the Port.

I-193-2

The jobs analysis doesn't not account for the thousands--if not tens of thousands--of jobs that will be lost when economic activity at the Port decreases as a result of the truck and rail traffic interference that will occur as thousands of cars and people clog up streets used to ensure the flow of port traffic. With these thousands of jobs at risk, this will ultimately result in a net loss of jobs should the project move forward. Additionally, this number includes stadium work such as concessionaires and ushers, which aren't "new" jobs - they already exist at the Oakland Coliseum. The DEIR math regarding these "new" jobs just doesn't add up. In addressing the many deficiencies in the Howard Terminal DEIR, we urge you to properly calculate and acknowledge the job loss that would result from a development of this scope at a working waterfront, as well as the myriad negative impacts to the shipping and transportation industries that would follow. It is not simply a matter of numbers on a spreadsheet--it's lives, livelihoods, a thriving working class, and the safety and security of the region that is at stake.

ILWU Local 10  
Vice President  
Melvin Mackay

- I-193-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
- I-193-2 See Table 4.12-8 (Draft EIR p. 4.12-17), and associated text present a comprehensive breakdown of post-construction employment associated with the Project, and distinguish full-time equivalent employment, employment by Project component (e.g., A's staff, office, retail), and net new employment. Concessionaires and ushers are represented under "Event Non-A's and Game Day-of Staff, one of seven classifications for Project employment.
- The Draft EIR includes employment information salient to the evaluation of environmental impacts (e.g., transportation, air quality), including information on construction-phase employment (see Draft EIR Section 3.13.3, p. 3-58) and post-construction employment (see Draft EIR Section 3.6.4, p. 3-35). Tables 3-2 and 3-3 (Draft EIR p. 3-36) present breakdowns of post-construction employment by event type and team operations.
- See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-194 Nicholas Anthis

COMMENT

RESPONSE

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I am writing as a resident of the Jack London neighborhood to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market Street and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. The railroad traffic is a fact of life in the Jack London neighborhood. Having lived in the neighborhood for years, I have witnessed many unsafe situations caused by the railroad traffic, and it is essential that additional protections are put in place to protect both local traffic and those coming to the neighborhood for entertainment or work, especially with the additional traffic brought by the new stadium. Here are a couple of specific situations I have witnessed:

1. I have seen long freight trains stop on the tracks, blocking the crossings. Because there are not easily accessible ways to circumnavigate the train and because the crossings are open and unprotected, when this happens, I have seen pedestrians dangerously climbing through the train and between train cars, a situation that could easily lead to pedestrian deaths.
2. The railroad crossing arms do not consistently function appropriately. I have seen them lower when there is not a train present, and I have seen them not lower when a train actually is present. Even when functioning properly, they provide very little protection, and I regularly see both pedestrians and vehicles walk or drive around them when they are closed.

In addition, residents in the neighborhood are exposed to ongoing loud train noise. This noise is a public health hazard. Close-up exposure to the train horns can damage hearing, and the ongoing noise throughout the night disrupts sleep and thus negatively impacts the health of neighborhood residents. These safety improvements are a prerequisite to establishing a railway quiet zone in the neighborhood, and these health concerns should also be taken into account as another reason for making these much needed safety improvements.

I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-194-1

I-194-2

- I-194-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.
- I-194-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-195 Greg Fayard

COMMENT

RESPONSE

I-195-1 | I am in favor of the development.

I-195-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-196 Nicholas Falls

## COMMENT

## RESPONSE

I-196-1

I am submitting this comment in full support of the Oakland A's Howard Terminal Plan. As a native, I feel that this is the most important proposal that this city will see in my lifetime. It will make Jack London Sq, which has always been an underperforming asset, a world class attraction. It will serve as great source of revenue for our city, and a great source of pride for our people. I urge the City Council to bring approve this EIR as soon as possible. Thank you.

I-196-1

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

I-197 Guillaume Egles

COMMENT

RESPONSE

I-197-1 | Please address the train's noise and safety throughout JLS. thx!

I-197-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-198 Steve Re

COMMENT

RESPONSE

I-198-1

Regarding the proposed Howard Terminal A's ballpark case file number ER18-016, I write as a resident, to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. We have lived here for several years. We have witnessed several times people trying to beat trains while trying to cross Embarcadero. When a freight train is crossing and sometimes stops and people try to climb over the train to try and get to the other side. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-198-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-199 Vincent Gabrielson

COMMENT

RESPONSE

I-199-1

As a resident of Alameda County and a lifelong A's fan, I wholeheartedly support Howard Terminal as the new home of my baseball team. They will be a much better tenant on that property than anyone else, especially those who have been poisoning and would continue to poison the neighborhood for decades. The A's have been negotiating in good faith with the city for years and are the only team left. If this project does not proceed, Oakland will in all likelihood lose their last major professional sports team. And that would break my heart more than anything else in my lifetime. Please approve this meticulously thought out project.

I-199-1

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

I-200 Alejandra Leon

COMMENT

RESPONSE

I-200-1 As a native Oaklander, I have seen the bustle and hustle of Jack London dwindle. I think building a stadium in Howard Terminal would not only benefit the Oakland A's but the entire Oakland community. To revitalize Jack London. This in turn will generate new employment for Oaklanders from working at the stadium, bars, restaurants, and office spaces. It will bring in new businesses to Oakland.

The Coliseum is wonderful and unfortunately what surrounds it are industrialized warehouses that can not be touched. The people of Oakland deserve to have this. Something that will be the focal point for outsiders. Something that will make Oakland look even better.

As a person that has lived in East Oakland all her life, I believe this is the right move for us. Oakland can not afford to lose the A's. We can't, our city is already hurting, and the A's lifts our spirits.

I-200-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-201 Jonah Martin

COMMENT

RESPONSE

I-201-1 | I understand that this project has a very large scope and is intended to bring new vitality to the area but I have major reservations about the job creation estimates. Many jobs that are created will not be full time, they will be construction jobs initially and then concessions at the ballpark, which really just represents a shuffling not creation of new jobs. There will be a distinct negative impact on the port and shipping which I don't believe has been accurately represented in the current EIR.

I-201-2 | Furthermore, creation of jobs of one variety is not sufficient to justify losing jobs of a different variety, there must be a balance brought to this development and a net gain of jobs not including construction or ballpark staff, with no loss of existing jobs within the port.

I-201-1 The Draft EIR includes employment information salient to the evaluation of environmental impacts (e.g., transportation, air quality), including information on construction-phase employment (see Draft EIR Section 3.13.3, p. 3-58) and post-construction employment (see Draft EIR Section 3.6.4, p. 3-35). Tables 3-2 and 3-3 (Draft EIR p. 3-36) present breakdowns of post-construction employment by event type and team operations. Table 4.12-8 (p. 4.12-17) and associated text present a comprehensive breakdown of post-construction employment associated with the Project, and distinguish full-time equivalent employment, employment by Project component (e.g., A's staff, office, retail), and net new employment.

I-201-2 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-202 Kaitlyn Farley

COMMENT

RESPONSE

I-202-1 | Keep the A's in Oakland!

I-202-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-203 Dan Williams

COMMENT

RESPONSE

I-203-1 | I am a 35-year resident of Oakland and fully support the A's effort to build a privately funded ballpark at Howard Terminal.

I-203-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-204 Danny Delamater

COMMENT

RESPONSE

I-204-1 | Please make this happen!

I-204-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-205 Chad Yolland

## COMMENT

## RESPONSE

I-205-1

100% supportive of this project! This is transformational for the city! We need an anchor for Jack London Square and an A's stadium would be a perfect fit and location. Once there, most of the issues will be worked out. Oakland prestige will grow. We must get this done!

I-205-1

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

I-206 Kevin Morsony

COMMENT

RESPONSE

I-206-1 | I strongly support the A's proposed plan at Howard Terminal. As an Oakland resident  
| deeply involved in the community, this seems like a great win for the city and  
| should not be shouted down by the loudest voices in the room.

I-206-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-207 Shayne del Cohen

COMMENT

RESPONSE

I-207-1 While I have pages of miniscule notes about the proposed Howard Terminal project, they are summarized as follows:

I-207-1 1) Project is not consistent with other planning efforts, ie Coliseum Development Plan, previously adopted by the City Council; in fact the EIS ignores competing plan goals, policies, and strategies of several communities.

I-207-2 2) The project does not mitigate traffic or existing transportation system impacts adequately.

I-207-3 3) The project does not provide a safe environment for pedestrians.

I-207-3 4) Each phase of proposed development indicates dependence on subsequent phases for major improvements. In fact, phases proposed AFTER ballpark are presented in "if" tense. This is a real estate deal, not sports development.

I-207-4 5) Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal are not adequately addressed.

I-207-5 6) Though obviously designed to attract single and/or a retired population, there is no discussion about schools, police and fire services.

I-207-6 7) Visibly controversial, project totally ignores wishes, resources and potentials of D6 and D7, perpetuating an unbalanced City, thus is materially detrimental to the public health, safety, and welfare of a significant portion of city residents.

I-207-7 8) The EIS does not adequately address "sea rise".

I-207-8 9) The proposed land use and project design is not compatible with surrounding development, severely impactig the abiility of the Port to meet future evolution of national and international supply lines.

I-207-9 10) As an EIR, the document deals mainly with impacts during construction and does not adequately present long-term impacts. A full EIS is necessary.

I-207-10 While not required in an EIR, any requested set-asides, tax subsidies and other grants of public funds are not outlined or committed to any publicly transparent documents. With the history of the Raiders, the fiscally jeopardized move of the 49ers to Levi, and other national examples, the tax payers of Oakland have no assurance that they will not be (again) left holding the bill for this project.

I-207-10 Expecting that your good offices will responsibly address these issues and find that the Project as proposed is not in the best interests of the future of Oakland.

Sincerely,  
 Shayne Del Cohen  
 948 Hollywood  
 Oakland CA 94602

I-207-1 The comment asserts generally that the Project is not consistent with other City-adopted planning efforts, and provides one example. The City notes that the proposed Project is not included in the planning area for the Coliseum Area Specific Plan. The comment does not cite any specific examples of inconsistencies that could apply to the proposed Project. Section 4.10, *Land Use, Plans, and Policies*, of the Draft EIR analyzes the potential for a fundamental conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment. Other relevant local plans and policies are also discussed throughout the Draft EIR.

I-207-2 This is a general comment and does not identify specific issues other than general assertions of inadequacy. See Section 4.15, *Transportation and Circulation*, of the Draft EIR, which describes the potential transportation-related impacts of the Project and identifies mitigation measures to reduce Project-related impacts to the extent feasible. Also see Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, regarding pedestrian safety and rail.

I-207-3 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. As discussed in the Draft EIR, during Phase 1, the Project sponsor intends to complete site grading, install backbone infrastructure, construct the primary streets for initial development in Phase 1, construct the ballpark, and potentially develop parcels, partner with other developers, and/or lease/sell one or more individual development blocks to one or more individuals/developers. Secondary streets and infrastructure in the Phase 1 area of the Project site would be developed over time as blocks west of Phase 1 are developed. During and after Phase 1, the pace of building out the remainder of the site (Buildout) would be dependent on market demand, absorption, financial feasibility, and construction practicalities (Draft EIR p. 3-32).

I-207-4 This is a general comment and does not identify specific issues other than general assertions of inadequacy. Each individual environmental topic section in the Draft EIR contains a regulatory setting and presents relevant information about federal, state, regional, and/or local laws, regulations,

I-207 Shayne del Cohen

COMMENT

RESPONSE

plans, or policies associated with the environmental topic addressed in the section. Specifically, see Draft EIR Section 4.2, *Air Quality*; Section 4.9, *Hydrology and Water Quality*; and Section 4.16, *Utilities and Service Systems*.

I-207-5 Potential Project impacts on public schools, fire protection and emergency medical response, and police protection services are discussed in Section 4.13, *Public Services*, of the Draft EIR.

I-207-6 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-207-7 The Project’s proposed approach to addressing sea level rise is described in Section 3.11.1 of Draft EIR Chapter 3, *Project Description* (p. 3-49). The approach is to raise the Project site’s ground surface elevations and structures such that most of the ground surface will be at least 6 feet above the current 100-year base flood elevation. A few portions of the site where existing structures would remain and are constrained by the elevations of parcels on adjoining, non-Project parcels are above, but not as high above the current 100-year base flood elevation. Section 4.9, *Hydrology and Water Quality*, of the Draft EIR discusses site elevations and the Project’s resilience to flooding exacerbated by sea level rise in more detail, including requirements of Assembly Bill (AB) 1191. In addition to these sections of the Draft EIR, supplemental details are provided regarding the design basis for the Project’s proposed adaptation to sea level rise for Phase 1 and full Buildout. In the event that sea level rise exceeds the Project’s built-out resistance to coastal and/or groundwater flooding, strategies and measures have also been identified to adapt to higher sea levels.<sup>12</sup>

I-207-8 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-207-9 Consistent with the requirements of the California Environmental Quality Act (CEQA), the Draft EIR contains evaluations of construction- and operations-phase impacts. Long-term (operations-phase) impacts are addressed throughout Draft EIR Chapter 4. For example, see the discussion beginning on p. 4.2-70 under *Operational Impacts* in Section 4.2, *Air Quality*, and the

<sup>12</sup> Moffat & Nichol, 2021. Coastal Flooding, Proposed Grading Strategy, Sea Level Rise Adaptation, and Public Access on Wharf, Oakland Athletics Howard Terminal Project, July 9, 2021.

I-207 Shayne del Cohen

COMMENT

RESPONSE

various discussions under *Operational Impacts* on pp. 4.3-36 through 4.3-38 in Section 4.3, *Biological Resources*. An environmental impact statement (EIS) is a type of document that a federal agency may require for a project pursuant to the National Environmental Policy Act. No federal agency has required preparation of an environmental document for the Project.

I-207-10 See Consolidated Response 4.22, *General Non-CEQA*, regarding financial impacts and concerns.

I-208 Nancy Delaney

COMMENT

RESPONSE

I-208-1 | Please keep our Port and our ILWU! There is none to compare with this Union in the world. The human values must be preserved! They are living values with empathy for the whole human race.

I-208-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-209 Robyn Hall

COMMENT

RESPONSE

I-209-1 | I strongly support more pedestrian infrastructure connecting Howard Terminal to West Alameda, such as a pedestrian/bike bridge. Especially if the coast guard has removed their objections!!  
I-209-1 | My husband and his family are life-long A's fans, and we're raising my daughter in that tradition. It would be so nice to be able to walk to games, or combine public transit and walking like one can to get from the Giants' stadium to most of SF.

I-209-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-210 James Yount

COMMENT

RESPONSE

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR.

It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. These upgrades MUST be extended all the way to Oak.

This area has a high density of entertainment venues, restaurants, parking areas, and residences that will generate significant game-day increases in pedestrian, bike, and scooter travel at these crossing locations.

I-210-1

The current measures too easily allow vehicles (cars, motorcycles, bikes, etc) to steer around the lane that is obstructed. On a recent afternoon (4/7), a northbound freight train was stopped on the tracks. The end of the train was at Franklin. I witnessed several cars that were stopped at Plank drive around the gate and turn right (southbound) on Embarcadero, only to then make a left-handed u-turn and drive across the Amtrak tracks. Had there been a southbound Amtrak on those tracks, a terrible accident would've occurred.

I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster, and Oak Streets benefit from the same safety measures proposed at the adjacent crossings.

I-210-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-211 Thomas Metcalfe

COMMENT

RESPONSE

I-211-1 Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. The current noise generated by trains sounding their horns at these intersections to warn people of their presence is so loud that my 6 year old son has to wear protective ear coverage whenever he goes outside.

I-211-2 Without ear protection the noise is so loud that it causes him real pain and discomfort. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings in order to prevent the need for so much noise pollution.

I-211-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-211-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-212 Bonnie Hitch

COMMENT

RESPONSE

I-212-1 | I fully support the Howard terminal Stadium site. I urge the city Council to approve  
this once in a lifetime opportunity for the city of Oakland. Please have some vision.  
See how this can change the city of Oakland.

I-212-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-213 Joel Hamburger

COMMENT

RESPONSE

I-213-1

The Coliseum site is an excellent location to build a modern ball park. Moving the A's to Oakland's Howard Terminal will kill thousands of jobs, mostly for black people. YOU KNOW THAT IS TRUE, even if you pretend otherwise. The job of MLB, a company that employs so many black people, should be to support black communities. That could not be more true than in this time of heightened consciousness over daily police murders of black people like George Floyd. The City of Oakland has a responsibility to stop the gentrification train from further destroying The Town. Filthy rich developer John Fisher is winning the hearts and minds of city leaders and local media with feel good stories. Of course, he omits the negative impact on Oakland's black community. Say no to the continued assault on Oakland's historic black community by canceling this project. Build a shiny new stadium where it belongs, on Coliseum land.

I-213-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. Decision makers will have access to this comment and others expressing support for alternatives to the proposed Project.

See also Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-214 Amy Lyons

COMMENT

RESPONSE

I-214-1

I want to urge that the railroad safety aspects of the ballpark project extend all the way down to Oak Street (ie, include Franklin, Webster and Oak crossings). I live in the neighborhood and often observe unsafe situations involving pedestrians crossing or being near the rail lines. Railroad safety upgrades should extend throughout the entire Jack London entertainment district as the ballpark will only increase the number of pedestrians and cars in the area. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-214-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-215 Amy Sides

COMMENT

RESPONSE

Please do not approve a new baseball stadium at Howard Terminal.

I-215-1 1) Using public transportation to this site is much more complicated than getting to the current Oakland Arena location. The Howard Terminal area BART stations are far enough from the proposed stadium to make it a poor choice for anyone with mobility issues. Proposing shuttles to and from BART introduces more cars on roads which will already congested.

I-215-2 2) Affordable housing, housing affordable to the low income, should also be very close to BART as these residents are less able to afford a car.

I-215-3 3) Parking near the Oakland Arena and freeway access is much easier at the Oakland Arena than will be at the Howard Terminal site.

4) Maritime workers at the Port of Oakland will have a very difficult time finding similar work in Oakland or the Bay Area. They are not simply displaced but more accurately pushed out of living in Oakland and possibly out of Northern California.

I-215-4 5) The Oakland Arena has so many more options (empty lots and buildings) available in its immediate surrounding area to bring in new businesses and jobs to support the events at the Oakland Arena and the surrounding residential neighborhoods. Revitalizing this neighborhood will do more for our more vulnerable Oakland population than revitalizing the Jack London Square population which is currently high end an luxury residents and the bulk of their establishments are priced or geared towards those with deeper pockets. The area around the Howard Terminal is limited and this project requires the displacement of many.

I-215-5 It is difficult to find any reason to support this project--yet I sincerely with the As will remain in Oakland. If the City of Oakland and the Oakland As brings life to the area of Oakland around the Arena, Hegenberger even down to the airport and up to the hills--that will benefit many more Oaklanders who have been too long ignored.

I-215-1 The commenter expresses an opinion about the Project's distance to mass transportation, including BART. Mitigation measures identified in the Draft EIR would enhance the attractiveness of transit and would also increase transit to the Project for both the non-ballpark development and for ballpark events. There are several feasible mitigation measures identified in the Draft EIR that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling, which would contribute to minimizing proposed Project vehicle traffic. The mitigation measures include:

1. DEIR Mitigation Measure TRANS-1a (page 4.15-183 to 189) includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20% from a baseline condition without a TDM program.
2. DEIR Mitigation Measure TRANS-1b (page 4.15-193 to 197) includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20% from a baseline condition without a TMP. A draft TMP is provided in Appendix TRA.1 and includes the nearby transit providers i.e., AC Transit, BART, Capitol Corridor, and WETA as a key stakeholder in coordinating ballpark events.
3. Mitigation Measure TRANS-1c (page 4.15-197) would include construction of a transportation hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from the Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
4. Mitigation Measure TRANS-1d (page 4.15-198) would implement Bus-Only Lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing Bus Only Lanes north of 11th Street to 20th Street on Broadway.
5. Mitigation Measure TRANS-1e (page 4.15-198 to 200) would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first and last mile connections to BART and AC Transit bus stops

I-215 Amy Sides

COMMENT

RESPONSE

as well as walking connections serving Downtown and West Oakland neighborhoods.

6. Mitigation Measure TRANS-2a, 2b, and 2c (page 4.15-230 to 231) would implement bicycle improvements consistent with Oakland's Bike Plan that connect the Project to Oakland's bike network.
7. Mitigation Measure TRANS-3a and 3b (page 4.15-235 to 240) would implement railroad corridor improvements including fencing along the corridor and at-grade crossing improvements such as quad gates as well as gates for pedestrians and bicycles and a pedestrian and bicycle bridge over the railroad tracks connecting the transportation hub on 2nd Street at Jefferson Street to the Project.

As part of Mitigation Measure TRANS-1a the Project would be required to extend an AC Transit bus line such as Line 6 to the Project or provide a new shuttle bus system with equivalent peak period headways. While Mitigation Measure TRANS-1b would require ballpark event shuttle buses between the Project and the 12th Street BART station as well as traffic control officers (or other personnel acceptable to the City of Oakland) to manage pre- and post-event attendees accessing the Project site, in part, to minimize disruptions to transit serving the Project. In addition, a required Parking Management Plan, modeled off the successful SacPark system in Sacramento, would disperse attendees who drive to underutilized parking garages in downtown reducing the amount of traffic congestion in the area.

The commenter does not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

- I-215-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. See Consolidated Response 4.12, *Affordable Housing*.

I-215 Amy Sides

COMMENT

RESPONSE

- I-215-3 The commenter expresses an opinion about ease of parking with regard to the No Project Alternative. See Consolidated Response 4.7, *Parking*, with respect to parking concerns, and Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*, for general concerns related to the Coliseum site. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.
- I-215-4 While the commenter's concerns are appreciated, there is no evidence that jobs will be lost as a result of the proposed Project. The Draft EIR considers physical environmental impacts of the Project and does not assess economic impacts. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, for a discussion of land use compatibility, including potential impacts on Port operations. The commenter's preference for the Coliseum site is noted.
- I-215-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-216 Hannah Jackson

COMMENT

RESPONSE

I-216-2

No parking, a busy rail line, no BART stop, and vague "commitments" to affordable housing are few of many reasons this proposal is absurd. Revitalizing the existing Coliseum site is the logical option.  
INVEST IN THE FORGOTTEN HALF OF OAKLAND.

- I-216-1 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project. Also see Consolidated Response 4.7, *Parking*, 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*, and Consolidated Response 4.12, *Affordable Housing*.
- I-216-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. The decision-makers will have access to this comment and others expressing support for alternatives to the proposed Project. See also Consolidated Response 4.12, *Affordable Housing*.

I-217 Farzad Farzan

COMMENT

RESPONSE

I-217-1

I would like to express my strong support to extend the Train Quiet Zone throughout the Jack London neighborhood as part of this project. This will not only improve the quality of life for residents, but will benefit visitors and businesses in the neighborhood. Today, the constant and extremely loud train horns along Embarcadero extending as far east as Oak st is a top concern preventing peace and quiet in the area. The stadium at Howard terminal is a great opportunity to revitalize the area by addressing this issue.

I-217-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-218 Marchon Tatmon

## COMMENT

## RESPONSE

I-218-1

I'm writing this comment in opposition of the A's moving to Howard terminal because of the economic losses this will cause in East Oakland, in and around the Coliseum site. Please think of the economic consequences with such a move and the negative impact it could possibly have on East Oakland unless you allow the AASEG purchase the site for a complete redevelopment plan for the area. The A's would be a perfect fit for the project therefore the move to HT should not take place.

I-218-1 See Consolidated Response 4.15, *Urban Decay*. Other than the assertion about economic consequences around the Coliseum, this comment does not raise significant environmental issues or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-219 Camila Ribeiro

COMMENT

RESPONSE

I-219-1

Regarding Howard Terminal A's ballpark proposal - (case file number ER18-016). As a resident of Jack London Sq, I want to comment on the railroad safety measures included as transportation mitigation in the draft EIR. The proposal covers pedestrian safety upgrades at 5 crossings between Market St and Broadway but does not cover the crossings along Embarcadero at Franklin, Webster and Oak Streets. These areas are heavily trafficked with pedestrians coming to dine and spend time around restaurants, bars, etc. On several occasions I have witnessed groups coming out of venues especially Nido's backyard on Oak & Embarcadero, and walking around the neighborhood without paying much attention to where they are going and the crossings. With the expected increase in pedestrian traffic in Jack London due to the ballpark, it's critical that all of the noted crossings above receive the same safety measures.

I-219-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-220 Antonique Bucknor

COMMENT

RESPONSE

I-220-1

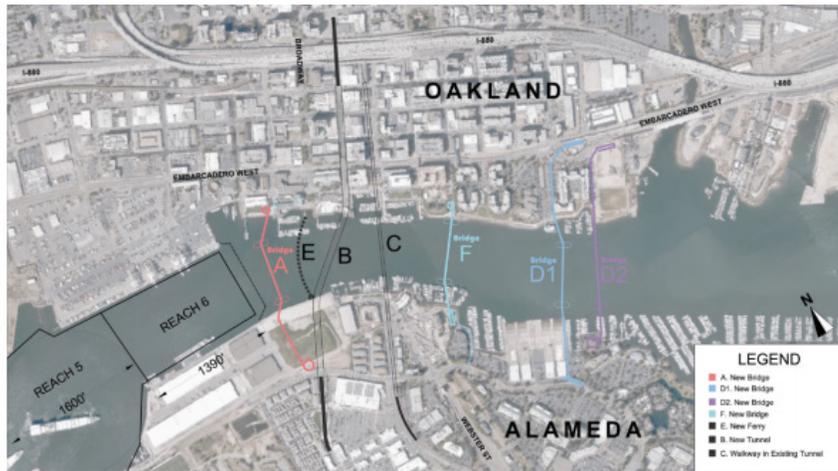
The Train quiet zone would be great for the neighborhood for many reasons, but on a personal one, it would allow me to finally have a good nights sleep without the constant interruption of the train horn. The quiet zone would improve quality or life for everyone.

I-220-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, and Consolidated Response 4.11, *Quiet Zone*.

I-221 James Johnston

COMMENT

RESPONSE



I-221 James Johnston

COMMENT

RESPONSE

I-221-1

This project is a swing and a miss - at least as far as non-motorized transportation is concerned! Provision MUST be made for including a bike/pedestrian bridge to Alameda. At the very minimum, the easement and land MUST be preserved so that when this bridge is funded, there will be a place for it to land in Oakland. This project is so important, and will be a crucial link in the region's transportation network. It's not just a game day gimmick - it will be used for commutes to BART every day by Alameda residents.

The attached image shows a map of the options for the bike/ped bridge that is under study. Option A is one of the most promising options, and lands at the edge of the proposed ballpark project plan. It's therefore essential that this project be prepared for the construction of this bridge.

Unfortunately, the project renderings and gallery images don't show any bike/ped bridge to Alameda, and it seems to pretend that this important project doesn't exist!! This is really disheartening to see.

This bridge is urgently needed. The only option for bike/ped on the west end of Alameda are the tunnels. The walkway is narrow, loud, polluted, with the walls coated in soot. There is not enough room for two bicycles to pass each other, and it's generally a hazardous environment - and certainly very unpleasant. With more development of the old navy base on the west end of Alameda, we need transportation options that are friendly for bikes/peds to reach BART in Oakland. A bike/ped bridge that can link up with Broadway would really help here, and help get cars off the road.

Please incorporate the bike/ped bridge into Alameda as part of this project's planning! Even if the Oakland A's do not help fund it for construction right away, the land needs to be preserved for building it later. Thank you!

I-221-1

The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

There are several mitigation measures in the Draft EIR that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling, which would contribute to minimizing Project vehicle traffic. These measures, which begin on p. 4.15-183 of the Draft EIR, are summarized below:

- Mitigation Measure TRANS-1a includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TDM program.
- Mitigation Measure TRANS-1b includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TMP. A draft TMP is provided in Appendix TRA.1 and includes the nearby transit providers i.e., AC Transit, BART, Capitol Corridor, and WETA as a key stakeholder in coordinating ballpark events.
- Mitigation Measure TRANS-1c would construct a Transportation Hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
- Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing bus-only Lanes north of 11th Street to 20th Street on Broadway.

I-221 James Johnston

## COMMENT

## RESPONSE

- Mitigation Measure TRANS-1e would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first and last mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.
- Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c would implement bicycle improvements consistent with Oakland's Bike Plan that connect the Project to Oakland's bike network.
- Mitigation Measures TRANS-3a and TRANS-3b would implement railroad corridor improvements including corridor fencing, at-grade railroad crossing improvements, and a pedestrian and bicycle bridge over the railroad tracks connecting the transit hub with the Project site via the Jefferson Street alignment.

I-222 Alyssa Johnston

COMMENT

RESPONSE

I-222-1 This project looks amazing but is missing one key thing, a bike/pedestrian bridge to Alameda. The only option for bikes or pedestrians to cross over from Alameda to Oakland is by a dirty, narrow, polluted walkway. I have lived in Alameda for over 4 years and have yet to venture out on my bike on the west end of Alameda into Oakland due to this crux. This bridge could be so useful for people attending games, events, commuting or enjoying the local area. Please put a bike/ped bridge into this project's planning. Thank you!

I-222-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-223 Ira Jacobowitz

COMMENT

RESPONSE

I-223-1 | No taxpayer money should be spent on this project. I don't care if the private  
baseball team stays or leaves. If it stays, the team and its owners must pay for the  
park, with absolutely no public financing.

I-223-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

See Consolidated Response 4.22, *General Non-CEQA*, regarding financial concerns.

I-224 Christine Semenero

COMMENT

RESPONSE

To whom it may concern,  
I have been working on the waterfront for 30+ years.  
Pacific Maritime Association and all the local unions that represent port workers  
have been providing good paying jobs to the citizens of Oakland and the surrounding  
city's  
I have attended meetings at the Oakland planning department and in Sacramento I  
have heard Dave Kaval speak on the plans and seen videos of the rendition for the  
new proposed Oakland ballpark.  
It appears to be a beautiful ballpark with exciting new real estate surroundings.  
but let's be frank you don't need to be a brain scientist to know that this is not the  
right location  
For this development.  
The only driving force I see behind this is all green bags and bags and bags of  
money!! I hope you realize the severity and consequences of this project all eyes  
are upon every commissioner every planner that has their hand in the money pot.  
We know who you are!  
  
It is your duty to preserve the working Port of Oakland and all of the businesses and  
people it will affect if you allow this greed.  
Tell Dave Kaval and the Oakland A's organization to take their beautiful rendition of  
the ballpark and it's real estate condominiums to where it currently exist or  
somewhere else. Let them pour their money into a property that will not affect the  
Port of Oakland.

I-224-1

I-224-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.  
Other than a general statement about conflicts with Port operations, this  
comment does not raise specific questions about the analyses or information  
in the Draft EIR that would require response pursuant to CEQA Guidelines  
Section 15088. The comment will be included as a part of the record and  
made available to the decision makers prior to a final decision on the  
Proposed Project.

I-225 Leonard Arnold

COMMENT

RESPONSE

From: L.A.  
 To: Peterson Vollmann: pvollmann@oaklandca.gov; mmaybrun@oaklandca.gov; ereiskin@oaklandca.gov;  
 officeofthemayor@oaklandca.gov; Rkapian@oaklandca.gov; dkalb@oaklandca.gov  
 Subject: COMMENTS IN OPPOSITION TO DRAFT ENVIRONMENTAL IMPACT REPORT OF PROPOSED Oakland A's "Ball  
 Park" at Port of Oakland  
 Date: Monday, April 26, 2021 12:53:44 AM

[EXTERNAL.] This email originated outside of the City of Oakland. Please do not click links  
 or open attachments unless you recognize the sender and expect the message.

April 25, 2021

To: Peterson Vollmann: pvollmann@oaklandca.gov  
 Betsy Lake: elake@oaklandca.gov  
 Molly Maybrun: mmaybrun@oaklandca.gov  
 Edward Reiskin: ereiskin@oaklandca.gov  
 Mayor of Oakland: officeofthemayor@oaklandca.gov  
 Rebecca Kapian: Rkapian@oaklandca.gov  
 Dan Kalb: dkalb@oaklandca.gov

Re: COMMENTS AND OPPOSITION TO DRAFT ENVIRONMENTAL IMPACT REPORT OF  
 PROPOSED Oakland A's  
 "Ball Park" AT PORT OF OAKLAND

The below stated COMMENTS AND OPPOSITION TO DRAFT ENVIRONMENTAL IMPACT REPORT  
 OF PROPOSED Oakland A's  
 "Ball Park" AT PORT OF OAKLAND, addresses the **NEGATIVE IMPACTS** of the entire Draft  
 Environmental Impact Report and specifically, Chapter 3--Project Description; Chapter 4.0 Introduction to  
 Analysis; Chapter 4.6 Geology, Soils, and Paleontological Resources; Chapter 4.8--Hazards and  
 Hazardous Materials; Chapter 4.10--Land Use, Plans and Policies; Chapter 4.15--Transportation and  
 Circulation; Chapter 6--Alternatives.

I-225-1

The idea of a "new ballpark" on a small piece of contaminated land at the Port of Oakland, with no area  
 for parking for the fans, in a very hard to get to location, by any means of transportation--car, bus, Bart,  
 etc.,--is **INSANE**. The small piece of land at the Port of Oakland is contaminated and the soil contains  
 numerous toxic and deadly substances; and has been used by different entities for shipping and industrial  
 purposes. At this location, there would be no space/land for parking for the thousands of individuals  
 driving to the new "ball park" on game day and fans would have to walk up to a mile [each way] in a  
 dangerous and congested location to get to the new "ball park." Who would want to bring their family to  
 a new "ball park" that sits on contaminated land in a dangerous and hard to get to industrial area of  
 Oakland with no area to park their car? I viewed what the new "ball park" would look like and it's  
 appearance is atrocious--the worst design of a baseball park I've ever seen! Who would want to pay  
 \$100/seat and view an enormous industrial shipping crane in the background!

I-225-2

I-225-3

I-225-4

Oakland A's management has never mentioned the massive increase of ticket prices for fans at their  
 proposed "new ballpark." Some sports insiders feel that the ticket prices will go up 4-6 times (depending  
 on the seat) with first deck seats going for \$100-\$500/seat.

With a very small capacity of around 30,000 and exorbitant ticket prices, working families and people on a  
 budget, who are the majority of A's supporters, will not be able to attend an Oakland A's game in person  
 at the proposed "new ball park;" let alone, figure a way how to get there and back safely.

Contrary to what most "experts" state, the Oakland Coliseum is a great stadium. The Oakland Coliseum  
 is in a great location, just off the freeway, next to Bart, has sufficient parking, and with a 50,000 seat  
 capacity, is affordable for people on a budget and families. The Oakland Coliseum is also the most  
 historical sports stadium left in this country, as two NFL Football Champion teams and four MLB Baseball

I-225-1

This is a general comment that serves to introduce the more specific  
 comments that are responded to in detail below. As a result, no specific  
 response is provided here.

I-225-2

As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land  
 Use Covenants*, and explained further in Consolidated Response 4.16,  
*Remediation Plans, Land Use Covenants, and Human Health and Ecological  
 Risk Assessment*, the Project site is subject to existing land use covenants  
 (LUCs), operations and maintenance agreements, soil and groundwater  
 management plans, and risk management plans, all enforced by the California  
 Department of Toxic Substances Control (DTSC), the regulatory agency with  
 jurisdiction. These LUCs and their associated plans would be replaced and  
 consolidated and require approval by DTSC before commencement of  
 construction to account for the changes to the Project site. The substantive  
 requirements of these replacement documents would be similar to those in  
 the existing documents, but would be specifically tailored to ensure  
 protections appropriate for the type of anticipated construction activity and  
 the type of anticipated uses, including allowing residential use (which is  
 currently prohibited) under specified conditions. Similar to the existing plans,  
 the workplans to be prepared under the requirements of the existing LUCs  
 and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and  
 Hazardous Materials*, Impact HAZ-2, would provide further description of the  
 remediation steps, which would include maintaining a cap over the Project  
 site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and  
 Enforceability of Mitigation Measures*, the mitigation measures provided in  
 the Draft EIR are actions that would be enforced by the City of Oakland  
 building official. Grading, building, or construction permits, and certificate of  
 occupancy or similar operating permit for new buildings and uses will not be  
 issued until the DTSC and the building official have approved of the various  
 actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting*, under  
*Human Health and Ecological Risk Assessment*, a Human Health and Ecological  
 Risk Assessment (HHERA) has been prepared using all testing results collected  
 through August 2020 for the Project site. The HHERA developed specific target  
 cleanup levels that would be protective of human health and the  
 environment. Further explanation of the HHERA is provided in Consolidated

I-225 Leonard Arnold

COMMENT

RESPONSE

Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation.*

I-225-3 See Consolidated Response 4.7, *Parking.*

I-225-4 See Consolidated Response 4.22, *General Non-CEQA.*

I-225 Leonard Arnold

COMMENT

RESPONSE

I-225-5 See Consolidated Response 4.22, *General Non-CEQA*. Also see Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-225-5

Champion teams have played there--no other stadium in this country can make such a historical and significant claim. The great Ricky Henderson, Reggie Jackson, Mark McGwire, Jose Canseco, Harmon Killebrew, Rod Carew, Carl Yastremski, Jim Rice, George Brett, Catfish Hunter, Vida Blue, Rollie Fingers, Jim Palmer, Jim Kaat, Nolan Ryan, Al Kaline, Mickey Mantle, and so many other great baseball players, all played at the Oakland Coliseum. Notable Football Players that have played at the Oakland Coliseum include: Jim Plunkett, Ken Stabler, Willie Brown, Gene Upshaw, Art Shell, Terry Bradshaw, Franco Harris, Joe Montana, Johnny Unitas, Joe Namath; and so many other great Football Players, all played at the Oakland Coliseum. Usually, in this country, historical and usable buildings are saved, and the Oakland Coliseum must be saved as well.

I-225-6 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

The best solution for the Oakland A's, is not to build any new ballpark, including at the Oakland Coliseum location. The best solution is to renovate the Oakland Coliseum, [by removing the Mt. Davis section--which was a huge mistake when it was added to the Coliseum] with many new amenities and features. The Dodgers have renovated Dodger Stadium from time to time, and to this day, Dodger Stadium remains a beautiful stadium and has the largest and best parking lot for any stadium in the world. Dodger Stadium is also a very historical baseball stadium (there are so few that are left in this country). The great Willie Mays, Barry Bonds, Hank Aaron, Roberto Clemente, Frank Robinson, Pete Rose, Mike Schmidt, Juan Marichal, Sandy Koufax, Don Drysdale, Don Sutton, Tom Seaver, Bob Gibson, Nolan Ryan, and so many other great baseball players, all played at Dodger Stadium.

I-225-7 See Consolidated Response 4.22, *General Non-CEQA*.

Before Candlestick Park was destroyed, I suggested that the Oakland A's play at Candlestick Park for two seasons while the Oakland Coliseum would be renovated. No one listened and another huge mistake was made.

I-225-6

The concept of building a new "ball park" to raise revenue to attract free agents and pay existing players \$15,000,000-\$30,000,000/season is **crazy!** 99% of the time when a team paid a player \$25,000,000-\$30,000,000/season and guaranteed the contract of \$100,000,000-\$250,000,000 or more, for one player, the team almost always regretted doing such an **insane act--look at Barry Zito, Mike Hampton, Chris Davis (Baltimore Orioles), Yoenis Cepedes, Migues Cabrerra, Robinson Cano, Ryan Howard, C.C. Sabathia, Carl Crawford, Josh Hamilton, Vernon Wells, Alphonso Soriano, Carlos Lee, Jason Werth, Johan Santana, Prince Fielder, Joe Mauer, Jose Reyes, Matt Kemp, Albert Pujols, Adrian Gonzalez, David Wright, Cliff Lee, Jason Giambi, Cole Hamels, Felix Hernandez, Troy Tulowitzki, Alex Rodriguez, etc., etc.** Once these teams realized that they made an incredible mistake of overpaying these players and guaranteeing their contracts, they tried to either trade these players or had to release these baseball players, "eating the enormous contract and incredible mistake that was made"--to the detriment of the team, organization and fans. You cannot buy a winning championship team in baseball. The Yankees were the only team, for two years, in the 1970's that were able to do this--but the concept of paying baseball players \$20,000,000-\$30,000,000/season and guaranteeing \$100,000,000-\$300,000,000 of their contracts, will not win you a championship--**but it will bankrupt and ruin the team!** By paying a few baseball players on a team \$20,000,000-\$30,000,000/season at the expense of the rest of the players on the team/roster, will only result in a team's failure on the field and **financial disaster**. Guess who picks up the "bill," one way or another, for the incredible mistake of overpaying baseball players on a team--the large number of working people and their families that support these teams, including the Oakland A's! Also, with the massive increase of ticket prices that will exist at the new "ball park," if there is a new "ball park," there will be huge numbers of working people and their families, who are supporters of the Oakland A's, that will no longer be able to afford to watch an Oakland A's baseball game in person, and will be deprived of the opportunity to have a day of fun watching an Oakland A's baseball game in person at the "ball park."

I-225-7

Oakland is one of the few cities in this country that has an outdoor baseball/football stadium, the Oakland Coliseum, and an indoor arena, the Oakland Coliseum arena, and are right next to each other. Ten Championship teams have played in these two venues--four in the Oakland Coliseum Arena [Golden State Warriors] and six Championship teams have played at the Oakland Coliseum [4 championships by the Oakland A's and two Championships by the Oakland Raiders]. How many cities in this country have

I-225 Leonard Arnold

COMMENT

RESPONSE

I-225-7 | these type of venues to begin with, let alone 10 Championship teams that have played in these two great venues? The answer is no other place in this country can make this claim. Plus these two great venues are in a great location, just off the freeway and Bart, and there are thousands of parking spaces on site at the Coliseum Complex. You cannot do better than this.

I-225-8 | Oakland A's management and especially, Dave Kaval, are just plain crazy, for their **insane idea/proposal** for a new "ball park" on a very small piece of contaminated land, with no acceptable access by freeway, Bart, bus, or anything else. There will be no parking on site and parking will be 1/2-1 mile away—who in their right mind would want to bring a family to a baseball game and have to walk, to and from, 1/2-1 mile in a dangerous, unpleasant, contaminated industrial area and then have to pay 5-10 times the ticket prices they use to pay for a baseball game at the Coliseum? The capacity of the proposed new "ball park" will only be around 30,000 so affordability is out the window for good. As mentioned, the view of the outfield will show a huge industrial shipping crane lurking just feet away—who wants to see such an unpleasant thing at a baseball game? The numerous/needed transportation "upgrades" stated in the Environmental Impact Report in the Transportation Section are so vast, so costly and would be so time consuming to complete, that this **NEGATIVE IMPACT ALONE, WOULD BANKRUPT THE CITY OF OAKLAND!** The transportation issues don't even take into account that there is no adequate parking for the fans within a short distance of the new "ball park." This one aspect alone, **and NEGATIVE TRANSPORTATION IMPACTS, of nonexistent/inadequate parking**, are reasons enough to have the Oakland Planning Department and the Oakland City Council vote a resounding **NO** to the proposed new "ball park."

I-225-9 | Recently in San Diego, just a few weeks ago, San Diego/Jack Murphy Stadium, the former home of the San Diego Chargers, was destroyed. The people supporting sports in San Diego were so upset when this happened. San Diego and the people of San Diego were always in support of the San Diego Chargers but the owner of the team had an insane idea to share a football stadium in Los Angeles, as a tenant, with the Los Angeles Rams. San Diego/Jack Murphy Stadium was located just off the freeway and had thousands of parking spaces for cars. The owners of the San Diego Chargers should have stayed in San Diego and played at San Diego/Jack Murphy Stadium, and renovated the stadium in the off season. As there are only 8 regular season football games, San Diego/Jack Murphy Stadium was more than adequate as a home for the San Diego Chargers. Now the city of San Diego has made a huge mistake regarding allowing San Diego/Jack Murphy Stadium to be destroyed and it's too late!

I-225-9 | The enormous mistake that was made at San Diego/Jack Murphy Stadium, **cannot happen to the Oakland Coliseum.** As the Bay Area is very desirable and the Oakland Coliseum is more than adequate for Baseball or Football or Soccer, other teams will want to play at the Oakland Coliseum and are looking for the opportunity to play here; as long as the Oakland Coliseum is still here to enjoy. **We cannot let Oakland A's management and incompetent Dave Kaval destroy the Oakland Coliseum!** Dave Kaval is the wrong individual to be in control of the Oakland A's and the Oakland A's new "ball park" proposal. The community and the city of Oakland have a great/historical venue at the Oakland Coliseum, and if, like San Diego/Jack Murphy Stadium, the Oakland Coliseum if destroyed **by Oakland A's management and Dave Kaval, the East Bay, the city of Oakland, and thousands and thousands of loyal A's and sports fans will be so sorry that they let Oakland A's management, Dave Kaval [who is not from Oakland or the Bay Area], the Oakland Planning Department and the Oakland City Council from letting this happen!** People only realize how great something is after they don't have it anymore. The best way to avoid a catastrophe, is to never let it happen to begin with! Myself and my friend have the ideas to renovate the Oakland Coliseum, and for so many reasons, renovating the Oakland Coliseum, is the smart thing to do.

I-225-10 | If the renovation of the Oakland Coliseum is not sufficient for Oakland A's management or Dave Kaval, let them move the A's to one of the most undesirable places on earth, Las Vegas, where temperatures reach 115 degrees and the undesirability factor here is off the charts; let Oakland A's management and Dave Kaval pay their over rated/undeserving baseball players \$20,000,000-\$30,000,000/season and guarantee

I-225-8 See Consolidated Response 4.22, *General Non-CEQA*, and Consolidated Response 4.7, *Parking*.

I-225-9 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-225-10 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-225 Leonard Arnold

COMMENT

RESPONSE

I-225-11 See Consolidated Response 4.22, *General Non-CEQA*.

I-225-10

\$100,000,000-\$300,000,000 of their contracts-I guarantee you that this **insane idea** of attracting and over paying free agents and current baseball players on their roster won't work [and will never work], and the fans supporting the Oakland A's, whether they are in Oakland or Las Vegas, will be the individuals that will ultimately pay the price of this **insanity**.

**Dave Kaval is going to ruin everything regarding the Oakland A's--the team, the Oakland Coliseum, the supporters of the Oakland A's, the families and kids that have been able to attend Oakland A's games in person, and the sporting and baseball history of the Oakland Coliseum and the city of Oakland! If Oakland A's management had any brains, they would fire Dave Kaval immediately!**

I-225-11

The new "ball park" proposal at the Port of Oakland by Oakland A's management and Dave Kaval [who knows nothing about running a baseball team, stadiums, let alone where to put a stadium] is **INSANE** and cannot go forward and must be **rejected** by the city of Oakland.

The new "ball park" proposal **MUST BE DEFEATED**, otherwise the biggest mistake in the history of the city of Oakland will be made by the city of Oakland, the Oakland Planning Department, the Oakland City Council, and Oakland A's Management, regarding the fate of the Oakland A's, the Oakland A's fans, the people of Oakland, the East Bay, the history of sports in Oakland and the Oakland Coliseum, and these negative consequences will exist forever and will be the result of the proposed new "ball park" that should never be built!

Leonard Arnold

I-226 Graham Carlson

COMMENT

RESPONSE

It is disgusting and disturbing to me that this project, which amounts to a multibillion dollar handout to one of the wealthiest families on Earth, is being seriously considered.

The team that is "Rooted In Oakland" for some reason needs to drain city coffers, take over public land and use graft to bypass environmental impact reviews, all

I-226-1 while playing baseball at an already-constructed baseball stadium a few miles away.

If Oakland's elected officials believed even a fraction of what they profess to believe about democracy, equality and public service, this project would be disregarded immediately. Amidst the grandstanding over the defeat of Trump and fascism, it is horrifying to see how willing Democrats are to sell out to the very same wealthy interests they claim to abhor.

I-226-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-227 Marc Diaz

COMMENT

RESPONSE

Like many Oakland residents, I am hopeful that the ongoing waterfront development in Jack London Square can help revitalize our community, particularly coming out of the pandemic.

Given the substantial land-use change and influx of people and activity, I strongly urge the city to extend the proposed train safety measures through the full expanse of Jack London Square, incorporating Franklin, Webster, and Oak Streets. Many people walk the waterfront and cross at these locations to access the Amtrak station, parking garage, or to make their way back to the Lake Merritt Bart.

I-227-1 Additionally, there is increasing density and activity as new housing, services, and shops emerge throughout this part of the neighborhood.

I urge you to consider the full impact of the A's new ballpark development, which demands greater safety and community consideration beyond the 5 proposed Market St. through Broadway train crossings.

Respectfully,

Marc Diaz

I-227-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-228 Jonathan MacMillan

COMMENT

RESPONSE

I-228-1 | Please incorporate the pedestrian and bike bridge from Alameda to Oakland. This is a great way to get locals safely to your stadium without a car.

I-228-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-229 Laurie Umeh

COMMENT

RESPONSE

Opposed to a ballpark in this location and opposed to this huge development at the Port of Oakland. i believe a ballpark at this site will interfere with port business & port traffic (movement of containers in & out of the port).

I-229-1 A ballpark is totally out of character with the surrounding area. it's a port, not an entertainment venue.

Many will drive to a ballpark if parking is provided. The impact on downtown Oakland traffic on game days will be significant.

I-229-1 The commenter raises the concern that vehicular and/or parking demand generated by the Project would be incompatible with Port uses. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. The commenter also raises the concern that vehicular demand generated by the Project would impact traffic conditions in Downtown Oakland on game days. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3, therefore, no mitigation is required. However, see Consolidated Response 4.21, *AC Transit Congestion Impacts*, which addresses the possibility of Project-generated traffic impacting Downtown bus transit operations. See also Consolidated Response 4.7, *Parking*, which discusses parking management strategies contained in the Project Management Plan (PMP) prepared by the City of Oakland for the Project, a draft of which is included in the Additional Transportation Reference Materials of the Draft EIR.<sup>13</sup> Lastly, the commenter expresses an opinion about the proposed Project. The comment is acknowledged for the record and will be forward to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

<sup>13</sup> Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

I-230 James Haverkamp

COMMENT

RESPONSE

I am opposed to building the stadium at the Howard Terminal or "Port" site because the current site by the Coliseum BART station and I-80 freeway is much better suited for one. It's easy to get there and leave safely and quickly and there is adequate parking space. Build the new stadium there!

The weather is also warmer and better, and there won't be the air pollution from adjoining sources that exists at the Port site. Who wants to go to a ball game at a cold and damp place?

I-230-1 And the A's could develop the real estate at and near the Coliseum site and make that whole area more prosperous and upscale as others would want to build and start businesses in the neighborhood. It's close to the airport, the freeway and BART and would be an attractive place to live and work. I've worked in the high rise building in the business park across the freeway and it's a great but under utilized area that could blossom if the A's made the investment there.

Don't make a mistake Oakland! I love the A's team but trying to build a stadium at the Port site is a stupid idea when there's already a much better site available.

I-230-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. Also see Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-231 Patrick Welch

COMMENT

RESPONSE

I-231-1 | I think the ballpark is a great idea. Help to revitalize Oakland is always a good thing..

I-231-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-232 Cyrus Ginwala

## COMMENT

## RESPONSE

I-232-1  
As a 13 year resident at Oak and 3rd, living within three blocks of the Oak St. rail crossing, I write regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write to voice my strong support for the rail safety measures to include crossings along Embarcadero at Franklin, Webster and Oak Streets.

We know that events including "Eat Real" which draw thousands of visitors to Jack London Square, result in parking and track-crossing at all the above-mentioned crossings, as visitors spread out across the district in search of parking (and then use the most convenient rail crossing to head to the water).

I-232-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*. Also see Consolidated Response 4.7, *Parking*.

I-233 Gordon Tsuchiya

COMMENT

RESPONSE

I-233-1 | As a resident of the Jack London district I fully support the proposed ball park. I especially support the railroad safety measures contained in the EIR and support that they be expanded to include the crossings from Broadway to Oak St.

I-233-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-234 Daniel Cunningham

COMMENT

RESPONSE

I-234-1

As a West Oakland Resident, and as a Landscape Architect, I am very pleased to offer my support for the proposed Waterfront Ballpark District at Howard Terminal. The city of Oakland and our residents have disproportionately limited access to the waterfront compared to other bay area cities. This project provides unobstructed public access to the waterfront in an area where that is currently not possible, opening up recreation space for resident to engage with Oakland's water front. Thank you for the efforts, and I very much look forward to enjoying these public spaces on Oaklands waterfront, that would not be possible without this project.

I-234-1

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

I-235 Almer Mabalot

COMMENT

RESPONSE

I-235-1 I have been raised in Oakland for most of my life and have been seen the city show so much potential for what it could really be. For a long time, this city has been in the shadows of the greater city of San Francisco and I truly believe that has had a profound effect on the growth of this proud city. Howard Terminal ballpark and the deal that the Oakland Athletics have made to the city is a remarkable once-in-a-lifetime offer. This is Oakland's chance to give its citizens something they can truly admire and be proud of. We desperately need a landmark tourist destination for this city to showcase to the nation and even to the world! Athletics fans have endured for so long and still gave their all to this team and now are giving back to the fans and Oakland. I fully support and hope that the city and its leaders can agree with me and get behind this wholeheartedly.

I-235-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-236 Michael Keough

COMMENT

RESPONSE

I-236-1

I am a resident of East Oakland in full support of the Oakland A's stadium project at Howard Terminal. The environmental report demonstrates that the City and the A's are working hard to take care of the environment, create good union jobs, bring equitable benefits to all Oakland neighborhoods, and keep the last professional sports team in Oakland here in our city. The City should do everything in its power to make sure the stadium plan is approved. My eight-month-old son is counting on you to make sure the A's stay Rooted in Oakland and that we take care of our environment while doing it!

I-236-1

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

I-237 Steven Burt

COMMENT

RESPONSE

I-237-1

The EIR should address the possibility of adding a pedestrian/bicycle bridge across the Estuary, from Western Alameda to the Jack London Square area. This bridge would provide access between the area being developed and western Alameda and help reduce traffic and congestion in those areas.

I-237-1 The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA. The commenter’s opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

There are several mitigation measures in the Draft EIR that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling, which would contribute to minimizing Project vehicle traffic. These measures, which begin on p. 4.15-183 of the Draft EIR, are summarized below:

- Mitigation Measure TRANS-1a includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TDM program.
- Mitigation Measure TRANS-1b includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20 percent from a baseline condition without a TMP. A draft TMP is provided in Appendix TRA.1 and includes the nearby transit providers i.e., AC Transit, BART, Capitol Corridor, and WETA as a key stakeholder in coordinating ballpark events.
- Mitigation Measure TRANS-1c would construct a Transportation Hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
- Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing bus-only lanes north of 11th Street to 20th Street on Broadway.

I-237 Steven Burt

COMMENT

RESPONSE

- Mitigation Measure TRANS-1e would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first and last mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.
- Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c would implement bicycle improvements consistent with Oakland's Bike Plan that connect the Project to Oakland's bike network.
- Mitigation Measures TRANS-3a and TRANS-3b would implement railroad corridor improvements including corridor fencing, at-grade railroad crossing improvements, and a pedestrian and bicycle bridge over the railroad tracks connecting the transit hub with the Project site via the Jefferson Street alignment.

I-238 Lauren Keough

COMMENT

RESPONSE

I-238-1 | As an Oakland resident (and long time A's fan!), I am so looking forward to the A's finally having a ballpark that looks professional and will certainly help grow the franchise. With a great plan for both the environment and jobs based in the community, this is a win / win situation.

I-238-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

I-239 Gail Staba

COMMENT

RESPONSE

I-239-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

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

**Subject: Case File Number ER18-016 Public Comment on DEIR for Oakland Waterfront Ballpark District Project**

Mr. Vollman,

Please include the below public comment in the record for additional analysis and mitigation reporting for the Oakland Waterfront Ballpark District Project DEIR.

Tower Lofts, located on 3<sup>rd</sup> at Alice in the Jack London Waterfront Warehouse District was one of the first warehouses converted to live-work residences and business. Residents and owners have seen much change over the past 20+ years and welcome additional vitality through expanding housing and commercial opportunities in the area.

However, with more people contributing to neighborhood vitality we see a lot of dangerous activity around roadway intersections and the railroad corridor on Embarcadero. When trains are present and stopped people get crazy and unsafe around the trains. I have seen many people climb through trains. Injuries are typical and usually do not get reported. The big injury or fatality is imminent. The DEIR is insufficient because the rail safety analysis and mitigation planning stops at Broadway. I urge you to direct staff and your consultant to expand DEIR analysis and include the rail safety mitigation developed for Market, Martin Luther King, Jefferson, Clay, and Washington to the railroad intersections at Franklin, Webster and Oak. These intersections are included in figures describing the environs but are not mitigated even though there will be people from the project moving through our neighborhood. This rail safety mitigation should be implemented concurrent with the project. Adding these intersections to the Mitigation Monitoring and Reporting Program will assure that you receive updates on rail safety progress in the entire Jack London neighborhood will be implemented and keep the area safe for project and area visitors and residents.

Respectfully,

Gail Staba, Unit 310  
Peter Neffenger, Unit 310  
Adam Henderson, Unit 210

I-239-1

I-239 Gail Staba

COMMENT

RESPONSE

Tower Lofts  
255 3<sup>rd</sup> St  
Oakland, CA 94607

I-240 Peter Clark

COMMENT

RESPONSE

I-240-1 The comment serves as an introduction to the comments that follow. See Responses to Comments I-240-1 through I-240-6.

I-240-2 With regard to the issue of relocating existing Howard Terminal uses, see Consolidated Response 4.5, *Truck Relocation*, as well as Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, for more general concerns on potential Project-related impacts on Port uses. The commenter discusses potential mitigation strategies and Project scope augmentations beyond those considered in the Draft EIR. Some of these potential strategies involving relocation of uses to the Oakland Army Base site are discussed in the Consolidated Response 4.5. The other potential strategies mentioned are beyond the scope of the EIR to analyze as potential mitigation measures or Project Alternatives because they are not reasonably feasible per CEQA Guidelines Section 15126.6 and/or they do not meet Project objectives per Section 6.1.1, *Project Objectives*, of the Draft EIR. Comments regarding the merits of suggested components of the Project or in the Project area do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

Howard Terminal Promise and Problems- Comments on the EIR

Peterson Vollmann, et al  
Planner IV, City of Oakland Bureau of Planning,  
250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612,  
by email <https://comment-tracker.esassoc.com/oaklandportseir/index.html#/19/form>  
RE: Case File Number ER18-016lf (Howard Terminal EIR Comments)

Gentle People:

If the Howard Terminal development plan addressed the challenges of the site, it could help move Oakland into the forefront of American cities. Unfortunately it does not.

The following infrastructure problems need to be addressed by a revised EIR: If the needed infrastructure were integrated into the EIR as part of the development, they could be accomplished remarkably quickly and increase the container throughput of the Port.

***This can be paid for by willing sources that have been identified, create a profit center that can pay for ALL of the Transportation/Parking Benefits identified by the Howard Terminal Transportation CBA, and help to assure the success of the HT development.*** The turnkey solutions can be turned over to a public agency, however simply turning over the funds will NOT take care of the problem, merely create a blame game for failure.

The SHIPP non-profit presented a PowerPoint to the Transportation CBA Cohorts, which can be upgraded to present these concepts to the City Council.

**1) Automated Freight Container Handling to Replace the Howard Terminal:**

The Howard Terminal was intended to handle truck traffic as containers are loaded. It has never fully addressed the problem of diesel truck parking or exhaust, and getting rid of the terminal without adequately addressing the problem in other ways would have dire consequences to Port operations, the functionality and solvency of the City, and the health of Oakland Residents. None of this is adequately addressed by the EIR.

**a. Automated Rail to Satellite Container Loading and Storage**

**i. At the Oakland Army Base (at the Truck Parking Facility)** The first Satellite loading facility should be built at the Oakland Army Base to replicate the Howard Terminal functions fully while two other facilities are built, together with grade separated rail to connect into the Port.

**ii. To Richmond** for containers going by rail or truck to destinations to the North and East of the Bay Area,...

I-240-1

I-240-2

I-240 Peter Clark

COMMENT

RESPONSE

iii. **To Tracy/Stockton** for containers headed to the distribution centers there, and to the South  
As a practical matter, it is hard to imagine the scope of the disaster that would result if ground were broken for the HT stadium before the functions of the Howard Terminal were replicated prior accomplished BEFORE breaking ground for the A's stadium,  
b. **The Above Freight Line Can Double as a Transit Connection into America's Answer to High Speed Rail Along Hwy 580** to Macarthur BART, and 980 to Howard Terminal.

**2) Fixed Guideway Transit link to BART Lake Merritt & West Oakland BART.** If done as a subcontract of the Howard Terminal project (AND EIR) it can be accomplished for half of the \$175 million cost estimated by the Alameda County Transportation Authority (On the County Transit High Priority List). It is hard to imagine the Howard Terminal development being successful without such a Transit connection, which could extend into the community to create a seamless system that a BART study showed to be the least costly way to bring riders into BART (as Personal or Group Rapid Transit).

**3) Seamless Automated Vehicle Egress that is Grade Separated at Howard Terminal Egress Zone.** This could include for **double-decker busses** and jitneys that could pick up people at gathering spots on the West Oakland Walk and other places throughout Oakland while driven by a human driver, to whisk them into the Howard Terminal in Automated Vehicle Mode, and even into an automated parking slot, and serve the tourism function much more palatably than a gondola. However it could also include Uber and Lyft vehicles that could go into Automated Driver mode

**4) The Gondola is a non-starter** as either a transit approach or even as a tourist attraction, either down Washington Street or over the Estuary for the following reasons:  
a. **Insufficient carrying capacity to be effective during peak demand**  
b. **Safety concerns** (in particular over the estuary)  
c. **Inability to expand the system to become an actual transit system**  
d. **Inability to operate cost effectively in non-peak hours**  
e. **Aesthetic concerns in Old Oakland**

A far better approach is to use double-decker busses that would be driven by a driver on city streets, but would be driven autonomously when they enter the HT egress area.

I-240-3 The commenter expresses a desire for a fixed guideway transit link between the Project and West Oakland and Lake Merritt BART stations. Comments regarding the merits of suggested components of the Project or in the Project area do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-240-4 The commenter expresses a desire for automated vehicles on site that would be grade separated at the railroad and become human driven on city streets. Comments regarding the merits of suggested components of the Project or in the Project area do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-240-5 This comment expresses an opinion about the viability of the Gondola. Comments regarding the merits of the Project or variants of the Project do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. Aesthetics is not a CEQA issue for this project, but the EIR does conclude that there would be significant and unavoidable impacts to the setting of the Old Oakland API as a result of the Gondola Variant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-240-3

I-240-4

I-240-5

I-240 Peter Clark

COMMENT

RESPONSE

I-240-6 This comment does not identify any specific deficiencies of the Draft EIR or provide questions or concerns that can be responded to with specificity. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-240-6

Unfortunately, the Howard Terminal DRAFT EIR verifies that the issues are not being addressed except as an afterthought, with the "solutions", borne by the public, costing three to ten times as much as if done by a private developer, and potentially causing so much disruption as to bankrupt both the city and its businesses.

Respectfully submitted,

s/Peter Clark

510-827-7836 [2peterclark@gmail.com](mailto:2peterclark@gmail.com)

Pictures of double decker busses are provided in a variety of design modes, from Steam Punk to ultramodern.



I-240 Peter Clark

COMMENT

RESPONSE



I-240 Peter Clark

COMMENT

RESPONSE



I-240 Peter Clark

COMMENT

RESPONSE

This letter repeats the text above. See Response to Comments I-240-1 through I-240-6.

If the Howard Terminal development plan addressed the challenges of the site, it could help move Oakland into the forefront of American cities. Unfortunately it does not. The following infrastructure problems need to be addressed by a revised EIR: If the needed infrastructure were integrated into the EIR as part of the development, they could be accomplished remarkably quickly and increase the container throughput of the Port. This can be paid for by willing sources that have been identified, create a profit center that can pay for ALL of the Transportation/Parking Benefits identified by the Howard Terminal Transportation CBA, and help to assure the success of the HT development. The turnkey solutions can be turned over to a public agency, however simply turning over the funds will NOT take care of the problem, merely create a blame game for failure. The SHIPP non-profit presented a PowerPoint to the Transportation CBA Cohorts, which can be upgraded to present these concepts to the City Council.

1) Automated Freight Container Handling to Replace the Howard Terminal: The Howard Terminal was intended to handle truck traffic as containers are loaded. It has never fully addressed the problem of diesel truck parking or exhaust, and getting rid of the terminal without adequately addressing the problem in other ways would have dire consequences to Port operations, the functionality and solvency of the City, and the health of Oakland Residents. None of this is adequately addressed by the EIR. a. Automated Rail to Satellite Container Loading and Storage

i. At the Oakland Army Base (at the Truck Parking Facility) The first Satellite loading facility should be built at the Oakland Army Base to replicate the Howard Terminal functions fully while two other facilities are built, together with grade separated rail to connect into the Port.

ii. To Richmond for containers going by rail or truck to destinations to the North and East of the Bay Area,

iii. To Tracy/Stockton for containers headed to the distribution centers there, and to the South As a practical matter, it is hard to imagine the scope of the disaster that would result if ground were broken for the HT stadium before the functions of the Howard Terminal were replicated prior accomplished BEFORE breaking ground for the A's stadium, b. The Above Freight Line Can Double as a Transit Connection into America's Answer to High Speed Rail Along Hwy 580 to Macarthur BART, and 980 to Howard Terminal.

2) Fixed Guideway Transit link to BART Lake Merritt & West Oakland BART. If done as a subcontract of the Howard Terminal project (AND EIR) it can be accomplished for half of the \$175 million cost estimated by the Alameda County Transportation Authority (On the County Transit High Priority List). It is hard to imagine the Howard Terminal development being successful without such a Transit connection, which could extend into the community to create a seamless system that a BART study showed to be the least costly way to bring riders into BART (as Personal or Group Rapid Transit).

3) Seamless Automated Vehicle Egress that is Grade Separated at Howard Terminal Egress Zone. This could include for double-decker busses and jitneys that could pick up people at gathering spots on the West Oakland Walk and other places throughout Oakland while driven by a human driver, to whisk them into the Howard Terminal in Automated Vehicle Mode, and even into an automated parking slot, and serve the tourism function much more palatably than a gondola. However it could also include Uber and Lyft vehicles that could go into Automated Driver mode

I-240 Peter Clark

COMMENT

RESPONSE

4) The Gondola is a non-starter as either a transit approach or even as a tourist attraction, either down Washington Street or over the Estuary for the following reasons: a. Insufficient carrying capacity to be effective during peak demand b. Safety concerns (in particular over the estuary) c. Inability to expand the system to become an actual transit system d. Inability to operate cost effectively in non-peak hours e. Aesthetic concerns in Old Oakland A far better approach is to use double-decker busses that would be driven by a driver on city streets, but would be driven autonomously when they enter the HT egress area. Unfortunately, the Howard Terminal DRAFT EIR verifies that the issues are not being addressed except as an afterthought, with the "solutions", borne by the public, costing three to ten times as much as if done by a private developer, and potentially causing so much disruption as to bankrupt both the city and its businesses.

Respectfully submitted, s/Peter Clark 510-827-7836 2peterclark@gmail.com Pictures of double decker busses are provided in a variety of design modes, from Steam Punk to ultramodern.

I-241 Alfred Twu

COMMENT

RESPONSE

I-241-1

This is not a great location for a stadium and other development, it is too far from mass transit such as the BART stations downtown. The city's in-progress Downtown Oakland Specific Plan puts office space next to the BART stations. At the least, the office portion of the Howard Terminal project should be eliminated.

I-241-1

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

I-242 Charles Pine

COMMENT

RESPONSE

I-242-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-242-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

From: [Charlie](#)  
To: [Phyllis@oaklandca.gov](mailto:Phyllis@oaklandca.gov)  
Subject: Comment on: Draft EIR for the Oakland A's Waterfront Ballpark District Project  
Date: Monday, April 26, 2021 8:56:10 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Comment on: Draft EIR for the Oakland A's Waterfront Ballpark District Project

I-242-1

This is a transportation nightmare. It proposes to move thousands of people into and out of events at a location that frustrates such movement, both by its natural geography and by vital industrial and logistics facilities already there.

I-242-2

The problem cannot be solved with fantasy solutions like a gondola.

This proposal should not go forward. The attempt to make the presence of a baseball team a precondition for evaluating the proposal is bad economics and an insult to the public.

Sincerely,

Charles Pine  
Oakland resident

<https://comment-tracker.esaasc.com/oaklandportsir/index.html>

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-1

The commenter expresses an opinion that the Draft EIR fails to address disruption of truck traffic, safety crossing the railroad tracks, and impediments to traffic entering and leaving the port. These issues are analyzed in the Draft EIR. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. The commenter is also directed to Mitigation Measure TRANS-1b, which would implement a Transportation Management Plan (TMP) for all ballpark events. A draft TMP is provided in Appendix TRA.1. The TMP outlines improvements and operational strategies to optimize access to and from the Ballpark within the constraints inherent to a large public event, while minimizing disruption to existing land uses and communities. The TMP considers the travel characteristics of Ballpark attendees, workers, and all other visitors to the ballpark site. Its primary goal is to ensure safe and efficient access for all people traveling to and from the site, with a focus on promoting pedestrian, bicycle, and transit access, thereby reducing vehicular impacts to the site and surrounding land uses, including the Port of Oakland. Per the mitigation measure, the TMP must be approved by the City. The TMP would be a living document requiring periodic updates over time as travel patterns change because of development and changes to transportation infrastructure and operations and to assure that performance standard is met. All revisions to the TMP shall be subject to the review and approval of the City. The Port of Oakland is identified as a key stakeholder in developing, implementing, and monitoring the TMP.

Draft EIR Section 4.15.5 (pp. 4.15-149 through 4.15-157) discusses the Project's impact to Port operations and transportation infrastructure recommendations:

- *Event-Day Traffic Management* (p. 4.15-150) summarizes the measures to manage event transportation that could influence Seaport operations.
- *Seaport Access at Adeline Street* (p. 4.15-151) summarizes infrastructure improvements to optimize truck movements on Adeline Street to the Seaport.
- *I-880 On-Ramp and Off-Ramp at Union Street* (p. 4.15-152) summarizes infrastructure improvements to optimize truck movements between the freeway ramps and Adeline Street via 5th and 6th Streets.

From: [Charlie.Bolton@Realalty.Films](mailto:Charlie.Bolton@Realalty.Films)  
 To: [marcusopo@gmail.com](mailto:marcusopo@gmail.com); [ilimon.opo@gmail.com](mailto:ilimon.opo@gmail.com); [jfearnsopo@gmail.com](mailto:jfearnsopo@gmail.com); [SP1020CF2@gmail.com](mailto:SP1020CF2@gmail.com); [nthegacFC@gmail.com](mailto:nthegacFC@gmail.com); [amandam.srochano@gmail.com](mailto:amandam.srochano@gmail.com); [ravinrishi@yahoo.com](mailto:ravinrishi@yahoo.com)  
 Subject: EIR 15-016 fails to cover all the issues that will be generated by the project and needs to be redone.  
 Date: Monday, April 26, 2021 1:52:23 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

I-243-1

The Oakland Planning Commission is preparing to review and approve a Draft EIR (ER018-016) report on the proposed Oakland A's Stadium-Condo-Hotel-Retail-Office complex proposed for the Port's Howard Terminal Site. The DEIR fails to address major issues regarding the disruption of truck traffic at the port, safety of pedestrians and vehicles crossing heavily trafficked rail tracks to enter and leave the Ball Park Complex and impediments to Commercial Shipping traffic entering and leaving the port. The project will only create 2000 parking spaces, but an estimated 10,000 game goers will drive to the site and there will be no parking for 8,000 of them. Where will the additional cars go. This is not planning, it is wishful thinking.

I-243-2

The irony of this project is it proposes to place a residential and entertainment complex in an Industrial Zone rather than promote separation between the Port and the adjacent residential neighborhood of West Oakland.

I-243-3

In addition, the DEIR does not thoroughly address the issue of how it will address the contaminants that are buried at the Howard Terminal Site during site preparation and construction. More analysis and evaluation is required. The Planning Commission should reject this DEIR and require more analysis and mitigation measures to be included.

I-243-4

The following Video addresses many of the failures of the DEIR. You can see the video here: <https://youtu.be/5OSQdrQ3HBY>  
 Please attach this video to the body of documentation documenting the DEIR public response.

I-243-5

Cordially,

Charlie Bolton  
 FilmMaker

Cell: 415-531-6484

I-243 Charlie Bolton

COMMENT

RESPONSE

- *Railroad Access* (p. 4.15-152) summarizes the railroad at-grade improvements along the Project's frontage which are also addressed in Draft EIR Impact TRANS-3.
- *Sensitivity Testing of Intersection Operations and Vehicle Queueing* (p. 4.15-154) summarizes the findings of an operations analysis at intersections near the Seaport's three accesses i.e., Adeline Street, 7th Street, and Maritime Street.

The sensitivity memorandum is in Draft EIR Appendix TRA.7.

Thus, the comment does not raise a new environmental issue. The commenter's observations are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-243-2 See Consolidated Response 4.7, *Parking*.

I-243-3 Impacts related to land use compatibility are considered under Impact LUP-2 in Section 4.10, Land Use, Plans, and Policies in the Draft EIR (Draft EIR pp. 4.10-32 through 4.10-52). See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, regarding Port-related land use compatibility. As also discussed in the Draft EIR, there are no typical residential neighborhoods or "communities" on or immediately adjacent to the Project site. The conversion of Howard Terminal from industrial use to entertainment, residential, and office/commercial uses would move the boundary between the Port's maritime activities and the Jack London Square commercial-entertainment district to the west (Draft EIR p. 4.10-31).

I-243-4 This comment makes general statements regarding the thoroughness of the Draft EIR but does not identifies specific issues to be addressed.

As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with

I-243 Charlie Bolton

COMMENT

RESPONSE

jurisdiction. These LUCs and their associated plans would be replaced and consolidated and required approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-243-5 The attachment containing the video has been received, and a transcript was developed in order to respond to specific comments raised in the video. The video contains a montage of different video clips and interviews. See Responses to Comments I-243-6 to I-243-49 below for comments raised in the video.

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1  
2 YOUTUBE VIDEO  
3 ---oOo---  
4  
5  
6 PORT OF OAKLAND BALL PARK OR WORKING SEA PORT  
7 Charles Bolton/Reelality Films  
8  
9 Oakland's Port: Working Sea Port or Ball Park?  
10  
11 Posted April 26, 2021  
12  
13  
14  
15  
16  
17  
18  
19 Transcribed by:  
20 Connie J. Parchman, RPR, CRR, CSR 6137  
21 -----  
22 JAN BROWN & ASSOCIATES  
23 WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES  
24 701 Battery St., 3rd Floor, San Francisco, CA 94111  
25 (415) 981-3498 or (800) 522-7096  
1

JAN BROWN & ASSOCIATES (415) 981-3498 (800) 522-7096

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-6 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 YouTube Oakland's Port: Working Sea Port or Ballpark?  
2  
3 ---o0o---  
4 NARRATOR: John Fisher and the Oakland  
5 Athletics want to build a Ballpark Condo Hotel complex on  
6 the 50-acre Howard Terminal site in Oakland's sea port.  
7 And they want to dissolve the land in East Oakland where  
8 the Oakland Coliseum is located into a condo commercial  
9 development.  
10 They have released a draft environmental impact  
11 report on the Howard Terminal site that will pave the way  
12 to getting approvals from the Oakland City Council Port  
13 Commission, Bay Area Conservation district, and other  
14 public agencies to start building on Howard Terminal.  
15 However, the issue of whether a ballpark  
16 residential development is compatible in the heavy  
17 industrialized sea port and its operational and economic  
18 impact on the port is not under consideration.  
19 MIKE JACOB: The issue of whether or not this  
20 is a good place for a stadium, whether or not it's  
21 compatible with the continued operation of a successful  
22 and growing sea port and the overall question for the  
23 Oakland community about what they want in terms of an  
24 industrial base, and how their downtown and Jack London  
25 Square and West Oakland are going to sit in relation to

2

I-243-6

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I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-7 The comment, from Planning Commissioner Rebecca Kaplan, expresses concern regarding perceptions that the City of Oakland is in favor of the Project, is acknowledged. Comments regarding the merits of the Project or alternatives of the Project do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

I-243-6

1 their industrial base are all really big, important  
2 questions that need to be answered.  
3 REBECCA KAPLAN: (Public meeting) As it  
4 happens, we had a state bill and (inaudible) that stated  
5 the Oakland City has decided to do, dot, dot, dot. That  
6 was a flat out lie in the text of the state bill. We had  
7 a press conference done by the aide saying a decision has  
8 been made.  
9 And so, you know, now we have this flyer here  
10 again says, you know, to be built. Not to be decided.  
11 And so it really does start to feel like the  
12 people are not taking seriously. The fact that we  
13 haven't voted. It is not authorized until we vote. We  
14 haven't been given a proposal to vote on yet. And it is  
15 completely inappropriate, whether press release from the  
16 A's, a piece of legislation from a state legislator, a  
17 promotional document from city staff, nothing should be  
18 being put out that in any way suggests a decision has  
19 been made. We need to be hearing all the issues about  
20 the travel and the jobs and the board before we make a  
21 decision.  
22 And I'm starting to feel like this is an  
23 attempt to jam us to make a decision that we haven't  
24 made.  
25 And when we asked the state officials why they

I-243-7

3

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I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 listed Oakland as having endorsed something that not only  
2 not has the council not voted to endorse, but that's  
3 never been presented to us to endorse, they did tell us  
4 it was because the mayor said so.

5 So we really need to not have this type of  
6 conduct go on with a project that needs analysis, that  
7 needs decision making, that is thoughtful and it is not  
8 prejudged or even giving people the impression that it is  
9 being prejudged. Because all these issues that were  
10 raised tonight are ones that need to be considered before  
11 we would make a decision.

12 MIKE JACOB: And they shouldn't be piecemealed  
13 on a project-by-project basis. And they shouldn't be  
14 brought forward only because there is baseball team that  
15 wants to build a stadium here.

16 These are long-term planning issues that need  
17 to be addressed. And they need to be addressed  
18 consistently and they have regional impacts.

19 Everyone in the Bay Area benefits with a  
20 working port in Oakland. If you reduce your industrial  
21 footprint and if you reduce your ability to use the  
22 Oakland waterfront for transiting goods from overseas  
23 into the Bay Area -- consumer demand isn't going to go  
24 down. The use of products from overseas is not going to  
25 go down.

4

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I-243-8 While not entirely clear, this comment appears to be referring to the need for long-term planning related to the Port and its maritime operations, and the commenter's opinion is noted. See Draft EIR p. 4.10-13 for a description of the two regional plans—the San Francisco Bay Plan and Seaport Plan—that would require amendment for the Project to proceed. The agencies with jurisdiction over these plans have responsibility for the long-term planning issues they address.

I-243-9 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Consolidated Response 4.5, *Truck Relocation*.

I-243-7

I-243-8

I-243-9

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 How are consumers going to get their goods from  
2 overseas? Or how are Californians going to access export  
3 markets?

4 The current site is not just a parking lot.  
5 It's an actual terminal, which means we are moving cargo  
6 containers, we're moving trucks, we're moving chassis,  
7 staging them, and it's a living, breathing part of the  
8 port.

9 We have over 300,000 gate moves in and out of  
10 that terminal every single year. The EIR doesn't say  
11 that it's vacant, but it calls it a parking lot.

12 AARON WRIGHT: (At the Port) The Port of  
13 Oakland is the third largest board on the west coast. It  
14 is a key economic engine for Northern California.

15 We need to preserve this place because it is --  
16 without the free flow of goods, our economy will be  
17 severely impacted. Good jobs, high-paying jobs, union  
18 jobs, will be impacted.

19 The free flow of transportation on our trucking  
20 lanes, the railroad, our turning circle here, must be  
21 preserved. We have to keep it intact.

22 And a ballpark here with residential condos and  
23 giant hotel, there's no parking. There's no way to get  
24 in and out of and still continue to operate.

25 There are things called public nuisance laws.

5

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- I-243-10 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
- I-243-11 See Consolidated Response 4.7, *Parking*.
- I-243-12 As discussed in the Draft EIR, based on the Port's experience with nearby users and residents, complaints from new uses regarding Port operations and operations at the adjacent Schnitzer Steel facility are likely. To address this issue, the Exclusive Negotiation Term Sheet with the Project sponsor, approved by the Board of Port Commissioners, states that the future users, owners, lessees, and residents of and in the Project shall be notified of potential impacts of Port maritime and marine operations on their use and waive rights to claims arising therefrom. While not required to address an impact under CEQA, Improvement Measure LUP-1, Statement of Disclosure is included in the Draft EIR and would be included as a condition of approval for the Project. Any other actions to address these complaints and any physical impacts of the complaints are not reasonably foreseeable but rather speculative, and so any environmental impacts of any resulting actions are outside the scope of this Draft EIR (Draft EIR pp. 4.10-50 and 4.10-51). See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-243-9

I-243-10

I-243-11

I-243-12

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 And as soon as there's residents here, noise, pollution,  
2 and dust and smoke that comes from the Port will become  
3 an issue for these new residents and it's going to be a  
4 genie let out of the bottle. Once that genie's let out,  
5 there's no stopping it. We will not be able to continue  
6 to function in an efficient manner and that will impact  
7 our business and take jobs out of Oakland and Northern  
8 California.

I-243-12

9 DERRICK MUHAMMAD: (Outside) The impact to the  
10 Port of Oakland, to the sea port of Oakland, will be  
11 major. The Port of Oakland is currently the third  
12 busiest port on the west coast. It is representative of  
13 heavy industry.

I-243-13

14 And we think that when you place  
15 multimillion-dollar housing units adjacent to that kind  
16 of industry, you subject the industry to a myriad of  
17 complaints from neighbors.

18 And so when we risk what is called  
19 deindustrialization, then the impact is immeasurable.

I-243-14

20 Currently, there are about 28,000 jobs that are  
21 generated from the sea port. I'm not talking about the  
22 airport operations or the commercial side operations, but  
23 I'm talking about the sea port. And so, all of those  
24 jobs would be at risk.

25 28,000 jobs represent 28,000 families, and

6

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I-243-13 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. As also discussed in the Draft EIR, based on the Port's experience with nearby users and residents, complaints from new uses regarding Port operations and, operations at the adjacent Schnitzer Steel facility are likely. To address this issue, the Exclusive Negotiation Term Sheet with the Project sponsor, approved by the Board of Port Commissioners, states that the future users, owners, lessees, and residents of and in the Project shall be notified of potential impacts of Port maritime and marine operations on their use and waive rights to claims arising therefrom. While not required to address an impact under CEQA, Improvement Measure LUP-1, Statement of Disclosure is included in the Draft EIR and would be included as a condition of approval for the Project. Any other actions to address these complaints and any physical impacts of the complaints are not reasonably foreseeable but rather speculative, and so any environmental impacts of any resulting actions are outside the scope of this Draft EIR (Draft EIR pp. 4.10-50 &51).

I-243-14 The commenter's observations are appreciated, however, there is no evidence that substantial job losses will occur as a result of the Project. As required by CEQA, the Draft EIR focuses on potential physical environmental impacts of the Project and does not assess socioeconomic impacts except to the extent that such impacts may have physical environmental consequences. The Draft EIR *does* consider the issue of land use compatibility and concludes that potentially significant environmental impacts can be mitigated. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-243 Charlie Bolton

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PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 that's a huge problem.  
2 MIKE JACOB: We directly hire and employ 12,000  
3 people. It's a fairly diverse group of folks that are  
4 direct hires.  
5 But from our members, we are primarily union  
6 employers, employ a direct set of highly skilled  
7 longshoremen. And they comprise one of the highest paid  
8 blue-collar unionized work forces in North America.  
9 Those jobs are highly sought after. We have a lot of  
10 competition for those positions.  
11 There's a lot of other direct jobs though that  
12 are impacted at the port. And that is everything from  
13 truck drivers to warehousemen, trans loaders, freight  
14 forwarders. Everyone who's touching the cargo, moving a  
15 container. That's that total composition of  
16 approximately 12,000 different individuals.  
17 And then obviously there are a lot of induced  
18 and indirect jobs associated with all those different  
19 economic activities. And those comprise about another  
20 15,000 or so jobs throughout Northern California. It  
21 makes us really the premiere and regional hub for  
22 economic development with respect to logistics in all of  
23 Northern California.  
24 That doesn't include all of the jobs associated  
25 with the actual cargo that we're moving. That -- that's

7

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1 a very wide spectrum of economic activities.  
2 In that regard, the Port of Oakland is  
3 basically facilitating half a million jobs throughout  
4 California and reaching throughout the country.  
5 That is really the hallmark of significance of  
6 the Port. It's not just that you create local jobs and  
7 economic development impacts for your community, but  
8 you're really facilitating economic improvements and  
9 development across the entire country.  
10 The access to and from the Port of Oakland and  
11 to and from the terminal. How the access issues will  
12 impede our traffic flow, create congestion, and  
13 ultimately potentially impact our competitiveness.  
14 The most obvious issue with Howard Terminal is  
15 access to the terminal itself.  
16 It sits directly on a Union Pacific rail line  
17 that also is the mainline for the Capital Corridor. And,  
18 you know, there's that -- if you want to have direct  
19 access to that site, you need to build vehicular grade  
20 separation. Those grade separation do not exist.  
21 When you have a railroad crossing at grade,  
22 then that means that the rail and the road are crossing  
23 on the exact same level. You have to wait for the train.  
24 The yardarms come down, block cars. And the challenge  
25 with that is that it creates a lot of risk for

8

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I-243-15 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-243-16 See Draft EIR p. 4.15-236 for a description of the pedestrian and bicycle overcrossing proposed for inclusion in the Project as Mitigation Measure TRANS-3b and see Draft EIR p. 6-1 for a description and discussion of Alternative 3, which would include a vehicular grade separation along the Market Street or Brush Street alignment.

I-243-17 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-243-14

I-243-15

I-243-16

I-243-17

I-243 Charlie Bolton

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1 pedestrians and automobiles, but also for the railroad.  
2 You have fatalities. You have the unfortunate  
3 situation where accidents occur. And those are  
4 preventable if you grade separate it.  
5 The project itself right now contemplates  
6 having a bike and pedestrian overcrossing. But it  
7 doesn't contemplate any such overcrossings for vehicles.  
8 And with the amount of volume of traffic that we're  
9 talking about here, that a real problem for the site.  
10 But if you want to maintain consistent access  
11 to that site, those need to be built.  
12 There are two main access roads to Howard  
13 Terminal. And in our conversations with the Union  
14 Pacific Railroad, they made it very clear that the, the  
15 port and the city, they need to have those vehicular  
16 grade situations in place if you're going to be building  
17 a stadium and 3,000 units of housing and put a hotel on  
18 the other side.  
19 So, there's only one side, which is land side,  
20 and that side is directly constricted by those railroad  
21 tracks.  
22 As far as we know there's no plans for any type  
23 of accommodation for mass transit other than the  
24 potential for the A's gondola for additional (inaudible).  
25 REBECCA KAPLAN: Let's stop saying there will

9

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I-243-18 See Chapter 6, Alternatives, in the Draft EIR for a discussion of Alternative 3, Proposed Project with Grade Separation Alternative. See also Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

Section 4.15 discusses mass transit services to the proposed ballpark as part of the TMP and Draft EIR p. 4.15-140 lists bus and shuttle service as City priorities.

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-19 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-243-20 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 be a BART station. BART has already said no, rather  
2 strongly.

3 MIKE JACOB: But in the supply chain, an extra  
4 75 minutes on your trip back and forth between the Port  
5 of Oakland and ag exporter in the Central Valley, over  
6 time that eats away at your ability to move a certain  
7 number of containers. You might have to pay more for  
8 your trucking. Over time, that might mean you're doing  
9 less trucking. And that would mean that you're moving  
10 less containers.

11 Or you aren't -- if you're the trucking  
12 company, you might not be able to get as many moves in a  
13 day. You might have to hire more people to do the same  
14 amount of work.

15 Those costs add up and over time they make you  
16 let competitive and they will have real economic costs.

17 SCOTT TAYLOR: (Public meeting) The future of  
18 Oakland, the economic interests of Northern California,  
19 the jewel of the Bay Area, is the Port of Oakland,  
20 supporting thousands and thousands of jobs that are good  
21 paying jobs.

22 (Inaudible) in a study of slow growth, moderate  
23 growth and strong growth at the Port of Oakland over the  
24 next four years. Even under the slow growth scenario, we  
25 are out space of come 2050.

10

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I-243-19

I-243-20

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-21 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

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1 Under the moderate or strong growth scenario,  
2 we are running out of space on the waterfront for  
3 maritime purposes as soon as 2030.

4 In just ten years, we're going to be out of  
5 space on the waterfront under a very moderate or strong  
6 growth scenario. This is extremely concerning.

7 And I want to bring to your attention right now  
8 that there is a memo going throughout the industry  
9 advising (inaudible) lines and terminal operators to get  
10 ready to start making plans to bypass Oakland if there's  
11 a stadium built. And we want you to do everything you  
12 can to protect this port.

13 AARON WRIGHT: Right here is the turning basin.  
14 It's another key aspects of the working port.

15 Behind me is the over 70 percent of the cargo  
16 that's moved through the port and relies on this turning  
17 basin for the ships to come in and out.

18 This turning basin must stay viable for the  
19 future of the port.

20 The larger ships that are going to come here  
21 need to have an upgraded turning basin. It needs to be  
22 kept constantly dredged and enlarged to allow for the  
23 ships to be able to come in.

24 (Music and video.)

25 MIKE JACOB: So the larger your ships get in a

11

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I-243-20

I-243-21

I-243 Charlie Bolton

COMMENT

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PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 restrained turning basin, the less flexibility you have  
2 to have that ship come in and do business here. It has a  
3 very small margin of error. It requires a lot of skill  
4 to turn that ship.

5 So, as you get bigger and you get to that place  
6 where the turning basin is constrained, you need to bring  
7 more assets. You need additional tugs. You need a  
8 second pilot. Those pilots bring on additional computing  
9 resources so they have additional displays in the bridge  
10 of the ship so they have additional GPS controls. They  
11 have specific restrictions placed on them by the Coast  
12 Guard on time of day, swell, the ebb or flow of the tide  
13 and wind.

14 The good news is the average-size vessel is not  
15 taxing the turning basin right now. So we can  
16 accommodate a lot of vessels during daylight hours that  
17 are large.

18 But that will not be the case forever, as the  
19 average ships' sizes continue to increase, as more of the  
20 larger ships cascade back into the Pacific out of the  
21 Atlantic trade as they inevitably will.

22 So we know we're going to have additional  
23 stressors on the turning basin. We know we're going to  
24 have to expand it in order to accommodate future  
25 generations of ships.

12

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I-243-21

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-22 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Consolidated Response 4.5, *Truck Relocation*, for discussions of Port operations.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 This will be an evaluation of how you can  
2 expand the turning basin, what makes sense, and working  
3 with what the pilots and the wharfinger of the Port of  
4 Oakland and Core of Engineers to make accommodations  
5 about what that looks like.  
6 The preliminary understanding is that it will  
7 take at least ten acres off the southwest corner of  
8 Howard Terminal to accommodate one of the potential  
9 designs for that turning basin.  
10 AARON WRIGHT: You know, the Howard Terminal  
11 site, it's only 50 acres. And it's in a -- it's in a  
12 choke point of trucking lanes, railroad, and shipping.  
13 We need this area. It turns around 100,000  
14 containers a year. The proposed -- this site versus the  
15 coliseum, which has already had its environmental review,  
16 it has stadium on it already, it's ready to go tomorrow.  
17 You could build tomorrow.  
18 It's three times as large. You could have  
19 three times the housing, three times the hotels, and  
20 three times the stadium. It's next to all major  
21 communication -- transportation. Like BART. It's less  
22 than a quarter mile away from the coliseum.  
23 Here the nearest BART station's a mile away.  
24 And there's no way for public to walk here currently,  
25 with the current infrastructure.

13

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I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-23 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1           There you are right next to the freeway.  
2           You're right next to the airport. You're right next to  
3           Amtrak. The roads were widened in the '60s just for game  
4           day traffic. It is the ideal location for a stadium and  
5           development for Oakland.  
6           Yet, this land grab by the Fisher family is  
7           designed to maximize the amount of land that they can get  
8           in Oakland. They want to build here, they want to build  
9           condos. It will run the businesses out.  
10          And as the businesses leave, the land will be  
11          vacant. Well, hey, let's build some more. More  
12          development.  
13          If we let this happen, it's a domino effect.  
14          The dominoes will fall on the port. The port will be run  
15          out of here.  
16          Currently, there's no proposal that I've seen  
17          that shows any kind of overpasses, easements, or parking  
18          that would allow for Oakland A's game day traffic,  
19          residential traffic, and hotel visitors to get in and out  
20          of this area without impeding the port traffic.  
21          Our overweight trucking lanes run right  
22          adjacent to Howard Terminal.  
23          The railroad runs right adjacent to Howard  
24          Terminal.  
25          And if you can't have the key transportation

14

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I-243-22

I-243-23

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-24 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

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1 routes in and out of the Port, including our one  
2 overpass, the Adeline overpass down the street, if you  
3 can't have this, then you're not going to have optimal  
4 conditions for business.  
5 And this business is all about running at the  
6 highest rate possible, getting your goods in and out as  
7 fast as possible.  
8 If our productivity is hindered in any way, the  
9 shippers are going to look elsewhere to ship their goods  
10 in and out of here.  
11 DERRICK MUHAMMAD: (Church setting) My name is  
12 brother Derrick Muhammad, West Oakland resident, and  
13 member of Local 10.  
14 By definition, gentrification is the process of  
15 neighborhood change that includes economic change in a  
16 historically disinvested neighborhood by means of  
17 developing real estate that conforms to the standards of  
18 more affluent people, new, higher-income residents moving  
19 in as well as demographic change not only in terms of  
20 income level, but also in terms of changes in the  
21 education level and racial makeup of the residents.  
22 So when more affluent people move in, the value  
23 of a thing, the price of a thing increases making it more  
24 unaffordable to the people who are already there to  
25 remain.

15

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I-243-23

I-243-24

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1           And that's what West Oakland and now East  
2 Oakland is being confronted with.  
3           I want to say that the black community,  
4 brothers and sisters, is under siege. And we're under  
5 siege by forces that would like to drive us out. And I  
6 believe that these forces are emanating from City Hall,  
7 from real estate development corporations, and from the  
8 police department who will work in tandem to drive black  
9 people out of Oakland, California.  
10           That's something we got to deal with.  
11           Now this project that's being proposed for  
12 Howard Terminal represents the uprooting of the black  
13 community of West Oakland through that process called  
14 gentrification.  
15           Ask yourself why are they building a light rail  
16 down East 14th Street? Did any of you ask for that? And  
17 what will happen to the businesses once that light rail  
18 is in?  
19           The same thing that happened to Seventh Street  
20 when they built the post office and the BART down there.  
21 A pushing out of the residents who are already there.  
22           Now I also oppose this project because the  
23 project has the great potential to initiate the  
24 deindustrialization of a key urban center.  
25           Beginning in the 1970s and in the 1980s, we saw

16

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I-243-24

I-243 Charlie Bolton

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1 the deindustrialization of urban centers like Detroit,  
2 which by the way was one of the richest cities not just  
3 in America, but in the whole world. Look at it now.  
4 We saw the deindustrialization of Pittsburgh,  
5 of Chicago, of Philadelphia, south Los Angeles, and even  
6 Oakland, California.  
7 We saw the decimation of manufacturing,  
8 warehouse jobs, factory jobs, and subsequent to that,  
9 beginning in 1984, 1985, 1986, we saw the introduction of  
10 crack cocaine in these urban centers. And that produced  
11 an economy predicated on drugs whereby the drug business  
12 became the primary means of employment replacing an  
13 economy based on industry.  
14 We suffered from that.  
15 Black families were annihilated from that. And  
16 if you don't have a family, you don't have a community.  
17 And so we can't go back to that, brothers and sisters.  
18 And with the help of God we ain't going back to that.  
19 And so it's time to close ranks. It's time to  
20 start pushing back, because our future depends on it.  
21 DERRICK MUHAMMAD: (Outside) The impact to the  
22 Port of Oakland, to the sea Port of Oakland, will be  
23 major. The Port of Oakland is currently the third  
24 busiest port on the west coast. It is representative of  
25 heavy industry. And we think that when you place

17

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I-243-25 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. As discussed in the Draft EIR, based on the Port's experience with nearby users and residents, complaints from new uses regarding Port operations and operations at the adjacent Schnitzer Steel facility are likely. To address this issue, the Exclusive Negotiation Term Sheet with the Project sponsor, approved by the Board of Port Commissioners, states that the future users, owners, lessees, and residents of and in the Project shall be notified of potential impacts of Port maritime and marine operations on their use and waive rights to claims arising therefrom. While not required to address an impact under CEQA, Improvement Measure LUP-1, Statement of Disclosure is included in the Draft EIR and would be included as a condition of approval for the Project. Any other actions to address these complaints and any physical impacts of the complaints are not reasonably foreseeable but rather speculative, and so any environmental impacts of any resulting actions are outside the scope of this Draft EIR (Draft EIR pp. 4.10-50 & 51).

I-243-24

I-243-25

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1 multimillion dollar housing units adjacent to that kind  
2 of industry, you subject the industry to a myriad of  
3 complaints from neighbors. And so, when we risk what is  
4 called deindustrialization, then the impact is  
5 immeasurable.

6 Currently there are about 28,000 jobs that are  
7 generated from the sea port. And so all of those jobs  
8 will be at risk. 28,000 jobs represents 28,000 families.  
9 And that's a huge problem.

10 People need a job. And I get that. And what's  
11 being promoted is 6,000 jobs. But the reality is the  
12 construction jobs, the couple of thousand construction  
13 jobs are going to go to the individuals who are already  
14 members of the trade organizations.

15 The trade organizations in this area do not  
16 have a history of recruiting in the black neighborhoods  
17 of West Oakland or East Oakland. So the question is how  
18 will you get a temporary construction job on a union  
19 project if you're not a member of the union? So that's  
20 question number one and that's something for the People  
21 who are talking about jobs, jobs, jobs for the community  
22 to consider.

23 You're not going to get a job unless you're in  
24 the union and the union doesn't recruit in the ghetto.

25 All right?

18

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I-243-26 Consistent with CEQA requirements, the Draft EIR's analysis is based on the intensity of use of the Project site. Thus, it focuses on the number of dwelling units, the number of jobs, and resulting impacts, rather than answering questions about who will live in the units or fill the jobs. The commenter's questions regarding union labor and employment for residents of West Oakland would be appropriate outside of the CEQA context.

The commenter's observations are appreciated, however, there is no evidence that substantial job losses will occur as a result of the Project. As required by CEQA, the Draft EIR focuses on potential physical environmental impacts of the Project and does not assess socioeconomic impacts except to the extent that such impacts may have physical environmental consequences. The Draft EIR *does* consider the issue of land use compatibility and concludes that potentially significant environmental impacts can be mitigated. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-243-25

I-243-26

I-243 Charlie Bolton

COMMENT

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I-243-27 See Consolidated Response 4.22, *General Non-CEQA*.

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1           Number two, service jobs. Janitorial jobs,  
2 vendor jobs, those jobs have already been promised to the  
3 current workforce. Okay? So the workforce that is at  
4 the East Oakland location have been already guaranteed  
5 their job at the new location.

6           So how many jobs does that leave for the  
7 community of West Oakland? That's another question for  
8 you to consider.

9           So, too many games are being played and the  
10 historically marginalized, oppressed, rejected, dejected  
11 black community is being enticed to support this project  
12 because they've been -- they're being told that they're  
13 going to get jobs. And that is a misleading of the  
14 people here.

15           And so these are things that we are raising and  
16 we want to continue to push this and continue to wake the  
17 people up.

18           MIKE JACOB: In the context of what this  
19 project means for the future of the Port of Oakland and  
20 whether or not it will grow, this is a real  
21 soul-searching moment for the Port.

22           They need to decide: Am I going to be creating  
23 the circumstances in which I can grow over the next two  
24 or three decades or not?

25           It's not enough to say that you're preserving

19

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I-243-26

I-243-27

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1 the amount of cargo that we have now. We've already  
2 invested for the next ten years. That doesn't count for  
3 the fact that the Port of Oakland is sitting on a billion  
4 dollars of existing revenue bond for the infrastructure  
5 that we already have.

6 So, if you're putting in this project and  
7 you're not doing it in the context of what is the port  
8 that I want to have 20 years from now, you're choking  
9 growth at the Port and if you're choking growth at the  
10 Port now, there is no way the amount of money that we're  
11 going to need to reinvest in the equipment of tomorrow is  
12 going to be staggering.

13 What do I want to do here?

14 Do I want to have the capacity for growth built  
15 into my system? Or do I want to cap my ability to grow?

16 And once you cap your ability to grow you're  
17 not going to be investing in the Port of Oakland much  
18 longer.

19 DERRICK MUHAMMAD: They're real estate  
20 developers. That's the bottom line. They're real estate  
21 developers first and a baseball franchise second.

22 They want to make money. That's what this  
23 whole thing is about. It's not about winning  
24 championships, it is not about playing baseball, it's  
25 about developing land, making money, at the expense of

20

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I-243-27

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-28 See Response to Comment I-243-26.

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1 everybody else.  
2 MIKE JACOB: There's a lot of irony in this  
3 proposal.  
4 It takes an asset that any city, municipality  
5 would really die to have, which is driving a middle class  
6 and blue-collar labor force that creates massive amounts  
7 of wealth across an entire region. And it's choosing to  
8 put that at risk for concentrated wealth in the hands of  
9 a few that creates a whole bunch of self-serving,  
10 service-level jobs to support it and the restaurant  
11 industry. And you're taking skilled jobs that are among  
12 the highest paid blue-collar unionized workforce jobs in  
13 North America.  
14 And the Port of Oakland is an economic asset  
15 that doesn't do that. It doesn't concentrate wealth at  
16 the top or the bottom. It's very democratic in the way  
17 that it works. It spreads wealth throughout the region  
18 and it takes people from all different sorts of life,  
19 from unskilled labor to skilled labor to very, very  
20 highly specialized corporate roles. They're all there.  
21 It's a very integrated network of supply chain. And it  
22 requires a fair amount of public investment and so --  
23 But again, it pays back \$280 million a year in  
24 state and local taxes, plus billions of dollars in income  
25 for a whole host of different jobs.

21

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I-243 Charlie Bolton

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I-243-29 See Consolidated Response 4.22, *General Non-CEQA*.

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1 But, to sacrifice that for a project like this,  
2 that again, concentrates wealth and creates a whole host  
3 of just very basic service level jobs.

4 As important as those jobs might be, it doesn't  
5 create the same level of overall economic value for the  
6 region.

7 UNIDENTIFIED SPEAKER: (Church setting) Let me  
8 just run this down real quick to you.

9 The A's explored the possibility of moving to  
10 San Jose. Major league baseball said no.

11 They explored moving to Fremont. Baseball said  
12 no.

13 Then they wanted to go to Chinatown, near Laney  
14 College. That was stopped by the community of Chinatown  
15 and also Peralta School District.

16 Hmm. The former owner of the Oakland A's Lew  
17 Wolff, when this proposal of moving to the Port of  
18 Oakland, you know what Lew Wolff said? It's not a viable  
19 idea. It's not a viable idea. I'm not making this up.  
20 It's not viable.

21 And he was right. This is a land grab.

22 First of all, let me tell you where things are  
23 at. The Oakland A's and the City of Oakland leadership  
24 haven't heard from us. That's where things are at.

25 This is far from a done deal. Nothing has been

22

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I-243-28

I-243-29

I-243 Charlie Bolton

COMMENT

RESPONSE

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1 approved. You have to understand, that big money  
2 controls the narrative on the news. The A's want you to  
3 think that this train cannot be stopped. We can stop it.  
4 And it starts here. Everyone should sign those  
5 petitions.  
6 We need to have a town hall meeting where the  
7 Oakland A's can answer questions and stop playing games.  
8 We also need to have the City Council to answer  
9 questions. This is our tax dollars we're talking.  
10 MIKE JACOB: The short answer to the question  
11 of what's required to be in an EIR is that everything  
12 significant with respect to all the different categories  
13 of evaluations is supposed to be included in an EIR.  
14 Things that are truly speculative or not likely  
15 to happen, or legally impossible, those don't have to be  
16 included in an EIR.  
17 But if it's an outcome that is potentially  
18 significant in any of the areas of the EIR, so that could  
19 be in water quality, or air quality, or transportation,  
20 or noise, there needs to be an evaluation of those  
21 impacts.  
22 And then you are required to give policy makers  
23 choices about potential mitigation of those impacts or to  
24 tell the public if you're going to move forward with the  
25 project, that it has significant impacts but you're not

23

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I-243-30 The comment summarizes the commenter's views regarding required contents of an EIR, and asserts that "there are likely outcomes that are not analyzed fully, not fully mitigated, and not fully described in this document." As the designated Lead Agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The lack of specificity in this comment precludes a more detailed response. See responses to other comments by Mr. Jacobs in this and other submittals.

I-243-29

I-243-30

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-31 See Consolidated Response 4.5, *Truck Relocation*.

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1 going to mitigate or that you're not going to actually  
2 choose an alternative which is preferred from an  
3 environmental point of view.  
4           The EIR itself doesn't require outcomes, but it  
5 requires analysis.  
6           So the fact that there are likely outcomes that  
7 are not analyzed fully, not fully mitigated, and not  
8 fully described in this document, despite its length, and  
9 despite all the complexity associated with a lot of  
10 analyses in that document, if you describe something as a  
11 parking lot, the public is going to presume that that  
12 type of activity can just happen anywhere, and that the  
13 only thing that we're really talking about here is  
14 finding a place to leave a piece of equipment here would  
15 be a truck, idle.  
16           Well, that's not what's occurring at Howard  
17 Terminal. It is still a terminal. The only part of the  
18 operation that is really substantially different from  
19 other types of intermodal yards, is that we aren't using  
20 those ship-to-shore container cranes and we are not using  
21 it as a cross-stock facility to take cargo from a vessel  
22 onto a truck or vice-versa from a truck onto a vessel.  
23           But the trucks that are still coming and  
24 staging there are doing intermodal business and that's  
25 important.

24

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I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-32 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Response to Comment A-12-26.

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1           Because that type of activity is occurring in  
2 close proximity to the Port and to our to industrial  
3 operations, but it isn't happening in the community.  
4           We are in the process of consolidating support  
5 activities away from West Oakland. And West Oakland is  
6 an environmental justice community that has outsized  
7 impacts on residents there.  
8           We have invested hundreds of millions of  
9 dollars in the Port of Oakland to reduce our emissions  
10 footprint and we're controlling not just for greenhouse  
11 gas or pollutants that cause smog, but we're controlling  
12 for diesel particulate matter which is really the most  
13 important control measure from a public health  
14 perspective when industrial activities are located close  
15 to where people live and have been identified as a toxic  
16 air contaminant, so it's incumbent on all of us to make  
17 sure we reduce exposure to people from our activities.  
18           And the best and easiest way to do it and  
19 actually the most cost effective way is to separate out  
20 people and residential activities from industrial  
21 activity. The physical separation creates the best  
22 measure of protection for people.  
23           So the irony of all this is, is that by not  
24 recognizing the value of Howard Terminal as a place where  
25 we've consolidated industrial activity, the A's and the

25

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I-243-32

I-243 Charlie Bolton

COMMENT

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1 City are now contemplating and proposing putting housing  
2 directly on our industrial facilities.

3 It is the exact opposite of what Howard  
4 Terminal represents right now, which is the separation of  
5 those two activities. We're consolidating trucking  
6 support and intermodal yard facilities at Howard Terminal  
7 precisely to remove industrial activity away from people.

8 And now what this does is it proposes to put  
9 people right back in the middle of the mix of impacted  
10 industrial land.

11 So, one of the largest components of the  
12 project should be a focus on how to make sure that not  
13 only are rail impacts to the project kept to a minimum,  
14 but how are the project impacts on rail kept to a  
15 minimum?

16 So as you may recall, the Howard Terminal site  
17 is surrounded on three sides by water and on one side by  
18 mainline rail of the Union Pacific Railroad on a per  
19 intersection basis. That's really what we're concerned  
20 about because we only have so many different ways to  
21 access the Port and those can be choke points.

22 So if we're not keeping traffic moving through  
23 the intersections that are choke points we know we will  
24 be negatively impacted and that's a thing that hasn't  
25 been analyzed.

26

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I-243-33 The commenter expresses a general concern about potential Project impacts to rail operations and a more specific concern that these delays would impact Port activities. See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. Rail will continue to have priority at all grade crossings, therefore the only potential source of additional delay to rail traffic is the risk of additional collisions at grade crossings. See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*, regarding this topic. The Consolidated Response explains the infeasibility of additional grade separation between rail traffic and roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) along Embarcadero West, as well as the minimal risk of delays to passenger and freight rail operations due to additional collisions at grade crossings with the safety improvements required in Mitigation Measures TRANS-3a and TRANS-3b.

I-243-32

I-243-33

I-243 Charlie Bolton

COMMENT

RESPONSE

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1 Since the Draft EIR has been released, we  
2 really immediately focused on transportation issues as  
3 core to our concerns about keeping the port moving and  
4 keeping the industrial area of Oakland productive.  
5 And one of the main areas of concern is the  
6 lack of analysis of impacts on trucking, truck movement  
7 and the like. As you can imagine, the displacement of  
8 the thousands of transactions at Howard Terminal are a  
9 concern. Those need to go somewhere.  
10 And the EIR really just doesn't address those  
11 at all. It writes off the potential changes as  
12 speculative and then doesn't analyze them and that's a  
13 problem, because there obviously will be impacts from the  
14 displacement of hundreds of thousands of truck routes  
15 that are important to us as a business community.  
16 They're obviously important to our customers in  
17 terms of their access to the Port. But they're also  
18 important to the City of Oakland and its residents with  
19 respect to pollution, congestion, safety, those questions  
20 need to be analyzed.  
21 So, when you're looking at the basics for those  
22 types of analysis, and an environmental impact report,  
23 there are really two main things that you need to do.  
24 One of them is you need to establish a project  
25 baseline. You need to essentially do that by describing

27

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I-243-34 See Consolidated Response 4.5, *Truck Relocation*.

I-243-35 As discussed in the Draft EIR, generally, the environmental setting or baseline conditions are described as they existed when the Notice of Preparation (NOP) for the Draft EIR was published. However, CEQA also allows that, when necessary, the environmental setting and/or baseline conditions may be described by historic conditions, conditions expected when the project becomes operational, or projected future conditions when supported by substantial evidence (CEQA Guidelines Section 15125(a)(1)). To the extent that this occurs in the Draft EIR, it is described within the particular environmental topic analysis in Chapter 4. Examples include baseline noise levels obtained in spring 2019 for the existing Oakland Coliseum ballfield and specific sensitive receptors near the Project site, supplemented by baseline noise levels obtained in fall 2019, in addition to reconnaissance-level biological surveys of the Project site obtained in February 2019 (Draft EIR p. 4.0-2). See also Consolidated Response 4.5, *Truck Relocation*.

I-243-34

I-243-35

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 what activity occurs there now. And then you need to  
2 describe the impact of that baseline. You need to be  
3 able to describe how the project that is being proposed  
4 is going to change the current condition.

5 And all that is very logical with respect to  
6 environmental review because you have to isolate for  
7 policy makers the trade-offs that they're making, how  
8 their decisions are going to impact the community and  
9 inform the public about those things.

10 That requires analysis. And this EIR doesn't  
11 do that analysis. It calls those changes as inducing a  
12 speculative future condition and because it's  
13 speculative, it just doesn't analyze it.

14 Well, everything in an EIR that's prospective  
15 is speculative. The real question is, have you addressed  
16 that speculative nature of the things by doing analysis?

17 And at this point, it just says we don't know,  
18 therefore we don't have to analyze it.

19 Well, of course you have to analyze it. That's  
20 what you do when you don't know things. You ask  
21 questions and you seek out answers. And that's the whole  
22 point of the EIR process.

23 Typically what you would do to analyze  
24 transportation impacts, you would use a count of  
25 different measures. You would use level of service to

28

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I-243-36 This comment, presenting a summary of the commenter's understanding of recent changes in CEQA regarding the analysis of transportation impacts (Vehicles Miles Traveled and Levels of Service), is acknowledged. While not required by CEQA, an intersection and roadway operations analysis was completed for the Project and is available in Appendix TRA.3. The list of transportation improvements identified in Draft EIR Section 4.15.4 were considered in the operations analysis. In addition, a port intersection operation sensitivity analysis was conducted for the Draft EIR and is available in Appendix TRA.7. A road segment volume-to-capacity analysis was completed for road segments on the regional transportation system and is provided in the Draft EIR Additional Transportation Reference Materials (CMP and MTS Analysis).<sup>14</sup>

I-243-35

I-243-36

<sup>14</sup> Fehr & Peers, 2020. Howard Terminal – CMP and MTS Analysis, December 1, 2020 (Draft EIR Additional Transportation Reference Material).

I-243 Charlie Bolton

COMMENT

RESPONSE

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1 tell community and policy makers what congestion is going  
2 to look like when you've added a new project.

3 And also, you use vehicle miles traveled for  
4 transportation projects and that's the way that EIRs are  
5 now set up to analyze transportation across the board  
6 using VMT. So vehicle miles traveled, VMT is now the  
7 standard under California law for how to analyze  
8 significant impact on transportation.

9 It's essentially a proxy for congestion and  
10 also for emissions. It was somewhat controversial when  
11 they made that change, but they made the change and it is  
12 the rules and so that's what we go by.

13 In the past, it was that transportation impacts  
14 were actually measured by another standard and that  
15 standard was level of service, called LOS.

16 And that's when you knew your transportation  
17 infrastructure was potentially overwhelmed by the impacts  
18 of a project. One of the traditional LOS measures of  
19 significance was an intersection's ability to move  
20 traffic at a specific rate. And then they would give it  
21 a grade.

22 So if your intersection worked properly and  
23 moved traffic freely, you were given an LOS of A. If it  
24 failed and it was in perpetual gridlock, you were given a  
25 grade of F and there were obviously gradients in between.

29

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I-243 Charlie Bolton

COMMENT

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1 This does not do that. VMT is actually an  
2 especially bad analysis, analytical format for the  
3 analysis of freight transportation projections, because  
4 as our projects get more successful, VMT increases. And  
5 that's because it's linear with the amount of truck  
6 travel we do.

7 So, if we're moving more containers, we would  
8 expect VMT to increase. And it would be linear with  
9 growth in a multimodal context after you take out  
10 comparison for how much stuff moves by trail versus  
11 truck.

12 Needless to say, for us VMT is not a good  
13 evaluation of the impacts. And it needs to be put  
14 together with LOS. That doesn't happen here either.

15 So, we don't have a good appreciation from the  
16 way that this data is presented in the EIR of how that  
17 works. And why don't we know how VMT and levels of  
18 service integrate with one another. Because VMT isn't  
19 analyzed because the EIR says that estimating changes in  
20 vehicle miles traveled and resulting emissions would be  
21 speculative and therefore, the analysis isn't being done.

22 So, again, we can't come back and ask for more  
23 mitigation. Even if you think the project's a good  
24 project, you can't come back and say: I really don't  
25 think that the proposal for the intersection of Adeline

30

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I-243-37 See Consolidated Response 4.5, *Truck Relocation*. The Office of Planning and Research established that the VMT metric is the appropriate metric to fully account for the many factors that affect travel behavior, and specifically indicated that VMT should be reported on a per capita basis for residential uses and a per worker basis for office uses. Draft EIR page 4.15-175 describes the factors that affect travel behavior. While not required by CEQA, an intersection and roadway operations analysis was completed for the Project and is available in Appendix TRA.3. The list of transportation improvements identified in Draft EIR Section 4.15.4 were considered in the operations analysis. In addition, a port intersection operation sensitivity analysis was conducted for the Draft EIR and is available in Appendix TRA.7. A road segment volume-to-capacity analysis was completed for road segments on the regional transportation system and is provided in the Additional Transportation Reference Materials (CMP and MTS Analysis).<sup>15</sup>

I-243-37

<sup>15</sup> Fehr & Peers, 2020. Howard Terminal – CMP and MTS Analysis, December 1, 2020 (Draft EIR Additional Transportation

Reference Material).

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-38 See Response to Comment I-243-33.

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1 and Third is adequate based on how VMT and LOS work,  
2 because there is no analysis done. It wasn't conducted.

3 So as an industry, in the past you may recall  
4 having heard directly from the A's, don't worry, we'll  
5 address your issues in the EIR. Pretty much our biggest  
6 issue, not addressed in the EIR.

7 But with respect to trucks, this EIR is  
8 deficient in both. It talks about what the impacts of  
9 the project are with respect to VMT for vehicles that are  
10 coming to the ballpark. And vehicles that are coming to  
11 the housing. And vehicles that are coming to the office  
12 being proposed.

13 But there's no analysis for the VMT for the  
14 trucks that are being displaced.

15 Obviously that's a huge impact, it creates a  
16 lot of additional traffic. And then the intensity of  
17 that traffic should be captured in an LOS evaluation,  
18 that's level of service, so you can look at an  
19 intersection and say: Will this intersection still be  
20 functional or will it be impacted by traffic congestion.

21 There is no direct access to this site from  
22 land that does not require you to cross active railroad  
23 tracks.

24 And they're not just active in terms of having  
25 a mainline presence, which obviously they are, they're

31

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I-243-37

I-243-38

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-39 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative.*

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1 also active because they provide access to the Port and  
2 the rail yard in a switching capacity, staging capacity,  
3 and as a train impacts that there's an Amtrak (inaudible)  
4 Capital Corridor and San Joaquin rail as well.

5 And so the question about these impacts, again,  
6 goes both ways. We need to analyze what the impact of  
7 this project is on rail.

8 And you also need to evaluate how the project  
9 will deal with rail in terms of the access to the site  
10 itself.

11 And the EIR unfortunately doesn't do a good job  
12 of analyzing these things. And one of the real problems  
13 with the Draft EIR with respect to rail doesn't propose  
14 as an alternative a fully grade-separated site. When  
15 you're fully grade separated, you have no direct  
16 interaction between cars, pedestrians, bicyclists and  
17 trains.

18 When you have a crossing at grade, you have  
19 full potential interaction between pedestrians,  
20 bicyclist, and cars with trains. And that's a problem.

21 Obviously if there's a major accident, it often  
22 and unfortunately involves loss of life, significant  
23 injury. They're horrific. They are inevitable. People  
24 walking in the path of a train. It still happens.

25 So the safest thing is to grade separate those

32

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I-243-38

I-243-39

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1 activities.

2 And this EIR doesn't do that. It doesn't  
3 propose a full grade separation alternative, that the A's  
4 find it infeasible because it might impact their ability  
5 to compete in major league baseball.

6 They don't even consider having a fully  
7 grade-separated site presumably because the time energy  
8 and money doing a project right is inconvenient to the  
9 A's.

10 That's just a failing of an environmental  
11 impact report. The EIR should put forward a series of  
12 alternatives for policies makers and they can look at  
13 them and they can make tradeoffs about the costs and the  
14 time it takes to do a project versus the ultimate  
15 project. That decision isn't even being put in front of  
16 the Oakland City Council and that's one of the reasons  
17 why the EIR is deficient with respect to rail.

18 It means it's failed and it's failed to present  
19 policy makers, the public, and the project sponsor, with  
20 the actual background that is needed to make full  
21 decisions.

22 The City of Oakland isn't being asked just to  
23 approve the entitlements for a ballpark here. The City  
24 of Oakland is also going to be asked to put in public  
25 taxpayer funds to pay for the infrastructure to support

33

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I-243-39

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-40 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

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1 the ballpark. That includes the potential for grade  
2 separations.  
3 If you assume that the City of Oakland has a  
4 higher duty and calling than a private business like the  
5 A's to protect the life and health and safety of its  
6 citizens, then they should be analyzing and looking at  
7 the costs and the tradeoffs of infrastructure like a  
8 fully grade-separated site.  
9 Yeah, it might be expensive. But if you  
10 haven't analyzed it, you don't know to say yes or no to  
11 that path. You don't know how to compare what type of  
12 mitigation measures are the best moving forward for this  
13 type of project.  
14 And frankly, it leaves out the core question  
15 that we've been pushing this whole time: Is this even a  
16 good place for the project?  
17 And that's a core question that they're trying  
18 to avoid. It's one of the reasons why some of the  
19 alternatives, including this alternative about  
20 grade-separated sites, but also the evaluation of the  
21 Coliseum, are deficient in this document.  
22 They don't want people to see the obvious  
23 conclusion. The obvious conclusion, is from a time,  
24 energy, money, safety, environment perspective, the  
25 Coliseum is a much better site than Howard Terminal for

34

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I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-41 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

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I-243-40

1 this project.  
2 I can't speak for the Coast Guard, but I have  
3 been in contact with the pilots and other folks that are  
4 concerned with safe navigation of the vessels in the bay.  
5 We are looking at the question of how much  
6 interference there will be from this project on ship  
7 navigation. We're looking at whether or not the EIR  
8 really truly addresses the questions of safe navigation.  
9 We identified very early on for the city and  
10 the A's that our right to safe navigation is paramount.  
11 If people really want to have a ballpark and that does  
12 interfere with our ability to safely navigate, you don't  
13 have to have a port.  
14 Be that as it may, they couldn't ignore that  
15 topic.  
16 What we're looking at right now and what other  
17 folks in the on-water community are looking at is, are  
18 the protections and the mitigations that are associated  
19 with this, and the baseline analysis, are those adequate  
20 to truly maintain our ability to freely and consistently  
21 navigate the site?  
22 The question about how are you going to police  
23 the area? What standards are you going to use? And how  
24 often are you going to have a patrol? And what's the  
25 commitment of the A's to fund that patrol? Does it last

I-243-41

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I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-42 See Consolidated Response 4.18, *Effects of Light and Glare on Maritime Operations and Safety*, and Consolidated Response 4.17, *Bird Impacts from Fireworks Displays*.

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1 for the entirety of the life of this project?  
2 We're talking about the potential for having  
3 66-year leases at the site.  
4 Those questions are unanswered.  
5 Essentially, as you point out, you know,  
6 there's some signage requirements. But other than that,  
7 everything seems to be the A's and the Oakland Police  
8 Department will get together and decide how many patrols  
9 they want to do, what they want to pay for.  
10 And what if the City of Oakland and the Oakland  
11 A's conveniently agree that they would like a less robust  
12 police force on the water because it is less and less of  
13 a drain on the resources of an already stretched-thin  
14 police department?  
15 There's not much we could do.  
16 So, in the interest of specificity, in the  
17 interest of ensuring safety, and in the interest of  
18 making sure that there's true accountability and follow  
19 through and transparency in this, we need to really look  
20 closely at the Draft EIR in the context of: Is this  
21 really enforceable?  
22 Well, on fireworks, it's pretty interesting.  
23 Waterfronts across America and the world are a great and  
24 very popular place for fireworks displays of all kinds.  
25 And you know, Fourth of July, New Year's, you might be

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I-243-41

I-243-42

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1 familiar with a lot of different waterscapes that include  
2 fireworks displays. And there are processes set up with  
3 the Coast Guard to do that.

4 Most of them do not involve an active shipping  
5 channel. And if there's any interference with the use of  
6 a channel, those types of interferences are minimized.

7 But when you're someplace like, you know, the  
8 San Francisco waterfront, you have options. You have a  
9 wide channel. You can direct traffic away from that area  
10 for a short of amount of time.

11 We don't have that option in the Oakland  
12 Estuary. It's a narrow channel. It provides essentially  
13 the only point of ingress and egress for the Oakland  
14 inner harbor which is the largest terminal at the Port of  
15 Oakland and the one that handles the most volume and the  
16 most ships. And a buffer zone around a fireworks barge  
17 could potentially impact the ability to use the turning  
18 basin.

19 It also has the potential for diverting other  
20 traffic, recreational traffic, kayakers and the like,  
21 into our traffic lane.

22 So if you're focused on managing a buffer for  
23 recreational vessels, it's imperative that you don't push  
24 them into a main navigational channel for commercial  
25 vessels.

37

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I-243-42

I-243 Charlie Bolton

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1 The water obviously has a level control that is  
2 different than what you might expect for say, a road. Or  
3 directing traffic away from a terrestrial fireworks  
4 display. It is relatively easy. You can park a couple  
5 of cop cars on one end of the street and the other end.  
6 If you need to put up a temporary fence, you can do that.  
7 It takes a lot more work to do that on water.  
8 And the rules of the road for vessels are  
9 different than they are for cars.  
10 But you know, there's a lot of other  
11 complications with fireworks too. And some of those have  
12 to do with, you know, potential for disrupting birds and  
13 other wildlife.  
14 How do you maintain our ability to use the  
15 navigational channel, which is right next to the  
16 terminal?  
17 The project is also complicated because you  
18 can't just meet the requirements of regular entitlement  
19 when you're on the bay. So when you're on trust lands or  
20 when you're within the shoreline of the bay or anywhere  
21 else in California within the coastal zone, you have  
22 additional restrictions and those restrictions are there  
23 to make it hard to develop property, because waterfront  
24 property is special. It's one of a kind. Once it's  
25 gone, you can't replace it. Once you make decisions

38

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I-243-43 See Consolidated Response 4.17, *Bird Impacts from Fireworks Displays*. No other impacts to wildlife were identified.

I-243-44 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-243-45 The Draft EIR's Chapter 3, Project Description, acknowledges (pp. 3-59 to 3-60) that the Project is proposed for a site designated in the Seaport Plan and Bay Plan – which are regional planning documents – as a port priority use area. The Draft EIR explains that the Project sponsor proposes to amend the Seaport Plan and the Bay Plan to remove the port priority use designation, and that any such determination to amend these plans would be made by the San Francisco Bay Conservation and Development Commission. Further discussion of the implications of changing the port priority use designation is presented in Draft EIR Section 4.10, *Land Use Plans, and Policies* (see Impact LUP-4, pp. 4.10-53 through 4.10-57).

The Draft EIR's Project Description (p. 3-60) further discloses that portions of the Project site are held in the public trust by the Port of Oakland and are therefore subject to the use limitations imposed under the legislative trust grants and the public trust doctrine (collectively, the "Public Trust"). The Draft EIR acknowledges that certain uses, such as residential and general office development, are not considered to further trust purposes and that there is some uncertainty as to the Public Trust boundary lines within the Project site. The Project Description goes on to explain (p. 3-60) that the Project would include a boundary settlement agreement that would rationalize the Public Trust boundaries within the Project site to allow for the Project, and that any such agreement would require California State Lands Commission authorization. Further discussion regarding the Project's consistency with Public Trust restrictions is presented in Draft EIR Section 4.10 (see Impact LUP-3, pp. 4.10-52 through 4.10-53).

With respect to the potential Project effects associated with relocation of trucks, see Consolidated Response 4.5, *Truck Relocation*.

Regarding the potential Project effects on the maritime economy, see Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, Section 4.4.3, *Disruption of Economic Activity at the Port of Oakland*.

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 about whether to fill the bay, they're hard to change.

2 When you take, you know, the decision of  
3 transitioning property from a sea port into other uses,  
4 you will never have a sea port at that facility ever  
5 again.

6 They are designed to be difficult. They are  
7 meant to create additional hoops. And the agency that  
8 manages those hoops on the bay are BCDC on whether  
9 something should be a sea port prior to use. And from a  
10 state perspective, it's the State Lands Commission to  
11 determine whether or not it's consistent entitlement's  
12 trust.

13 Are you using it for something water dependent  
14 and public, in other words?

15 We've all seen waterfronts transform over time  
16 from working industrial waterfronts to visitor-servicing  
17 waterfronts or to parks or, you know, the entirety of  
18 San Francisco is a story about the transformation from  
19 industrial working docks and military lands to a  
20 wonderful place to go out and walk and, you know, go To  
21 the Exploratorium or go to Crissy Field or go to Pier 39  
22 and to attract tourists.

23 There's nothing inherently wrong with that.  
24 But the process of doing that requires studious decisions  
25 about where do you want to put your industrial activities

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I-243-45

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-46 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 and what do you want to replace them with?  
2 It's not occurring here. There's no big  
3 discussion in the community at large about what do we  
4 want the Oakland waterfront to look like? How do you  
5 want to transition to it?  
6 That's a decision that needs to be made  
7 regionally because the benefits of the Port of Oakland  
8 accrues to the entirety of Northern California. That's a  
9 decision that needs to be made thoughtfully. That's a  
10 decision that should be made in the context of all of the  
11 facts and the analysis of the impacts on the Port.  
12 And that hasn't occurred. The EIR doesn't even  
13 do the cursory amount of analysis of what happens with  
14 trucks that are being displaced from this site, much less  
15 what happens from a larger context with respect to the  
16 economy at large.  
17 So, we're very concerned about that.  
18 And the BCDC and State Land Commission are  
19 places where those concerns need to be addressed and the  
20 city ignores them.  
21 (Video, music.)  
22 UNIDENTIFIED SPEAKER: (Rally setting) They  
23 want to take away our jobs. They want to transform this  
24 port into a playground. And we're here to let them know  
25 that it's going to take them walking over our dead bodies

40

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I-243-45

I-243-46

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 to give us this park.  
2 UNIDENTIFIED SPEAKER: (Rally setting)  
3 (inaudible) They want to own that. They want to take  
4 that from us. (Inaudible)  
5 We are the ILWU. We fight.  
6 UNIDENTIFIED SPEAKER: (Voiceover) They say  
7 they will create new jobs. Most of those jobs are  
8 nonunion jobs.  
9 They're trying to take jobs that's been here  
10 before the A's. I'm an A's supporter. But you see that  
11 right over there in East Oakland. Fulfill your promise.  
12 Leave our fucking jobs alone.  
13 UNIDENTIFIED SPEAKER: (Rally setting) 2011, I  
14 know lot of people here that remember this.  
15 A huge contingent of workers in the community  
16 marched over that bridge over there and shut this whole  
17 port down.  
18 The reason that those people, our brothers and  
19 sisters, gathered together and shut that port down, they  
20 didn't do that because they didn't like longshoremen.  
21 They didn't do that because they were mad at us.  
22 They did that because they were sending a  
23 message to this city and to our government about who this  
24 public land belongs to. This is not land for you to come  
25 and make all the jobs nonunion.

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I-243-46

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1           There's low-wage paying jobs. And just to say  
2 it like it is, that is the exactly what building a  
3 stadium here is going to do. They're going to bring  
4 low-wage, nonunion jobs here to replace union strong  
5 jobs.

6           Now the only thing we have as working people,  
7 the only weapon we have when we fighting against our  
8 oppressors is our labor.

9           Sometimes you got to have the courage, you got  
10 to have the grit, you got to have the fire to use that  
11 labor.

12           UNIDENTIFIED SPEAKER: (Rally setting) Thank  
13 you all for coming. I see a few of my union sisters out.  
14 Can you guys all come to the front?

15           And brother, Bruce, come on up here.  
16 (Inaudible.)

17           This is our workforce. And I just wanted you  
18 to see the faces and look at the people. These are the  
19 people that the Fisher family is trying to unemploy.  
20 These are the people that work side by side with me every  
21 day. People, we waited 15 years to get this done. 15  
22 years.

23           And we trying in 1999, class C members now, but  
24 it was a long time coming and I tell you people it was  
25 worth the wait.

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I-243-46

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-47 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 This is the best job a black woman -- a woman  
2 period, I don't care if you are gray. This is the best  
3 job that you can get as a woman. Okay.  
4 In this community and a lot of us, a lot more  
5 of us, would live here if we could afford it. But we got  
6 millionaires coming in our community, stealing land,  
7 building stuff.  
8 Why would I want you to build another house or  
9 another condo that I can't afford? That she can't  
10 afford. That you can't afford?  
11 We cannot afford to even live here. Look at  
12 the homeless population. We already fighting that.  
13 Like, and you going to build something else that they  
14 can't have either? No, thank you.  
15 Tell the Fisher family pack it up, settle with  
16 the wealth they have, and let the people of Oakland have  
17 their land.  
18 Thank you, all.  
19 KEITH SHANKLIN: (Rally setting) Mr. Fisher,  
20 if you think you can come into Oakland and steal our  
21 property, pull the hood over our heads, and tell us to  
22 stand by and leave you alone, you got another thing  
23 coming there, Homie.  
24 He's so interested in Oakland that he doesn't  
25 have even one of his properties in Oakland. There's not

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I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 a Gap. There's not an Old Navy or Banana republic, his  
2 signature store. Not a single store is in Oakland. And  
3 he's so concerned about Oakland, that he don't have none  
4 of his properties here.

5 There's no concern. His concern is making all  
6 that money by stealing the land out here in East Oakland  
7 and stealing the land over there in West Oakland.

8 If you want to do something, Mr. Fisher, take  
9 your money and make it work in the City of Oakland.  
10 Invest in us because you want us to invest in you.

11 Okay? Make us part of your property. Support  
12 us, so we can support you.

13 We love the A's. We love them right where they  
14 at. Right where they at.

15 I love that stadium. I've caught many fly  
16 balls over there. Okay?

17 But, when you talk about moving downtown and  
18 interrupting my work, now me and you got to talk. Okay?

19 And it's not going to be nice. Because I love  
20 my job and I love what it represents. And I'm not going  
21 to give it up easily.

22 And Oakland is not for sale by any means. We  
23 do not give in to the billionaire's dream of owning all  
24 of Oakland. Especially the waterfront.

25 UNIDENTIFIED SPEAKER: (Rally setting) I have

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I-243-47

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 pride in Oakland. Can you say pride?  
2 Can you say pride?  
3 I am proud -- I have pride living in Oakland.  
4 But I'm not proud of our politicians. Our politicians  
5 are being bought by billionaires. 70 percent  
6 homelessness. They drive up to their big houses in the  
7 hills, right past tent city. They try to destroy our  
8 ILWU union, a predominantly black union.  
9 Some of the greatest paying jobs in California  
10 and in the United States.  
11 Are we going to stand for that?  
12 What are we going to do?  
13 Do you have pride?  
14 Vote. Are you proud of your elected officials?  
15 Then vote they asses out. God bless America.  
16 Thank you.  
17 TRENT WILLIS: (Rally setting) Because every  
18 time you have a situation that's not economically viable  
19 for the citizens in whatever town or city or county or  
20 state that you're talking about, it's -- it always  
21 disproportionately affects, negatively, members of that  
22 community that are black and brown that are minorities.  
23 This is a repetitive thing that we see  
24 happening over and over and over and over again.  
25 To my ILWU brothers and sisters, I was

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I-243-48 See Consolidated Response 4.22, *General Non-CEQA*. The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

The proposed Project would replace an industrial facility currently used for truck parking and similar uses with a mixed-use development and the Draft EIR analyzes potential impacts of the proposed Project in keeping with requirements of CEQA. See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement* for discussion of these issues.

I-243-48

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 raised -- I was raised what they call a longshore baby.  
2 My father, fortunately, was -- got the opportunity to be  
3 a longshoreman. I'm a third generation longshoreman.  
4 That port, the Port of Oakland, builds lives  
5 for families like mine and families of those brothers and  
6 sisters who built the ILWU.  
7 The ILWU Local 10 right now is roughly 76  
8 percent black. Okay?  
9 This is the only place in the country, one of  
10 the only places in the country, where you have an  
11 opportunity like that for black and brown citizens to  
12 where if you are a black member of the ILWU Local 10, you  
13 earn the same as a white member. If you are a woman  
14 member of the ILWU, Local 10, you earn the same as a man.  
15 Okay?  
16 If you are a black woman, you earn the same as  
17 a white woman. Okay if you are transgender woman, you  
18 earn the same as anybody else on the waterfront. There  
19 is no differences. There's no discrimination.  
20 This town right here, Oakland, California, has  
21 a lot to do with the ability of the ILWU to build over  
22 the years because this is a union town. We need to keep  
23 this a union town. The biggest threat to a union town is  
24 a greedy billionaire.  
25 A billionaire that not only wants this land

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I-243-48

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 across the street here to build condos on and profitize  
2 off of, but also the public land on the waterfront where  
3 we work. An area that provides good, union paying jobs  
4 for minorities in our city.

5 What kind of jobs is a ballpark going to offer?  
6 They going to offer low-wage, minimum-wage paying jobs.  
7 So the people who work at the stadium won't even be able  
8 to afford to go to the game on their day off.

9 Or the people that work at the proposed Oakland  
10 A's stadium downtown, will they be able to afford  
11 property in Oakland?

12 They will be getting off work, traveling to  
13 somewhere far where they live where they can afford to  
14 live.

15 That is not economically viable for this city.

16 It's not economically viable for our citizens.

17 And it damn sure is not economically viable for  
18 all those people you see living in tents under the  
19 bridge, under freeways, on the side of the road. It is  
20 not economically viable for this area, it's not  
21 economically viable for the ILWU and we are not going to  
22 stand by and let them do this criminal act to this  
23 community.

24 Thank you, brothers and sisters.

25 UNIDENTIFIED SPEAKER: (Rally setting) When I

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I-243-48

I-243 Charlie Bolton

COMMENT

RESPONSE

I-243-49 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1 say union you say fight.  
2 Union.  
3 CROWD: Fight.  
4 UNIDENTIFIED SPEAKER: Union.  
5 CROWD: Fight.  
6 UNIDENTIFIED SPEAKER: When I say people, you  
7 say fight.  
8 People.  
9 CROWD: Fight.  
10 UNIDENTIFIED SPEAKER: People.  
11 CROWD: Fight.  
12 UNIDENTIFIED SPEAKER: When I say local you say  
13 10.  
14 Local.  
15 CROWD: 10.  
16 UNIDENTIFIED SPEAKER: Local.  
17 CROWD: 10.  
18 UNIDENTIFIED SPEAKER: Local.  
19 CROWD: 10, 10, 10.  
20 UNIDENTIFIED SPEAKER: Let's get ready to  
21 march, brothers and sisters.  
22 (Video of march.)  
23 (Video concludes.)  
24 ---o0o---  
25

48

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I-243-49

I-243 Charlie Bolton

COMMENT

RESPONSE

PORT OF OAKLAND BALL PARK OR WORKING SEA PORT - April 26, 2021

1  
2 State of California )  
3 County of Alameda ) ss.  
4  
5  
6 I, Connie J. Parchman, CSR #6137, do hereby  
7 certify: That I am a certified shorthand reporter of the  
8 State of California; that I was provided access to audio  
9 files; that a verbatim record of the proceedings was made  
10 by me using machine shorthand which was thereafter  
11 transcribed under my direction; further, that the  
12 foregoing is an accurate transcription thereof.  
13 I further certify that I am neither financially  
14 interested in the action nor a relative or employee of  
15 any attorney or any of the parties.  
16 IN WITNESS WHEREOF, I have subscribed my  
17 name.  
18  
19 Date: May 4, 2021  
20  
21  
22  
23   
24 \_\_\_\_\_  
25 Connie J. Parchman, CSR #6137

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I-244 Heather Griffin

COMMENT

RESPONSE

I-244-1

I don't understand what all of the fuss is over. As a resident and home owner in Oakland, I say let's make Oakland beautiful and create more jobs. As far as environmental impact, it's already a port. There's ships that come and go, 880 is filled with traffic, and Oakland is very industrial. I don't see how building a stadium makes adds to any problems. My only hope is that if and when the new beautiful baseball stadium is built, they have nice plans for the coliseum. I foresee more housing. But, restaurants and stores are also needed in East Oakland. There's no reason the surrounding neighborhoods can't keep improving.

I-244-1

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

I-245 Joseph Girata

## COMMENT

## RESPONSE

I-245-1

I am against this project. I do not understand why the community should support a project of this magnitude to keep a sports team it has had trouble supporting in the past, even when they have been consistently competitive and winning championship. By their own records, the A's have been consistently in the lower half of attendance in their league. And to do so at the expense of displacing important economic assets that exist at the Port of Oakland is the height of misplaced civic responsibility.

I-245-1

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

I-246 Rajiv Jain

COMMENT

RESPONSE

I-246-1

this piece of land should remain for Port operations and Trucking related operation  
there is no need for additional stadium when we already one close to each other at  
the coliseum  
why are we wasting tax payer money to build something which the reams can  
abandon and leave  
we don't need additional stadium  
we more land for port and container terminal operation  
more room for ship to unload and load cargo

I-246-1

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

I-247 S Guy

COMMENT

RESPONSE

I-247-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-247-1

As an Oaklander whose family roots in East Oakland go back nearly 100 years (and because city council loves to racialize everything possible, I guess I should note that I'm a minority), I feel extremely passionate about making the Howard Terminal stadium and development a reality. Sports in Oakland have a long, rich history, and generations of Oaklanders have built community ties with one another through our shared love of our teams. But in the last decade, the city of Oakland has dropped the ball in keeping those teams here. We've gone to being one of the only cities in the nation with the prestige of being home to not one, not two, but three major league sports teams, to barely hanging on to the one we've got left thanks to petty politics on the part of the city. The A's have shown Oaklanders more loyalty than the Raiders or Warriors ever did. The Raiders left once before. The Warriors never wanted to commit to being called the Oakland Warriors and likely always had their elitist sights set on San Francisco. But the A's have consistently remained in Oakland, through the ups and downs, and have a truly "Oakland" spirit. It's troubling how little the city of Oakland, particularly its city council, seems to care about the importance of keeping the A's in Oakland. Aside from the cultural and community value of keeping the team here, this project would be a boon to the city in terms of the revenue it would generate (a boon to the tune of \$955M, with \$450M earmarked for community benefits and public housing, the spending of which the city will have discretion over). Not only is this project 100% privately funded and environmentally conscious, but the number of union jobs it will provide is significant and the longterm benefit to the city's economy is critical. And at a time when Oakland's economy is tanking, it's more critical than ever. Look around you. This city is struggling, and it's due almost entirely to the failings of Oakland's mayor and city council. You're all more invested in playing woke games than committing to any real projects of significant value. Development brought a ton of new residents to Downtown, and what did they get in return? A boarded up, trashed Downtown with more empty storefronts than we've seen in years, skyrocketing crime, vagrants, rioting, and a smattering of smoke shops, liquor stores, and struggling restaurants. Oakland's renaissance was on an upswing, and now it's taking twenty steps back. Oakland has always had issues with attracting and retaining business, and for good reason. What business — and that includes major league sports teams — would want to stay in a city that props up criminals and demonizes businesses and organizations that want to bring good to this once-thriving city? As such, the city of Oakland should be thanking its lucky stars that the A's still want to commit to Oakland and Oaklanders and want to do so in a way that will positively impact our local economy in the longterm. There isn't a single, legitimate reason why this project shouldn't be approved. The city has been stringing the A's along for long enough. "I won't be able to enjoy my views of San Francisco" or "I just don't want it here" aren't legitimate reasons to stop this project, particularly when the benefits to our community have been very clearly outlined by the A's. The mayor and city council have a choice: they can either destroy a decades-long legacy and lose our only remaining, significant draw for visitors, revenue, and acclaim, or they can open the way for the A's to continue its legacy in Oakland and for the city to reap the massive economic and social benefits this project would bring.

I-248 Roberta Robertson

COMMENT

RESPONSE

I-248-1 | Please include the bike and pedestrian bridge between Alameda and Oakland in this project.

I-248-1

The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-249 Grant Abel

COMMENT

RESPONSE

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident and manager of the apartment community to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR.

I-249-1

It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations.

I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings so ensure an overall safety improvement in Jack London Square.

I-249-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-250 Earl Price

COMMENT

RESPONSE

I-250-1

I'm appalled at this brazen give away to Mr Fisher one of the wealthiest men in the USA. Our Oakland guy former A's pitcher Dave Stewart who has offered 70 million more then the A's have.! Stewart's proposal includes a new ballpark ; Is it race that has him being ignored, and now the new EIR has our town ponying up a billion dollars! Our town cannot provide adequate services to our citizens now much less afford this boondoggle

I-250-1

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

I-251 Logan Taylor

COMMENT

RESPONSE

I-251-1  
Hi,  
  
We are a new electric boat rental business based at Grand Marina in Alameda. Are you planning on allowing fans to enjoy the game from boats nearby?  
  
Additionally, will there be slip space that is available on game days to rent at or near the terminal?  
  
Thank you!  
Robyn and Logan Taylor  
BAE BOATS  
www.baeboats.com

I-251-1 The Project does not propose facilities for recreational watercraft or direct water access. As discussed in the EIR (see p. 4.10-36), there are multiple recreational boat marinas and facilities located along the Estuary a short distance from the Project site from which sailboats, motorboats, kayaks, and similar watercraft can be launched. However, the Project site is adjacent to the Inner Harbor Channel and the Inner Harbor Turning Basin, both used regularly by ships serving the Seaport, and any vessel traveling within the Inner Harbor is subject to the U.S. Coast Guard's Inland Navigation Rules and Regulations. Within the Estuary, anchoring is prohibited outside of designated anchorages except when required for safety. Mitigation Measure LUP-1a (see p. 4.10-38-39) would require the Project sponsor to place signs along the wharf informing those in the water that anchoring of recreational boats adjacent to the Project site is prohibited, and would provide for regular enforcement by the U.S. Coast Guard and/or Oakland Police Department, which is authorized to enforce boating rules by the U.S. Coast Guard.

I-252 Paul Cheak

## COMMENT

## RESPONSE

I-252-1

I am hoping that you build the new A's stadium at the Howard Terminal site. I spent a lot of my life working on the cranes there and know the area very well. I think it would be in the best interest of the city to take a positive step toward upgrading that neighborhood.

I-252-1

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

I-253 Taneshia Jackson

COMMENT

RESPONSE

I-253-1 This project will alter the working waterfront. There is no need to build residential property or a ballpark on commercial maritime property affecting our imports and exports. This will affect jobs and create job losses in the maritime industry. Will  
I-253-2 create more traffic in the downtown area that already has severe traffic congestion.  
I-253-3 The property is contaminated with cancer causing agents Which is a threat to the general public. This ballpark should not be built on the waterfront and be built on  
I-253-4 current East Oakland property if a new ballpark is desired.

I-253-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.  
I-253-2 The commenter expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. However, the City did require for informational purposes a detailed intersection operation analysis of the Project (see Draft EIR Appendix TRA.3).

The commenter does not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-253-3 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in

I-253 Taneshia Jackson

COMMENT

RESPONSE

the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-253-4 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-254 Jackson Moore

COMMENT

RESPONSE

I am excited to see this project move forward, but am concerned about the limited rail road safety measures proposed by the Project in mitigation measure TRANS-3. TRANS-3 limits the proposed upgrades to the RR crossings between Market St and Broadway.

However there are 3 other at-grade crossings that allow access to the Project - Franklin, Webster and Oak streets. While analysis was provided of the RR crossings west of Broadway, those at Franklin, Webster and Oak streets did not have physical counts taken, nor were pedestrian crossing volumes evidently estimated.

For comparison, the RSE railroad study referenced in the DEIR estimates that 20,000 pedestrians will cross the RR tracks at Broadway or Washington, but there are NO counts or estimates of the rail crossings just one block away at Franklin and Webster, which are well within the 1/2 mile minimum study radius. My assessment is that RSE was likely instructed to limit its assessment to the at-grade crossings to those between Market and Broadway and to not evaluate the crossings east of Broadway, or they were led to believe that those 3 crossings would be closed. In their study, they note "assuming only the existing 5 at-grade crossings are retained without any additional access to the development site at Full Buildout...". What would have prompted them to make that assumption?

It seems implausible to me that these crossings would be omitted from any physical counts, particularly as these are the crossings that provide the most efficient access to the Project when walking from Lake Merritt BART. And beyond being the more efficient route, it's also likely the most desirable route for fans looking to enjoy the breweries, wineries and restaurants in the Jack London district before or after games.

Finally, the railroad study does actually recommend mitigation along the railroad tracks through the Franklin and Webster intersections (page 105 of 773 in "Additional-Transportation-Reference-Materials-added-3-26-21") - but this was recommendation was wholly omitted from TRANS-3 without explanation.

I hope this project is approved, but I hope the City will re-consider accepting the proposed rail safety mitigation - it seems to only address HALF of the dangerous rail crossings feeding the Project.

Regards,

Jackson Moore, homeowner in the Jack London district of Oakland

I-254-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-255 Sharon Rose

COMMENT

RESPONSE

I-255-1 I am concerned that this project will negatively impact our most important industry. I worry about jobs that will be lost or lost opportunities to create more jobs if the stadium is built. The DEIR states that there will be no loss of jobs and that the pace of new jobs creation will match the city's overall projections for the next several decades. That is way too vague to be reassuring. There is no indication that the writers of the DEIR have considered alternative development possibilities for the Howard terminal and surrounding sites. The port is Oakland's biggest industry in terms of good paying jobs and revenue for the city. There seems to be an assumption that a mixture of job types -- ie, adding jobs at hotels and apartment buildings -- is somehow better than having only (or predominantly) the industrial jobs provided by operation of the port. I don't agree with that. I think Oakland should give priority to meet the needs of the 21st century shipping and transportation industry and find innovative ways of keeping our status as one the nations top ports. The DEIR seems to support the conclusion that the proposed project will endanger that status.

I-255-1 The comment presumably is concerned about the loss of jobs associated with existing uses at Howard terminal. Existing tenants at Howard Terminal employ about 40 on-site employees and 58 contractors and drivers who may use the site (see Draft EIR p. 3-3). Howard Terminal is currently leased by the Port to short-term tenants for maritime support uses including truck parking/container depot, longshoreperson training, drayage truck yards, truck repair and offices. As indicated on Draft EIR p. 3-61, the existing tenants and users of Howard Terminal and associated employees are assumed to move to other locations within the Seaport, the City or the region where their uses are permitted. See Draft EIR pp. 3-61 through 3-63, which presents the basis for this assumption (e.g., short- and long-term need for and availability of truck parking for the Seaport). Regarding the potential for implementation of the Project to adversely affect the economy of the Seaport resulting in job loss, see Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-255-2 As required by CEQA, Chapter 6 of the Draft EIR describes and analyzes a reasonable range of Project alternatives, including a Reduced Development Alternative that would result in less development at Howard Terminal than is currently proposed, and two alternatives—the No Project Alternative and the Off-Site (Coliseum Area) Alternative—that would result in no changes to Howard Terminal and its surroundings.

I-255-3 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Section 4.10 of the Draft EIR, which concludes that with mitigation, the Project would not fundamentally conflict with adjacent or nearby land or water-based uses.

I-256 Mitchell Halberstadt

COMMENT

RESPONSE

The Howard Terminal plan is a vanity project at a toxic and cramped location – an attempt to ape San Francisco (or sillier still, Denver or San Diego) with a wannabe-trendy, "urbanist" cliché.

There's no adjacent BART or freeway access (or parking) – and the gondola's a joke -- except for those blindly determined to "get people out of their cars".

The Jack London area and adjacent warehouse district are already booming with new housing and teeming with all sorts of creative enterprises. They can hold their own without all the congestion (and over-the-top gentrification) a ballpark will bring.

If the A's are truly serious about revitalizing a "neglected" neighborhood, there's a perfect opportunity at the Coliseum site. Their playground-in-the-mudflats proposal there leaves East Oakland as bleak and orphaned as ever. It's an insult to the neighborhood.

I-256-1

The reconstruction of East 14th St /International Boulevard (with BRT) cries out for an East Oakland anchor to that entire corridor -- a walkable "Edge City" with (judiciously arranged) parking for those who – horror of horrors – might arrive by car.

Oakland needs to get over its inferiority complex. There's precedent for building on the site of an old stadium in an outlying area, with highway access and transit in place -- in no less a city than New York!.

The old, Coliseum-era ballpark was Shea Stadium, and they built Citi Field (Shea Stadium's long-overdue replacement) adjacent to Shea -- with superb transit and highway access, near the airport (LaGuardia), outside Manhattan (NY's Downtown). Familiar territory?

As they realized in NY, build it right, and they will come!

I-256-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-257 Jeremy Saum

COMMENT

RESPONSE

I-257-1 | Hi, I just wanted to encourage the A's to include a bike and pedestrian bridge across the estuary between Oakland and Alameda. My family rides our bikes to the Coliseum, and we would love to be able to keep that tradition alive at the new ballpark. The bridge will make it easier for Oakland and Alameda residents to enjoy all that each city has to offer. Thanks!

I-257-1 The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-258 Njelela Kwamilele

COMMENT

RESPONSE

		<p>I-258-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here.</p>
	<p>Aoril 26, 2021 Peterson Vollmann, Planner IV City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2214 Oakland, CA 94612 PVollmann@oaklandca.gov</p> <p>RE: Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal To the City Planner:</p>	<p>I-258-2 See Consolidated Response 4.5, <i>Truck Relocation</i>.</p>
<p>I-258-1</p>	<p>My name is Njelela Kwamilele and I have lived in West Oakland for more than thirty years. As a resident of West Oakland I am concerned that the impacts of the A's proposed project on the West Oakland community have not been addressed in the Draft Environmental Impact Report. Having reviewed the Draft Environmental Impact Report for this project, I believe there are gaps in the report's conclusions related to traffic, housing and gentrification, and hazards which understate the costs of these impacts on my community. West Oakland community members have fought for years to get truck traffic off our neighborhood streets. This problem was remedied when the City designated Howard Terminal as the staging and waiting area for trucks coming and going from the Port. Removing Howard Terminal from this critical use will force thousands of large trucks back onto West Oakland streets as they wait for shipments and drop-off times, undoing years of work to improve health and safety in West Oakland. The DEIR acknowledges that Howard Terminal is currently being used by truckers but concludes that these trucks are "assumed to move to other locations" when Howard Terminal is converted to luxury condos. "Assumed to move" is not an analysis of the impact of where these trucks will go, which will be back onto residential West Oakland streets, which impacts our air quality. The DEIR therefore does not do an analysis of the gridlock and pollution likely to come from cargo trucks diverted into neighborhood streets due to the development.</p>	<p>I-258-3 See Consolidated Response 4.12, <i>Affordable Housing</i>, and Consolidated Response 4.13, <i>Gentrification and Indirect Housing Displacement</i>.</p> <p>I-258-4 This comment expresses concerns over three topics, each of which is addressed below.</p>
<p>I-258-2</p>	<p>It is also concerning to me that the DEIR concludes that the introduction of 3,000 new luxury residential units to the area will help address our housing crisis instead of correctly assessing the impact that this type of housing will have on the surrounding community. The report makes a conscious choice not to evaluate the likelihood of gentrification and displacement because it deems it "speculative," which is not true. You only have to look at other stadium and luxury housing projects across the country to see that introducing homes and businesses geared towards the wealthy into low-income communities causes considerable displacement of the existing residents. The DEIR concludes that the project will contribute to meeting our region's housing needs but does so with no analysis of the type of housing that will actually be built at the site and whether this housing meets local needs. The majority of housing built at this site will be luxury condos and will likely be far out of reach financially for most renters or potential home buyers in Oakland, especially for residents of the mostly low-income communities directly adjacent to the project. As a result, this expensive housing will not, in fact, help meet our local region's housing needs. Instead, it will gentrify our neighborhoods and force longtime residents out. The DEIR's analysis of the housing impacts of this project is insufficient as long as it ignores the actual impact the type of housing built will have on the surrounding community, which will only serve to gentrify West Oakland and displace low-income Black and Latino residents.</p>	<p><b>Disturbance of Cap</b></p> <p>As discussed in the Draft EIR in Section 4.8.2, <i>Regulatory Setting</i>, under <i>Land Use Covenants</i>, and explained further in Consolidated Response 4.16, <i>Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment</i>, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, <i>Hazards and Hazardous Materials</i>, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.</p>
<p>I-258-3</p>	<p>I am also seriously concerned about the DEIR's conclusions about toxic cleanup of the Howard Terminal site. Currently, there is a physical cap over toxic substances in the soils at Howard Terminal. Excavation and construction will disturb these toxins and potentially spread them into the water and air, with the worst impacts threatening surrounding neighborhoods in West Oakland. The DEIR finds that the project will result in significant and unavoidable environmental and health impacts, including pollutant emissions that exceed the City's thresholds for cumulative health risk impacts on sensitive receptors, but does not provide or analyze the A's actual work plan for cleaning it up. Given my ongoing battle with</p>	<p><b>Significant and Unavoidable Environmental and Health Impacts</b></p> <p>None of the impacts analyzed in Draft EIR Section 4.8, <i>Hazards and Hazardous Materials</i>, would be significant and unavoidable. The impacts would be either less than significant or less than significant with mitigation.</p>
<p>I-258-4</p>		<p><b>Does Not Provide Actual Work Plan, Leaving Mitigation for Future Plans</b></p> <p>The response above regarding Disturbance of Cap explains work plans to be prepared for the project site. As further explained in Consolidated Response 4.2, <i>Formulation, Effectiveness, and Enforceability of Mitigation Measures</i>, the mitigation measures provided in the Draft EIR</p>

I-258 Njelela Kwamilele

COMMENT

RESPONSE

I-258-4

severe asthma, not analyzing significant health impacts upfront is unacceptable Mitigation related to the disruption of the toxic substances was left to “future studies” and a future plan for how the toxic soil will be remedied. Without completing these studies and defining their plan for full site cleanup first, it is impossible for the EIR to fully analyze the impact of removing the cap over these toxins and exposing them to the air and nearby water. The health, safety, homes, and livelihoods of West Oakland residents are at stake.

I-258-5

The City has an obligation to take seriously and fully analyze the project’s impacts on traffic, gentrification and displacement, and the health of our neighborhood. There are numerous gaps in these areas in the DEIR, allowing traffic impacts, displacement, and toxic health hazard issues to go unmitigated. Please address these serious gaps in the DEIR’s analysis before this project is allowed to move forward.

Thank you, Njelela Kwamilele

I-258-5

are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses will not be issued until the DTSC and the building official have approved the various actions required by the mitigation measures.

This comment is predicated on other comments in this submittal; see Responses to Comments I-258-2 through I-258-4. As the designated Lead Agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127).

I-259 Adrian Morrison

COMMENT

RESPONSE

I-259-1

Oakland as a whole will be better served by investing and developing communities outside of the downtown core. The waterfront and Jack London area has already seen ample investment and development, building a ball park complex there as well is superfluous and abandoning the current coliseum site will lead it to further decline and decay. I want a great reason to travel to East Oakland, such as a beautiful ball park as the coliseum originally was. Furthermore, the public transit infrastructure is already present and effective at coliseum. Thanks for reading, Adrian Morrison

I-259-1

This comment expresses a preference and raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. For a discussion of the potential for decline and decay at or near the Coliseum site, see Consolidated Response 4.15, *Urban Decay*.

I-260 Emily Wheeler

COMMENT

RESPONSE

I-260-1 This is a general comment that provides introductory remarks and serves to introduce the more specific comments that are responded to below. As a result, no specific response is provided here.

I-260-2 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-260-3 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and further explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site, and would address findings of the *Environmental Setting, Human Health and Ecological Risk Assessment* already approved by DTSC. Also note that the remediation plan is scheduled to be submitted to DTSC in draft form in the early 2022, it cannot be approved until the EIR is certified.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR would allow the City to ensure that the Project sponsor has complied with regulatory requirements before grading, building, or construction permits, and certificates of occupancy for new buildings and uses are issued. While there is no evidentiary basis to question the effectiveness of regulatory requirements as they would be implemented at the Project site,

April 26, 2021

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

**RE: Comments on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016)**

Dear Mr. Vollman:

I am writing to express concerns about the Draft Environmental Impact Report (DEIR) for the Oakland Waterfront Ballpark District Project (ER18-016). The DEIR fails to provide enough information about the potential impacts of the study. It is missing concrete details about the project and cites studies that have not been completed. There are no acceptable sections of the DEIR but following are some of my specific concerns.

1. Gentrification causes adverse impacts to the environment by forcing low-income residents to far-off suburbs and requiring them to commute long distances by car. But how can the impacts of potential gentrification be when the DEIR does not describe what, if any, affordable housing will be built as part of the project. The DEIR says that the project *might* include on-site affordable housing, offsite affordable housing, and or impact fee payments in lieu of any affordable housing at all. The public needs to know if the project will include any onsite affordable housing and, if so, what percentage of the 3,000 residential units will be BMR. If the housing will be built offsite, we need to know where it would be and how many units. The EIR should provide this information so that the public can understand the full scope of the project and how it will impact the surrounding community.
2. The Howard Terminal site is currently so contaminated that it is illegal to build housing there at all. However, the DEIR fails to provide information as to how the site will be remediated. The DEIR states that the A's will work with the Department of Toxic Substances Control (DTSC) after the EIR is approved to develop a plan to remediate the site. However, the A's recently sued DTSC for failing to enforce environmental laws at the adjacent Schnitzer Steel facility and won. The public should not have to rely on faith in the A's and DTSC – the A's need to provide current studies and a concrete remediation plan in the EIR.
3. The DEIR states that the project will have significant and unavoidable impacts on air quality and will emit large amounts of greenhouse gasses (GHG) but **does not** provide sufficient information on how these impacts will be mitigated. West

1732 6TH AVENUE OAKLAND, CA 94606 (510) 517-3930

I-260-1

I-260-2

I-260-3

I-260 Emily Wheeler

COMMENT

RESPONSE

actions of public agencies are always subject to public scrutiny and judicial review as provided by law.



I-260 Emily Wheeler

COMMENT

RESPONSE

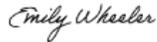
I-260-8

ensure that these residents' relocations will truly be temporary and that they will not permanently be displaced.

I-260-9

Given these and other problems with the DEIR, it is impossible for the public to evaluate the project's impacts and it is impossible for the City of Oakland to make an informed decision on whether or not to proceed with this project. The DEIR should be revised and recirculated to provide the public and key decision makers with an accurate and transparent analysis. Thank you for considering these comments.

Sincerely,



Emily Wheeler

I-260-9 This comment is predicated on other comments in this submittal; see Responses to Comments I-260-1 through I-260-8. The City has prepared the EIR in accordance with the requirements of the California Environmental Quality Act (CEQA) with the purpose of informing both the public and decision makers of the environmental consequences of implementing the Project. Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-261 Armando Ramirez

COMMENT

RESPONSE

I-261-1 I believe its best not to shut down the company. As you know, during these times its difficult to find jobs. Things have change due the pademic, therefore things aren't so easy as before. I have a wife and a daughter with me, we all live in aparment. They both depend on me.. Losing the job would make our lifes dificult because thanks to the company, we're able to live a happy life.. Not the best one I can offer them, but enough to keep us healthy and happy. I'm sure others feel the same.. While I may not be at home most of the time with my daughter, I'm able to promise her a future.

I-261-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-262 Tobey Kaplan

COMMENT

RESPONSE

I-262-1

I live in East Oakland and I've owned my home near Mills College since 1991. This part of the city is war zone. We need the A's to stay here--we need development and we need the resources of commercial and residential involvement/investment in schools, community centers. We have the infrastructure. Do what the Mets did to Shea. Build on the same "ACROSS THE PARKING LOT" site--or renovate the existing structure... The Port already is a thriving area and there's lots going on in West Oakland for the residents and community. We need the A's to stay in this part of town to make the statement that we are ROOTED --and that we care about East Oakland the areas that need more involvement and investments. Call me for more information 510-710-3969 Tobey Kaplan poet, Laney College Instructor and community activist thanks Dave Kaval and team--we love you guys, go A's/

I-262-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-263 Nannette Walker

COMMENT

RESPONSE

The draft proposal is inadequate, non-professional in its insufficient information with no transparency. Evidently the presenter underestimated the scholarship of their audience.

I-263-1

Redevelopment exterminated the thriving community of West Oakland in the past. There are ramifications in placing such a landscape changing development which would consequently disrupt the neighborhoods surroundings which were not adequately addressed in the EIR.

I-263-1

To the extent that comments have identified specific questions or deficiencies in the Draft EIR, these have been responded to via consolidated and individual responses. The proposed Project would replace an industrial facility currently used for truck parking and similar uses with a mixed-use development and the Draft EIR analyzes potential impacts of the proposed Project in keeping with requirements of CEQA. Please see Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement* for discussion of these issues.

I-264 Charles Kendall

COMMENT

RESPONSE

I-264-1

This project will impact agricultural goods from central California getting into the shipping terminals by the amount of traffic going directly into the area during peak hours of the day and will effect sailing times of precious cargo, supplying US territories in the Pacific

I-264-1 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-265 Corey Ablove

COMMENT

RESPONSE

I-265-1 This project is wrong on so many levels. It will cause a disastrous amount of  
I-265-2 congestion, destroy the crucial international trade asset that Howard Terminal is,  
I-265-3 and it will destroy maritime jobs. This will also devastate the East Oakland  
neighborhood around the Coliseum. Please do the right thing, and do not allow this  
to move forward.

I-265-1 The commenter expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. However, the City did require for informational purposes a detailed intersection operation analysis of the Project (see Draft EIR Appendix TRA.3). The commenter does not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

The commenter is directed to Mitigation Measure TRANS-1b, which would implement a Transportation Management Plan (TMP) that would include measures to disperse ballpark-related automobile traffic to minimize concentrations of traffic congestion noted by the commenter. A draft TMP is provided in the Draft EIR (see Appendix TRA.1). The TMP outlines improvements and operational strategies to optimize access to and from the Ballpark within the constraints inherent to a large public event, while minimizing disruption to existing land uses and neighborhoods. The TMP considers the travel characteristics of Ballpark attendees, workers, and all other visitors to the ballpark. Its primary goal is to ensure safe and efficient access for all people traveling to the site, with a focus on promoting pedestrian, bicycle, and transit access to reduce automobile trips to the site and surrounding neighborhoods.

The TMP is intended to be a living document and amended periodically by the Oakland A's, in consultation with the City and Port of Oakland, and with input from key stakeholders as identified in the TMP (see Appendix TRA.1, Table 1-1). Revisions to the TMP would be subject to the review and approval of the City of Oakland.

One element of the TMP would be a Parking Management Plan or "PMP" (see Additional Transportation Reference Material - Toward a High-Performance Parking Management System for a Thriving Oakland) that would include a parking space reservation system for off-street parking garages within 1 or 1.5 miles of the Project. Drivers would then use the freeway access nearest their reserved parking space including: I-980 interchanges at 17th / 18th, 11th / 12th, and Jackson Streets; and I-880 interchanges at Union, Adeline,

I-265 Corey Abelow

COMMENT

RESPONSE

Market, Broadway, Jackson, and Oak Streets. To prioritize the parking garage reservation system, the Project would provide limited on-site parking for the ballpark and the automobile traffic generated by these spaces would access I-880 via 5th and 6th Streets while traffic destined to I-980 would access via Brush and Castro Street. The PMP would also include Residential Parking Permits (RPP) in West Oakland to protect residential streets from drivers circulating the neighborhoods for an on-street parking space.

I-265-2 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-265-3 See Consolidated Response 4.15, *Urban Decay*.

I-266 Allison Tom

COMMENT

RESPONSE

I write as a concerned homeowner in the Jack London Square district regarding the proposed Howard Terminal A's ballpark (case file number ER18-016).

I would like to comment on the railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at five at-grade railroad crossings between Market Street and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster, and Oak Streets.

The Jack London Square area has a high density of entertainment venues, destination restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. It is naive to think that foot traffic from the Lake Merritt BART or Amtrak stations will only travel through Chinatown along 8th Street to reach the proposed new ballpark at Howard Terminal.

I-266-1

For example, from these two stations, fans will encounter restaurants and bars along Oak Street (Nido, Peerless Coffee), Webster Street (Blue Bottle and Bicycle Coffee shops, Seawolf Public House), and Franklin Street (Oakland Grill, Federation Brewery, Heinhold's Saloon). Also along the way are beer and wine establishments like Original Pattern Brewing, Brooklyn West Winery, Tiger's Taproom, as well as restaurants such as Chop Bar, Belcampo, Farmhouse Kitchen Thai, Forge, Miette Bakery, Dyafa, Seabreeze, and retail stores like Oaklandish and Oakland Supply Co. stores.

My husband and I have lived in the Jack London Square neighborhood for over seven years, and we walk along the waterfront nearly every day. Over the years, we have seen many instances of dangerous crossings and activity around the railroad tracks. This includes vehicles driving on the tracks, going around the safety arms, pedestrians and bicyclists crossing in front of trains, and pedestrians climbing over trains that have stopped on the tracks.

I strongly encourage the City of Oakland to require that the safety measures proposed at railroad crossings from Broadway to Market Streets also be applied to the Franklin, Webster and Oak Street crossings.

I-266-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-267 Candice Wright

COMMENT

RESPONSE

I-267-1 The expedited Draft EIR on the A's Waterfront Ball Park Proposal is an undemocratic maneuver by politicians seeking to please billionaire donors and will further harm a community already suffering from the impacts of environmental degradation. Clearly the stadium project will create unknown health dangers by disrupting toxic substances in this locale where heavy industry and residential neighborhoods have long existed side by side. Yet the Draft EIR leaves the issue to be addressed by "future studies": a clear act of environmental racism. Students in this community are already exposed to chemicals such as high levels of lead in school drinking water, air pollution from freeway and industry emissions, heavy metals and trichlorethylene (TCE) in soil and groundwater adjacent to and under their schools. The Mercury News (Toxic Ground Water Forces Closure of Oakland School 2/20/20) reports the closure of McClymonds High to determine the source and extent of the TCE contamination after TCE was found in McClymonds boiler room. OUSD spokesperson, John Sasaki, said that the entire neighborhood needed proper testing. Multiple active TCE sites are within blocks of the school campus. Residents and students deserve good air and good water. There must be a thorough environmental study to determine whether the upheaval created by a project of this scale can control and remove toxic cancer-causing substances when they are exposed to air.

I-267-2 Also, the impact of air pollution and green house gasses from both increased traffic in the building process and afterwards in accessing the ball park must be analyzed.

I-267-1 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and further explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-267 Candice Wright

COMMENT

RESPONSE

The commenter noted reported issues with trichloroethene (TCE) in groundwater at McClymonds High School. However, this school is located about 1-1/2 miles north of the Project site and the TCE in groundwater at that school is not known to have migrated to the Project site. In addition and as discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials, Environmental Setting*, if solvents such as TCE had migrated in groundwater, the solvents would have been previously detected at the Project site or at the intervening sites (PG&E CNG Station, Port of Oakland CNG Station, and/or Merritt Two). Given that solvents associated with plating shops (e.g., TCE) have not been detected in groundwater at the Project site, this indicates that contamination from the E-D Coat site has not migrated to the Project site.

I-267-2 Project construction-related emissions and operational emissions from mobile sources (exhaust from on-road automobile and truck trips), which were considered in the air quality analysis in Section 4.2, *Air Quality*, and the greenhouse gas analysis in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR.

I-268 Amber Turner

COMMENT

RESPONSE

Hello.

My name is Amber Turner and as an Oakland resident in District 2, my neighborhood and my daily life will be directly impacted by the building of a stadium at Howard Terminal.

I have read the arguments for having a stadium and while I would love to see more housing for residents, I have a lot of concerns about the impact of a new stadium at Howard Terminal. Not only will a new stadium negatively impact good paying union jobs at the port, it's construction will also directly impact neighborhoods surrounding Howard Terminal. Furthermore, the reports I've seen have failed to address the impact of the stadium on the people who live in my neighborhood, Oakland Chinatown and the other surrounding neighborhoods.

First, it is alarming that construction would result in air pollution at levels higher than allowed. And this pollution would directly affect West Oakland and surrounding neighborhoods like Downtown Oakland and Chinatown. These neighborhoods already deal with an excess of pollution due to the never ending construction of new buildings, as well as the freeways and train station. Barely a day goes by after cleaning my windowsill before they are covered in soot again. And even once construction is finished, there will be additional air pollution from operation of the stadium. We already are dealing with worse air quality due to an extended and intensified fire season and I do not consider a new stadium an adequate reason to cause more pollution.

Second, the fact that winds over 36mph for over one hour will be generated due to the new buildings is extremely troubling. I as well as many of my neighbors, most of whom are elderly, are pedestrians who don't own cars. High winds make it more difficult to run errands and enjoy being outside in the neighborhood. It may also cause injuries in the instance of flying debris or broken tree branches. It would also make any fires that happen more likely to spread.

Thirdly, parking and traffic, and the railroad crossing. I just don't think a stadium at Howard Terminal would be easily accessible by the thousands it may attract. You'd need to cross the railroad tracks and also have to deal with parking—which will inevitably spill into the surrounding neighborhoods where street parking is already hard to come by. Why is the stadium not closer to a Bart station?

I would be interested in seeing an analysis of a new stadium at the Coliseum or alternative sites. And while a new stadium Howard Terminal could reinvent and revitalize the area, I also think of what Bart construction did along Market Street in downtown San Francisco—it turned a bustling neighborhood and vibrant market place into a ghost town for decades to follow.

The only part of the Howard Terminal plan that intrigues me is the part involving removing old toxic soil before sea-level rise affects the area. Planning to do something about that now makes sense.

In conclusion, I ultimately can't support these plans for a new stadium at Howard Terminal.

Thank you,  
Amber Turner

I-268-1 This is a general comment that primarily serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Consolidated Response 4.8, *Chinatown*.

I-268-2 The commenter is correct that the Project would produce criteria air pollutants that exceed the City's adopted thresholds of significance, as disclosed in Impact AIR-1 and AIR-2. The Project would also result in cumulative health risks that exceed the City's adopted thresholds of significance for cumulative impacts, as disclosed in Impact AIR-2.CU. To address these impacts, a number of mitigation measures will be required, including Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR 4b, AIR-2b, AIR-1.CU, and AIR-2.CU. These impacts would also be mitigated through transportation measures including Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits.

It should be noted that the City's adopted thresholds of significance are not allowance limits; they are levels used to determine the significance of the Project's environmental effects pursuant to CEQA (Section 15064.7):

A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

Impact AIR-2.CU evaluates the Project's health risk impacts, from exposure of sensitive receptors to Toxic Air Contaminants (TACs), within the context of the existing, background health risks in West Oakland. This analysis was prepared in consultation with the BAAQMD and relies on the BAAQMD's health risk modeling data underlying the West Oakland Community Action Plan (WOCAP). This health risk data accounts for all existing background TAC sources and exposures near the Project site and within the larger West Oakland community. Because of the high existing background risks, the Project's cumulative impact would be significant and unavoidable and all

I-268 Amber Turner

COMMENT

RESPONSE

feasible mitigation measures would be required (see Draft EIR p. 4.2-10 and 4.2-156 through 4.2-159). These mitigation measures go far beyond the BAAQMD’s standards and recommended control measures and mitigation measures.<sup>16</sup>

The City also acknowledges the commenter’s concern regarding air pollution impacts from ongoing construction activities in Oakland. All other construction projects would be required to analyze their air quality impacts through the CEQA process and mitigate all potentially significant impacts to the extent feasible. These projects would also be subject to CARB and BAAQMD requirements. Regarding particulate matter specifically, the BAAQMD regulates particulate matter in the atmosphere through Regulation 6, Rule 1, which limits the quantity of particulate matter in the atmosphere through the establishment of limitations on emission rates, emission concentrations, visible emissions and opacity. The project’s construction activities would be subject to the limits specified in this regulation which also includes monitoring and record keeping requirements to ensure that the Project’s construction emissions would comply with all applicable standards.

The City is also concerned with worsened air quality due to wildfire. The City will choose to approve the Project or not based on the Final EIR and the Findings document (CEQA Guidelines Section 15091). The City would also need to adopt a Statement of Overriding Considerations to address the Project’s significant and unavoidable impacts, pursuant to CEQA Guidelines Section 15093. Based on all public comments, the Final EIR, and the Findings, the City will make a determination and decide whether or not to approve the Project. This process will meet all the requirements of CEQA.

I-268-3 See Response to Comment I-96-6.

I-268-4 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-268-5 See Consolidated Response 4.7, *Parking*.

<sup>16</sup> BAAQMD, 2017. *California Environmental Quality Act Air Quality Guidelines*, May 2017. [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed April 2019.

I-268 Amber Turner

## COMMENT

## RESPONSE

- I-268-6 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.
- I-268-7 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-269 Iris Corina

COMMENT

RESPONSE

I-269-1	I live on Market St. between 10th & 8th St.. I am hoping and praying that the Ball Park will not be allowed at Howard Terminal. There is already property and available. in East Oakland. We were informed by one of the A's reps that they didn't want to pay the price that the County and City wanted, and that if they received the Terminal they would not have to be under the control of the City and County and could do whatever they wanted to do, such as have as many concerts at whatever hours of the day or night that they wanted.	I-269-1	This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.
I-269-2	They would have affordable Housing, but you all know that the 80 percental income is Over one hundred thousand dollars, so that means if you earn less than one hundred thousand dollars one would not be eligible to even apply for housing there.	I-269-2	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. See Consolidated Response 4.12, <i>Affordable Housing</i> .
I-269-3	as it is today people urinate in front of our residents in front of women and children in broad daylight. they sir in front of resident and roll joints, smoke their weed, play loud music, then throw liquor bottles, and other trash in front of the residents, and on the yard. I have had over 3 times that strangers tried to break into my home while I was sitting in my living room as they banged on my front door, and window. I called OPD they showed up over an hour, the people were gone by then. I live less than 5 minutes from OPD. for over 21 years we have been told the reason for no response or over 10 hours of actual response is because of the Mayor refusing to increase the budget for the police dept. what's going to happen when people attending games and concerts etc. are drunk in the street, parking in our drive ways, and the police doesn't want to tow them when something is happening in San Francisco, or at the Coliseum. I have had to parks blocks away from my home and I am a disabled senior.	I-269-3	As discussed in Section 4.13, <i>Public Services</i> , of the Draft EIR, other effects that could result from the Project—such as the potential for an increase in crime, public drinking, outdoor crowd noise, building defacement, public urination, ticket scalping, pan-handling, vandalism, litter, graffiti, and other activities that may result in a diminished quality of life for neighborhood residents—are not considered impacts on public facilities under CEQA unless such effects result in the need for the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services, and the construction of such facilities result in adverse physical environmental impacts. Quality of life issues, such as crime and public drinking, will be considered as part of the City's planning and approval processes (Draft EIR p. 4.13-22). The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the Project.
I-269-4	This will have a negative effect on jobs and the Port. I already is so noisy here already from The Port, Ship and train horns, bark, and the diesel trucks that still park in front of a Senior Citizen housing unit, an Elementary School, and residential area. They leave their trucks motor running while they eat, sleep, and rest.. I really opposes this action. It will bring more crime to the area, and increase noise, and traffic. at least presently weekends are quite, ant on Sundays the noise begins at 11pm and continues through the rest of the day.	I-269-4	See Consolidated Response 4.4, <i>Port Operations and Land Use Compatibility</i> . The remainder of the comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA.
I-269-5	I believe it will decrease property value. I know that money is the driving force for this terminal, but I hope and pray that our neighborhood doesn't become an area of partying all week long, and increased gentrification our neighborhoods are dying because we have been priced out, our children will never be able to be our neighbors as it is. There will be more homeliness due to job loss and non-affordable housing. Please stop lying about the so called benefits of this plan. Every day we pick up trash, alcohol and drink bottles, its almost unbearable now, and you all know that it will be worse if you accept this greedy organizations offer. I've heard nothing about increasing salaries for the police dept. whose services will be beyond any number that I can think of and you all know it.	I-269-5	The commenter expresses concern about both decreasing property values and increasing property values without specifying where each would occur. See Consolidated Response 4.13, <i>Gentrification and Indirect Housing Displacement</i> .
I-269-6	Yes some of you live in Oakland, but do you live near the proposed area. I say let the AA's leave. I understand that one hundred ninety-nine million dollars is being provided for the homeless that the city plans to use for housing. Lets not waste this money as it has been in the past, and really work on helping the homeless. After June 1, 2021 there will be more homeless people on the street, not because they are ill, have mental challenges or drug or alcohol problems, but because in Oakland a studio rents for over \$2000. People live in their cars because they make less than one hundred thousand dollar a year or less than Over \$3,000 a month therefore, they cant even apply for housing because their yearly income is to low at 45,000 or less. Where will you all put homeless people if the stadium is here. will you move them to your neighborhoods.	I-269-6	See Consolidated Response 4.22, <i>General Non-CEQA</i> .
I-269-7		I-269-7	This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. See Consolidated Response 4.12, <i>Affordable Housing</i> .

I-269 Iris Corina

COMMENT

RESPONSE

I-269-8 See Consolidated Response 4.22, *General Non-CEQA*.

I-269-8

I am so disappointed in the city and the decision makers. its so sad that these decisions are left up to people who I've heard receive kick backs, tickets to various events and al all kinds of perks.

NO TO THE HOWARD TERMINAL NO TO THE HOWARD TERMINAL NO TO CUTTING JOBS AT THE PORT  
NO TO INCREASING NOISE POLLUTION IN WEST OAKLAND NO TO GREASING THE POCKETS OF THE  
GREASY AND NOT HELPING THE NEEDY. NO TO CONTINUED GENGRIIFICATION IN OAKLAND. YES TO  
BUILDING OAKLAND BY PROVIDING TRAINING AND SUPPORT FOR THOSE IN NEED BY BRINGING BACK  
ORGANIZATIONS LIKE THE EAST BAY SHILL CENTER, AND THE BAY AREA URBAN LEAGUE WHICH IN THE  
PAST PROVIDED TRAIING TO COMMUNITY MEMBERS LIKE MYSELF AND WAS ABLE TO BECOME TAX  
PAYING ACTIVE PRODUCTIVE COMMUNITY MEMBERS ..

I-270 Kathleen Romero

COMMENT

RESPONSE

I-270-1 The new site of construction is going to disrupt people lives, take away jobs and cause noise and traffic in an area not currently set up for this. It is a bad idea to build this in this area.

The current Oakland Coliseum complex would be much less disruptive. The land is there and ready. The transportation of BART and train are already there. The site of the old Walmart was formerly a hotel, The Hyatt and is currently empty. This spot would be less disruptive to homes and jobs and needs to be developed. Instead of taking a piece of an active port which is jobs. By building in East Oakland you would be bringing jobs and developing an area that has a need and the space.

Thank you

Kathleen Romero

I-270-1 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project. Potential impacts related to employment are discussed in Section 4.12, *Population and Housing*; noise-related impacts are discussed in Section 4.11, *Noise and Vibration*; and traffic-related impacts are discussed in Section 4.15, *Transportation and Circulation*, of the Draft EIR.

I-270-2 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-271 Christine Chrisman

COMMENT

RESPONSE

I-271-1 My name is Christine Chrisman, I live in Oakland.  
I'm concerned about the proposed development at Howard Terminal.  
The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.  
The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.

I-271-2 I'm worried about First: The air pollution. The air quality in West Oakland is already bad. West Oakland youth already suffer from disproportionate rates of asthma. In addition the increased traffic is going to make it worse.

I-271-3 Secondly, the land where the A's are proposing to build this project is so toxic that no housing is allowed to be built there. This report doesn't provide a plan of how the developers are going to clean it up.

I-271-4 Thirdly, Gentrification and the lack of an affordable housing plan. The DEIR says there will be 3,000 residential units, but doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable.

I-271-5 The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city. The DEIR doesn't analyze the impacts of displacement and gentrification.

I-271-6 The City Administration's DEIR is insufficient and the proposed remediations will not adequately address the massive impacts this project will have. The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.  
The city should go back to the drawing board and re-do this analysis and recirculate this report.  
Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.

I-271-1 This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, *Comment Period Extension*.

I-271-2 The City acknowledges the commenter's concern regarding health impacts resulting from the poor air quality in West Oakland. The commenter expresses concern about the Project's local air quality impacts to the West Oakland community, which is a community disproportionately impacted by air pollution. Draft EIR p. 4.2-9 through 4.2-11 discusses the existing air quality setting and the high existing community health risks.  
  
The Draft EIR analyzes both project-level health risks (Impact AIR-4) and cumulative health risks (Impact AIR-2.CU) at existing offsite sensitive receptor locations using community-wide modeling data from the BAAQMD conducted for the WOCAP and by following BAAQMD CEQA Guidelines and other accepted protocols. Impact AIR-2.CU considers the existing background health risk of West Oakland residents and the contribution of the Project's TAC emissions within the context of the poor background air quality conditions. This analysis was conducted in concert with the BAAQMD and their health risk analysis prepared pursuant to AB 617 through the West Oakland Community Action Plan.  
  
The draft EIR does find significant and unavoidable air quality impacts for Impact AIR-1, AIR-2, AIR-1.CU, and AIR-2.CU. These impacts are mitigated to the maximum extent feasible as required by CEQA through a number of air quality mitigation measures, including Mitigation Measures AIR-1a, AIR-1b,

I-271 Christine Chrisman

COMMENT

RESPONSE

AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR 4b, AIR-2b, AIR-1.CU, and AIR-2.CU. These impacts would also be mitigated through transportation measures including Mitigation Measure TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits. The Draft EIR evaluates health risks associated with project-generated traffic in Impact AIR-4, AIR-5, and AIR-2.CU. Specific health risks associated with traffic are presented in Tables 4.2-10 through 4.2-13. See Draft EIR p. 4.2-47 through 4.2-57 and Appendix AIR.1 p. 31 through 46 for a discussion of methods used to identify these risks.

I-271-3 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and further explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be

I-271 Christine Chrisman

COMMENT

RESPONSE

issued until the DTSC and the building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting*, under *Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA) has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-271-4 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-271-5 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-271-6 The Draft EIR evaluates the environmental impacts associated with implementing the proposed Project throughout Chapter 4. With respect to public health and safety, the Draft EIR contains evaluations of potential adverse effects related to air quality, hazards and hazardous materials, noise, and traffic safety (see Sections 4.2, 4.8, 4.11, and 4.15). The Draft EIR identifies 34 mitigation measures in these topical areas that would avoid or reduce significant effects on public health and safety. These mitigation measures are presented in Draft EIR Table 2-1; see pp. 2-11 through 2-39 (Air Quality measures), pp. 2-55 through 2-57 (Hazards and Hazardous Materials measures), pp. 2-66 through 2-71 (Noise measures), and pp. 2-90 through 2-94 (Traffic Safety measures). Some impacts in these topical areas would remain significant and unavoidable even with mitigation (see summary discussion on Draft EIR pp. 2-5 and 2-6).

Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-272 Tracy Perron

COMMENT

RESPONSE

I-272-1 | I am very disturbed by the audacity of the A's organization holding our city hostage to fulfill their grandiose and selfish efforts. Have you not learned anything from the pandemic? It's about trying to make it for the majority, not going to an overpriced stadium. First of all I believe that you will disrupt the integrity of the port, an integral source of revenue for the city. Most of all, I do Not believe that you will do Right by the coliseum site. I have always viewed the coliseum site as a premium piece of real estate. Next to a major freeway, less than a mile from an international airport with views of the city or water. The problem is that you have never seen it through the lens of Oaklanders! You could change the narrative and create an amazing stadium at the coliseum. The A's organization is just like everyone else.... leave East Oakland and go big in the land of gentrification. Sadly it so obvious that you don't want to be in East Oakland! Putting up some BS housing does not help the city with revenue or our schools! The only thing it does is bring more people to an area where there are no jobs because all you thought of was your billionaire status! That small piece of cake you are offering to make for the city will be worth nothing once we lose out at the coliseum. I am against the new site because it doesn't serve the people it only serves your organization.... but big business usually wins because you have the mayor and some political leaders in your pockets. Thank you!

I-272-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-273 Emily Morgan

COMMENT

RESPONSE

I-273-1 | No to the stadium since it will cost the city too much money, no plan for the safety  
 I-273-2 | at the railroad track, nor noise when the firecrackers are going off. Parking no follow  
 I-273-3 | through. This project must be stopped. Be accountable with the crisis in Oakland  
 I-273-4 | homelessness, gunfire, homicide, and crimes.

- I-273-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- I-273-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.
- I-273-3 Noise impacts related to fireworks displays are addressed on pp. 4.11-51 and 4.11-52 of the Draft EIR. The Draft EIR notes that while peak firework noise may occasionally exceed the instantaneous performance standard for residential uses, which are generally applicable to stationary noise sources, given the brief duration and limited number of firework events that would occur at the ballpark, noise from firework displays is expected to result in a less than significant human exposure impact, with noise levels of 70 to 78 dBA for a limited period.
- I-273-4 See Consolidated Response 4.7, *Parking*.
- I-273-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-274 Leslie Gordon

COMMENT

RESPONSE

I-274-1 My name is Leslie Gordon and I'm resident of Eastlake (District 2) who is concerned about the proposed development at Howard Terminal.

The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.

The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.

Given my work as a housing justice advocate, I'm particularly concerned about gentrification and the lack of an affordable housing plan.

I-274-2 The DEIR says there will be 3,000 residential units, but doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable.

The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city.

I-274-3 The DEIR doesn't analyze the impacts of displacement and gentrification.

The City Administration's DEIR is insufficient and the proposed remediations will not adequately address the massive impacts this project will have.

The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.

I-274-4 The city should go back to the drawing board and re-do this analysis and recirculate this report.

Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.

Thank you.

I-274-1 This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, *Comment Period Extension*.

I-274-2 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-274-3 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-274-4 The Draft EIR evaluates the environmental impacts associated with implementing the proposed Project throughout Chapter 4. With respect to public health and safety, the Draft EIR contains evaluations of potential adverse effects related to air quality, hazards and hazardous materials, noise, and traffic safety (see Sections 4.2, 4.8, 4.11, and 4.15). The Draft EIR identifies 34 mitigation measures in these topical areas that would avoid or reduce significant effects on public health and safety. These mitigation measures are presented in Draft EIR Table 2-1; see pp. 2-11 through 2-39 (Air Quality measures), pp. 2-55 through 2-57 (Hazards and Hazardous Materials measures), pp. 2-66 through 2-71 (Noise measures), and pp. 2-90 through 2-94 (Traffic Safety measures). Some impacts in these topical areas would remain significant and unavoidable even with mitigation (see summary discussion on Draft EIR pp. 2-5 and 2-6).

Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR in response to

I-274 Leslie Gordon

COMMENT

RESPONSE

comments and as City-initiated updates (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-275 James Semitekol

COMMENT

RESPONSE

I-275-1 The draft EIR report appears to be deficient in a number of areas. Remediation of soil at the planned building site is of great concern since it appears to be unknown what lays beneath the current structures on the site. Once construction begins toxic could be released into the environment.

I-275-2 Traffic is also inadequately dealt with. There currently is virtually no public transportation access to this site. The railroad tracks running down the middle of Embarcadero pose a major safety issue. Having one proposed overpass for pedestrians appear to be inadequate to deal with potential crowds in excess of 30,000 people.

I-275-3 Please require additional study to be provided to remedy these issues.  
thanks  
Jim Semitekol

I-275-1 The nature and extent of hazardous materials beneath the site is described in Draft EIR, Section 4.8, *Hazards and Hazardous Materials*, under *Current Nature and Extent of Onsite Contamination*. This section describes the chemicals of concern that are known to be present beneath the cap the encapsulates subsurface materials, compares the detected concentrations of chemicals to various regulatory screening levels, summarizes the target cleanup levels developed in the Human Health and Ecological Risk Assessment (HHERA) that would be protective of human health and ecological receptors, and depicts the onsite areas where the concentrations of chemicals of concern exceed target cleanup levels on Draft EIR Figures 4.8-2, 4.8-3, and 4.8-4.

Additional discussion of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland

I-275 James Semitekol

COMMENT

RESPONSE

building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the building official have approved of the various actions required by the mitigation measures.

I-275-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

Mitigation measures identified in the Draft EIR would enhance the attractiveness of transit, walking, and bicycling to the Project, would increase transit to the Project for both the non-ballpark development and for ballpark events, and would disperse ballpark event attendees who drive and park to underutilized parking garages within one to 1.5 miles of the Project minimizing concentrations of traffic congestion that now occur at the Coliseum site. The mitigation measures include:

1. DEIR Mitigation Measure TRANS-1a (page 4.15-183 to 189) includes a Transportation Demand Management (TDM) Plan for the non-ballpark development with a performance metric to reduce vehicle trips 20% from a baseline condition without a TDM program.
2. DEIR Mitigation Measure TRANS-1b (page 4.15-193 to 197) includes a Transportation Management Plan (TMP) for the ballpark events with a performance metric to reduce vehicle trips 20% from a baseline condition without a TMP. A draft TMP is provided in Appendix TRA.1 and includes the nearby transit providers i.e., AC Transit, BART, Capitol Corridor, and WETA as a key stakeholder in coordinating ballpark events.
3. Mitigation Measure TRANS-1c (page 4.15-197) would include construction of a transportation hub adjacent to the Project that would serve at least three bus routes (12 AC Transit buses per hour) to support non-automobile travel to and from the Project with the ability to expand the hub on ballpark event days to handle up to six shuttle bus stops and each shuttle stop could handle up to 12 shuttles per hour.
4. Mitigation Measure TRANS-1d (page 4.15-198) would implement Bus-Only Lanes on Broadway between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane. There are existing Bus Only Lanes north of 11th Street to 20th Street on Broadway.

I-275 James Semitekol

COMMENT

RESPONSE

5. Mitigation Measure TRANS-1e (page 4.15-198 to 200) would implement pedestrian improvements such as sidewalk widening and repair, pedestrian lighting, and intersection and driveway safety measures to promote first and last mile connections to BART and AC Transit bus stops as well as walking connections serving Downtown and West Oakland neighborhoods.
6. Mitigation Measure TRANS-2a, 2b, and 2c (page 4.15-230 to 231) would implement bicycle improvements consistent with Oakland's Bike Plan that connect the Project to Oakland's bike network.
7. Mitigation Measure TRANS-3a and 3b (page 4.15-235 to 240) would implement railroad corridor improvements including fencing along the corridor and at-grade crossing improvements such as quad gates as well as gates for pedestrians and bicycles and a pedestrian and bicycle bridge over the railroad tracks connecting the transportation hub on 2nd Street at Jefferson Street to the Project.

As part of Mitigation Measure TRANS-1a the Project would be required to extend an AC Transit bus line, such as Line 6, to the Project or provide a new shuttle bus system with equivalent peak period headways. While Mitigation Measure TRANS-1b would require ballpark event shuttle buses between the Project and the 12th Street BART station as well as traffic control officers (or other personnel acceptable to the City of Oakland) to manage pre- and post-event attendees accessing the Project site to ensure safe and efficient access for all people traveling to and from the site. In addition, a required Parking Management Plan, modeled off the successful SacPark system in Sacramento, would disperse attendees who drive to underutilized parking garages in downtown reducing the amount of concentrated traffic congestion in the area.

I-275-3 See Response to Comment A-8-15.

I-276 Mary Peabody

COMMENT

RESPONSE

I-276-1 Hello,  
I live on 10th Street in West Oakland. I am concern that during an event at the Howard Terminal, people will park in our neighborhood. The residents are asking for free parking permits for there cars for at least five years.

I-276-2 Also will the Ballpark pay for more Oakland Police Service that will be needed in this area?

I-276-1 See Consolidated Response 4.7, *Parking*.

I-276-2 The Project could have a significant impact on public services under CEQA if: (1) it would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and (2) the construction or alteration of such facilities would result in a substantial adverse physical impact on the environment (Draft EIR p. 4.13-22). As such, police staffing is not in and of itself a CEQA issue, but rather the additional facilities needed for service. As discussed in the Draft EIR, in order to adequately serve the proposed ballpark, OPD would require police office space and a command post within the ballpark. Necessary Improvement Measure PUB-2, Ballpark Law Enforcement Facilities, would require the Project sponsor to provide police office space including an area within the development to be utilized for event day briefings, report writing space, and holding cells to accommodate arrests, as well as a command post within the ballpark that would be utilized by all agencies involved in event and security operations (Draft EIR p. 4.13-29).

I-277 No Way

COMMENT

RESPONSE

	<p>My name is Marie. I live in West Oakland.</p>	I-277-1	This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, <i>Comment Period Extension</i> .
	<p>I'm concerned about the proposed development at Howard Terminal.</p>		
I-277-1	<p>The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in.</p>		
	<p>The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.</p>		
	<p>I'm worried about:</p>		
	<p>The traffic and pedestrian safety.</p>		
I-277-2	<p>This project is going to bring way more people to the neighborhood and create traffic and congestion.</p>		
	<p>Increased vehicular traffic and increased foot traffic will create a dangerous situation, particularly in light of how many people will now be crossing the train tracks along Embarcadero West.</p>		
	<p>The air pollution.</p>		
	<p>The air quality in West Oakland is already bad.</p>	I-277-2	See Consolidated Response 4.6, <i>Rail Safety, Grade Crossing, and Grade Separation</i> .
	<p>West Oakland youth already suffer from disproportionate rates of asthma.</p>		
I-277-3	<p>The increased traffic is going to make it worse.</p>		
	<p>There's no plan to make sure the air will be healthy and breathable.</p>		
	<p>The City should not approve this project unless the air pollution is mitigated to less-than-significant levels</p>	I-277-3	See Responses to Comments A-7-51, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.
	<p>This report doesn't provide a plan of how the developers are going to clean the toxic land.</p>	I-277-4	Draft EIR Section 4.8, <i>Hazards and Hazardous Materials</i> , contains a detailed description of applicable regulatory requirements that pertain to potential environmental and health and safety impacts associated with hazardous materials on the Project site. These regulatory requirements constitute substantial evidence that potential environmental and health and safety impacts associated with hazardous materials would be less than significant. While a remediation plan is scheduled to be submitted to DTSC in draft form in early 2022 to address findings of the approved <i>Human Health and Ecological Risk Assessment</i> , the final plan cannot be approved until the EIR is certified.
I-277-4	<p>We don't trust the developers or the Department of Toxic Substances Control to figure it out later on, after the project is approved.</p>		
	<p>The City Administration's DEIR is insufficient and the proposed remediations will not adequately address the massive impacts this project will have.</p>		
	<p>The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project.</p>		
I-277-5	<p>The city should go back to the drawing board and re-do this analysis and recirculate this report.</p>		
	<p>Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.</p>		As explained in Consolidated Response 4.2, <i>Formulation, Effectiveness, and Enforceability of Mitigation Measures</i> , the mitigation measures provided in the Draft EIR would require the City to ensure that the Project sponsor has complied with regulatory requirements before grading, building, or construction permits, and certificates of occupancy for new buildings and uses

I-277 No Way

COMMENT

RESPONSE

are issued. While there is no evidentiary basis to question the effectiveness of regulatory requirements as they would be implemented at the Project site, actions of public agencies are always subject to public scrutiny and to judicial review as provided by law.

I-277-5 The Draft EIR evaluates the environmental impacts associated with implementing the proposed Project throughout Chapter 4. With respect to public health and safety, the Draft EIR contains evaluations of potential adverse effects related to air quality, hazards and hazardous materials, noise, and traffic safety (see Sections 4.2, 4.8, 4.11, and 4.15). The Draft EIR identifies 34 mitigation measures in these topical areas that would avoid or reduce significant effects on public health and safety. These mitigation measures are presented in Draft EIR Table 2-1; see pp. 2-11 through 2-39 (Air Quality measures), pp. 2-55 through 2-57 (Hazards and Hazardous Materials measures), pp. 2-66 through 2-71 (Noise measures), and pp. 2-90 through 2-94 (Traffic Safety measures). Some impacts in these topical areas would remain significant and unavoidable even with mitigation (see summary discussion on Draft EIR pp. 2-5 and 2-6).

Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR in response to comments and as City-initiated updates (see Chapter 7 of this document), no significant new information (e.g., information leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-278 Eric Tapes

COMMENT

RESPONSE

I-278-1 | No to the stadium at Howard Terminal Traffic, Parking, Noise, Jobs, Public Safety,  
Health and the Environment.

I-278-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-279 Nicole McMath

COMMENT

RESPONSE

I-279-1 My name is Nicole. I live in Downtown Oakland. I'm concerned about the proposed development at Howard Terminal. The EIR is too long and complicated for the average person to review and understand in the time provided. The Mayor and city administration did a disservice to the public by not granting the public the maximum amount of time possible to take this in. The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.

I-279-2 Firstly, I'm worried about the traffic and pedestrian safety. This project is going to bring way more people to the neighborhood and create traffic and congestion. Increased vehicular traffic and increased foot traffic will create a dangerous situation, particularly in light of how many people will now be crossing the train tracks along Embarcadero West.

I-279-3 I'm also concerned about the air pollution. The air quality in West Oakland is already bad. West Oakland youth already suffer from disproportionate rates of asthma. The increased traffic is going to make it worse. There's no plan to make sure the air will be healthy and breathable. The City should not approve this project unless the air pollution is mitigated to less-than-significant levels Thirdly, I am concerned about toxins in the land. The land where the A's are proposing to build this project is so toxic that no housing is allowed to be built there. I am concerned about the health risks for construction workers who will be digging in this contaminated soil, and if the cleanup is not done properly, future residents and visitors to the parks and open space planned for the site may be exposed to these toxic materials. This report doesn't provide a plan of how the developers are going to clean it up. We don't trust the developers or the Department of Toxic Substances Control to figure it out later on, after the project is approved.

I-279-4

I-279-5 Lastly and importantly, I am extremely concerned about Gentrification and the lack of an affordable housing plan.

I-279-6 The DEIR says there will be 3,000 residential units, but doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable. The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city. The DEIR doesn't analyze the impacts of displacement and gentrification. The City Administration's DEIR is insufficient and the proposed remediations will not adequately address the massive impacts this project will have. The developer's proposal does not do a good job of addressing these questions or the public health and safety risks posed by this project. The city should go back to the drawing board and re-do this analysis and recirculate this report. Our neighborhoods deserve better. No project without strong health and safety protections for West Oakland.

I-279-7

I-279-1 This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, *Comment Period Extension*.

I-279-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-279-3 See Responses to Comments A-7-51, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.

I-279-4 See Response to Comment I-277-4.

I-279-5 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-279-6 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-279-7 The Draft EIR evaluates the environmental impacts associated with implementing the proposed Project throughout Chapter 4. With respect to public health and safety, the Draft EIR contains evaluations of potential adverse effects related to air quality, hazards and hazardous materials, noise, and traffic safety (see Sections 4.2, 4.8, 4.11, and 4.15). The Draft EIR identifies 34 mitigation measures in these topical areas that would avoid or reduce significant effects on public health and safety. These mitigation measures are presented in Draft EIR Table 2-1; see pp. 2-11 through 2-39 (Air Quality measures), pp. 2-55 through 2-57 (Hazards and Hazardous Materials measures), pp. 2-66 through 2-71 (Noise measures), and pp. 2-90 through 2-94 (Traffic Safety measures). Some impacts in these topical areas would remain significant and unavoidable even with mitigation (see summary discussion on Draft EIR pp. 2-5 and 2-6).

Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR in response to comments and as City-initiated updates (see Chapter 7 of this document), no significant new information (e.g., information

I-279 Nicole McMath

COMMENT

RESPONSE

leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR and, consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

I-280 Howard Kahan

COMMENT

RESPONSE



I-280 Howard Kahan

COMMENT

RESPONSE

I-280-1 | The Draft EIR is missing an impact evaluation on Harvey the rabbit in the construction of the stadium. Harvey popped out from behind home plate to give baseballs to the umpire. Please update the EIR to reflect Harvey.

I-280-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-281 Saied Karamooz

COMMENT

RESPONSE

27 April 2021

Mr. Peterson Vollmann, Planner IV  
City of Oakland  
Planning & Building Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Re: Draft Environment Impact Report for the Waterfront Ballpark District at Howard Terminal, Oakland. (Project # ER18016)**

Dear Mr. Vollmann,

By way of this Public Comment, we, Vida and Saied Karamooz, with our residence in the Jack London District ("the District"), express our strong support for the new A's stadium at Howard Terminal ("the Project"). We welcome the new stadium, the Oakland A's loyal fans, tourists, visitors, and new residents along with the plethora of growth opportunities for the neighborhood. Furthermore, we applaud the proposed measures to safeguard the pedestrian and multi-modal vehicle traffic from the hazards of the rail crossings and tracks that traverse the District. However we are perplexed that of the eight at-grade crossings, the DEIR contemplates safety measures (the "Solution") at only five crossings, namely Market Street, Martin Luther King Way, Clay Street, Washington Street, and Broadway ("Secured Tracks"), but not the crossings at Franklin, Webster, and Oak Streets ("Unsecured Tracks").

We are certain that failure to expand the Solution to the Unsecured Tracks will result in avoidable casualties or severe injuries. Far from a hyperbole, this assertion is squarely grounded in sound analysis underpinned by indisputable facts and firsthand observations as presented below.

**Unsecured Tracks are well within the range of the Project's impacted area**

As depicted in Figure 1 and evidenced by Figures 4.15-4 and 4.15-5 of the DEIR, the Unsecured Tracks are nestled well within the Project's impacted area and surrounded by routes to Lake Merritt BART station, AMTRAK station, AC Transit stops, Chinatown, and inside the 1/2 mile from Project Boundary demarcation.

I-281-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-281-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-281-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-281-1

I-281-2

I-281-3

I-281 Saied Karamooz

COMMENT

RESPONSE

- I-281-4 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.
- I-281-5 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-281-3



Figure 1 - Location of Unsecured Tracks within impacted area

I-281-4

**Arbitrary termination point of the Solution**

DEIR does not provide any basis for ending the Solution at Broadway. Moreover, the DEIR does not address the reality that some, if not much, of pedestrian, bicycles, and other microtransit traffic will divert around the barriers and [jay]walk across the wide-open section of tracks a few feet away directly east of Broadway. It is every bit as insane to suggest risk mitigation by implementing safety measures at five of eight intersections as to expect stopping a water leak by plugging five of eight holes in a pipe. As is, the Solution will not mitigate the risk at Broadway and the blocks to its west, it will only displace the risk to the blocks east of Broadway. Simply said, a partial solution is no solution at all.

I-281-5

**Egregious omission of existing eating/drinking/entertainment destinations surrounding the Unsecured Tracks**

Unlike the A's current stadium, the Project is adjacent to an already bustling tourist and visitor attraction destination – Jack London Square and the surrounding neighborhood. In fact, the Unsecured Tracks are not only at the epicenter of, but also the gateway to, over 50 restaurants, cafes, bars, breweries, wineries, and other entertainment destinations as depicted in Figure 2 with the current list of establishments shown herein:

I-281 Saied Karamooz

COMMENT

RESPONSE

- |                            |                             |                                  |
|----------------------------|-----------------------------|----------------------------------|
| Belcampo                   | Forge Pizza                 | Original Pattern Brewing Company |
| Ben's restaurant           | Ginza Sushi                 | Pantry Pizza (closed)            |
| Bicycle Coffee             | Good To Eat Dumplings       | Peerless Coffee                  |
| Bloc15 Event Venue         | Grocery Cafe                | Plank                            |
| Blue Bottle Coffee         | Heinhold's Saloon           | Port Kitchens Marketplace        |
| Brooklyn West Winery       | Home of Chicken and Waffles | Seabreeze on the Dock            |
| Buckwild Brewing & Taproom | Independent Brewing Company | Scott's Seafood                  |
| Buttercup Diner            | Kincaid's (closed)          | Seawolf                          |
| Chop Bar                   | La Furia Chalaca            | Sierra Deli                      |
| Crooked City Cider         | Lungomare (closed)          | Sláinte Irish Pub                |
| Dolmas Deli                | Merchant's Saloon           | Souley Vegan                     |
| Dragon Gate Lounge         | Miette Bakery               | Starbucks                        |
| Dyafa                      | Minimo Wine Shop            | The Elbo Room                    |
| Esport Arena               | Nations Burgers             | The Jack London Inn              |
| Eternal                    | Nido's                      | Tigers Taproom                   |
| Everett & Jones BBQ        | North Beach Deli            | Wine and Design                  |
| Farmhouse Kitchen          | Oakland Grill               |                                  |
| Federation Brewery         | Oakland United Beerworks    |                                  |

I-281-5



**Figure 2 - Restaurants, cafes, bars, breweries, and other entertainment destinations in immediate vicinity of Unsecured Tracks**

Undoubtedly, A's fans and visitors will frequent these establishments before and after games/events. Some will walk across the tracks at designated crossings, some will heed the wayfinding signs, some will be enticed by the "sidewalk

I-281 Saied Karamooz

COMMENT

RESPONSE

I-281-5 amenities” as described in the DEIR, but most will opt for the convenience of walking across the Unsecured Tracks. This is not a conjecture; this is simple human behavior as observed frequently every day in the District.

**Mischaracterized significance of historical train accidents at Unsecured Tracks**

I-281-6 One casualty at Franklin crossing in 2015 (Source: EIR 4.15-42) is not “so few train crashes” as stated in the DEIR; it is one too many. That incident occurred when an out-of-town visitor from Texas who was unfamiliar with the area wandered across the tracks between Franklin and Webster Streets when attending an antique car show. In fact, that incident, as isolated as it appears, is a clear indication of what to expect with increased volume of visitors who are unfamiliar with the dual exposed tracks that run through the heart of the District.

**Misleading summary of historical train collision incidents**

I-281-7 As stated in the DEIR, “Between 1999 and 2009 there was another cluster of collisions (13);” which equates to 1.3 collisions per year. DEIR further states that “only four collisions have occurred since 2009.” What the DEIR fails to mention is that the District experienced steep decline in occupancy of businesses due to the 2008-2012 Great Recession as evidenced by shuttering of major chain restaurants, such as TGI Friday’s, El Torito, and the Old Spaghetti Factory and closure of the national bookseller, Barnes and Nobles. In fact, SF Chronicle’s article on this matter, dated 14 December 2009, was titled “Jack London Square’s Future Remains Uncertain.” To use data from a period when the District was a virtual ghost town as the basis for projecting future train collisions is disingenuous at best.

It is noteworthy that all post-2009 collisions occurred in the past five years (2019: two vehicles at Market Street and Broadway, 2017: two pedestrians at Washington Street, and 2015: one pedestrian at Franklin Street), averaging a rate of about once per year, excluding 2020 as the District was all but shut down due COVID-19.

**Unrepresented, but equally dangerous, incidents**

I-281-8 While the Federal government mandates that all train collisions be recorded, careless and daring acts perpetrated by thrill-seekers or impatient individuals are not. Local residents witness dangerous behavior, particularly with slow-moving or stopped freight trains on a regular basis. Commonly, impatient individuals will embark a stopped freight train from one side and disembark on the other side. Moreover, it is not uncommon to witness individuals, generally young men, to hop on a slow-moving freight train and jump off as the train begins to pick up speed and tumble to the ground with the potential for severe head and spinal injuries. Figure 3 is a recording of a recent incident on March 11, 2021, where an individual

I-281-6 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-281-7 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-281-8 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-281 Saied Karamooz

COMMENT

RESPONSE

I-281-9 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

I-281-8

embarked and disembarked a moving freight train between Franklin and Webster Streets. To think that members of a crowd under the influence of alcohol, adrenaline, and testosterone will act responsibly in similar circumstances is beyond absurd.

If the careless act as captured in Figure 3 had been perpetrated in front of hundreds of onlookers, there is no doubt that it would have been followed with dozens of others under varying degrees of influence by consumption of "liquid courage" earlier in the day. The outcome of just one such incident could be catastrophic.



Figure 3 - Pedestrian crossing train while in motion

I-281-9

**Loss of ONE Life is more costly than the expense to expand the Solution to Unsecured Track**

According to the EPA (source: <https://www.epa.gov/environmental-economics/mortality-risk-valuation>), Value of a Statistical Life in the United States is \$7.4 million (\$2006).

Based on the study commissioned by the City of Oakland in 2011, the cost to implement the Solution at the Unsecured Tracks would be about \$5.5 million

I-281 Saied Karamooz

COMMENT

RESPONSE

I-281-10 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation.*

(\$2011) as shown in Figure 4 (source: Rail Quiet Zone Study by City of Oakland, June 2011)

Quiet Zone Safety Improvement Conceptual Cost Estimates  
Last Updated on 9/20/10

Item Description	Units	Embarcadero and Oak Avenue		Embarcadero and Webster Street		Embarcadero and Franklin Street		Qu
		Quantity	Cost	Quantity	Cost	Quantity	Cost	
<b>Capital Costs</b>								
Signalization Intersection	EA	1	\$ -	1	\$ 240,000	1	\$ -	
Four-sided-end Gates	EA	1	\$ 1,000,000	1	\$ 1,000,000	1	\$ 1,000,000	
Median 300 ft)	EA	1	\$ 10,000	1	\$ 10,000	1	\$ -	
Sign with post	EA	2	\$ 1,200	2	\$ 1,200	2	\$ 1,200	
Left turn prohibition blank-out sign	EA	5	\$ -	5	\$ -	2	\$ 3,000	
Flashing light signal main (red/white)	EA	5	\$ -	5	\$ -	5	\$ -	
Two left turn or right turn only street	EA	5	\$ -	5	\$ 400	1	\$ 400	
Railroad signal	EA	5	\$ -	5	\$ -	1	\$ 400	
Concrete striping	EA	2	\$ 2,512	2	\$ -	2	\$ -	
Truncated domes	EA	2	\$ 850	4	\$ 1,700	4	\$ 1,700	
Curb ramps	EA	2	\$ 10,500	4	\$ 21,000	4	\$ 21,000	
audible signals	EA	1	\$ -	4	\$ 2,000	1	\$ -	
Board closure	EA	1	\$ 10,000	1	\$ -	1	\$ -	
Vertical curves (10 feet)	UP	10	\$ 50	10	\$ -	10	\$ -	
Reduced	EA	4	\$ 4,000	1	\$ -	1	\$ -	
On-street automobile separation	UP	5	\$ -	5	\$ -	5	\$ -	
<b>SUBTOTAL Capital Costs</b>			\$ 1,046,892		\$ 1,378,600		\$ 1,897,800	
Contingencies (20%)			\$ 212,175		\$ 283,586		\$ 383,560	
<b>TOTAL CAPITAL COSTS</b>			\$ 1,339,239		\$ 1,662,186		\$ 2,281,360	
<b>Support Costs</b>								
Planning/Pre-Design (2%)			\$ 47,638		\$ 63,110		\$ 84,897	
Final Design (5%)			\$ 106,221		\$ 142,075		\$ 189,991	
Environmental Clearance & Mitigation (2%)			\$ 47,638		\$ 63,110		\$ 84,897	
Construction Admin (1.2%)			\$ 139,274		\$ 186,271		\$ 252,614	
<b>SUBTOTAL Support Costs</b>			\$ 379,772		\$ 498,418		\$ 662,399	
<b>TOTAL CAPITAL AND SUPPORT COSTS</b> (Rounded to the nearest \$1,000)			\$ 1,719,000		\$ 2,160,600		\$ 2,943,760	
<b>GRAND TOTAL</b>			\$ 1,719,000		\$ 2,160,600		\$ 2,943,760	

Figure 4 - Cost estimate for expansion of Solution to the Unsecured Tracks

**Conclusion: Well within the impacted area of the Project, the Unsecured Tracks pose a serious safety problem. Expanding the Solution to the Unsecured Tracks will mitigate the risks in a cost-effective manner.**

With the foregoing indisputable facts, the conclusion is simple:

1. The Unsecured Tracks are well inside the Project's impacted area.
2. The abundance of leisure destinations in the immediate area of the Unsecured Tracks will attract numerous fans, tourists, and visitors who are unfamiliar with the dangerous train traffic conditions. This is far greater than the pedestrian traffic from/to the Lake Merritt BART station alone. Arriving from a wide range of origination points and via different transportation modes, many will choose to walk within the District and encounter the Unsecured Tracks as a result.
3. Historical figures and projected increased volume of visitors layered with common sense, firsthand witnessed evidence, and well-known crowd conduct principles leave no room for any doubt that the correct projections for fatal or

I-281 Saied Karamooz

COMMENT

RESPONSE

I-281-10

severe injuries caused by train traffic in the Unsecured Tracks zone will increase dramatically without expansion of risk mitigating measures.

4. Expansion of Solution to the Unsecured Tracks is far less costly than the first life lost as shown by cost estimates and statistical value of life in the US.

It is no more reliable to estimate infections, hospitalizations, and deaths based on holiday gatherings during a pandemic than it is to project train collisions based on the combination of recent historical data and projected volume of visitors, particularly individuals who are unfamiliar with the area, potentially intoxicated, exceedingly excited (positive or negative based on the game outcome), or under a number of other compounding influences.

This is not a matter for debate or an "agree-to-disagree" exchange. This is a matter of life and death. Failure to expand the Solution to encompass the Unsecured Tracks will cause needless deaths or severe injuries, disrupt lives, sully celebrations, tarnish Oakland A's reputation, generate negative publicity, and cost millions in wrongful death lawsuit settlements. All of which can be ameliorated by expanding the Solution to the Unsecured Tracks. The question is not "if the Solution shall be extended to the Unsecured Tracks", the questions is when. Before or after that first needless incident?

Sincerely,

Vida and Saied Karamooz

I-282 John William Templeton

COMMENT

RESPONSE

I-282-1 See Consolidated Response 4.22, *General Non-CEQA*.

JOHN WILLIAM TEMPLETON  
California African-American Freedom Trail



April 27, 2021

Tom Limon, Chair, Oakland Planning Commission  
Amanda Monchamp, Clark Manus, Nischit Hegde, Leopold Ray-Lynch

The Honorable Libby Schaaf, Mayor, City of Oakland  
Members of City Council

President Andreas Culver and Board of Commissioners, Port of Oakland

R. Zachary Wasserman, Chair and Members, Bay Conservation and Development Commission

Attorney General Rob Bonta

Dear Stewards,

DO NOT PARTICIPATE IN SPORTS REDLINING

Los Angeles County recently acknowledged a century-old error in waterfront land use by voting to return Bruce's Beach, a historic Black-owned resort to the descendants of the original owners. You have the opportunity to prevent such a generational mistake by acting in the public interest to halt the proposed re-use of the Howard Terminal ostensibly for a baseball stadium. From the personal and scholarly perspectives, we must ask a halt to the obliteration of a historic resource of global significance.

I-282-1

I-282 John William Templeton

COMMENT

RESPONSE

I-282-1

It is an egregious example of sports redlining, in which the social construction of space is converted into a massive mis-allocation of scarce resources in order to subsidize luxury boxes because the current site is considered a place where the privileged will not go.

The draft environmental impact statement is silent on the profound violation of one of the most important labor, political and musical areas for global human rights, spur to a legacy of important leaders who have shaped the globe.

Los Angeles has begun to recognize the architectural legacy of architect Paul Revere Williams, who built 3,000 structures across the state, which are part of the 6,000 site California African-American Freedom Trail.

San Francisco is acknowledging the public art footprint of Sargent Claude Johnson.

I-282-2

Oakland is still oblivious to the greatest civil engineering impact of an African-American engineer on any region. From the cranes on the Port to the Cypress Structure, the imprint of F.E. Jordan & Associates on the built environment and protecting the natural environment is a matter of recognized excellence in the profession. The Howard Terminal was lauded by Engineering News Record for its seismic design, which was demonstrated in 1989.

More broadly, the San Francisco Bay shoreline is filled with a rich legacy of African-American heritage which shaped American and world history.

Over the past 18 years, we have examined public policy and its economic impact on Black communities in all 50 states in our annual State of Black Business report, creating our Ten Key Factors for Black Business Success.

Our findings are used to create a new paradigm for land use and public investment, which is now bearing fruit in the current legislation and executive orders of the Biden-Harris administration.

African-American communities are not an adjunct of enriching land speculators, but the best public investment for sustainable and inclusive growth in their own right.

I-282-3

Placing a pharmacy school in honor of the late Assemblymember W. Byron Rumford or a cybersecurity center of excellence would bear more economic growth than the suggested move.

Oakland and its port has been shackled by an original huckster. Horace Carpenter saw the value of its waterfront in 1853 and arranged for the California legislature, which had just passed the right of testimony and franchise acts, blocking indigenous, Black and Chinese residents from voting or testifying in court, to incorporate the city of Oakland, in land he had no ownership interest in at the time. Becoming the elected mayor, he soon arranged the sale of the waterfront for \$5, parlaying that into a fortune once the transcontinental railroad reached the shore.

I-282-2

The comment emphasizes the civil engineering contributions of F.E. Jordan & Associates who were part of the design and engineering joint venture team for the completion of Howard Terminal in 1982. This accomplished engineering firm is named after its founder, Frederick E. Jordan. Mr. Jordan continues to serve as the company's President and CEO. The company maintains two offices: 490 Post Street, Suite 1607 in San Francisco and 11 Embarcadero West, Suite 210 in Oakland. According to the company's website (www.feJordan.com) they were founded in 1974 and have completed over 1,000 projects all over the world. This includes a number of container port facilities.

The accomplishments of F.E. Jordan & Associates are many. With regard to historic resources, the Howard Terminal site dates to 1982 or 39 years ago. To be considered as a potential historic resource, the site generally must be at least 45 years old, or it must be considered to be of exceptional importance. National Register Bulletin 15 states that "'exceptional importance' may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any age are unusual." (National Register Bulletin 15, 42) Research conducted to date does not support consideration of Howard Terminal as associated with an event of extraordinary importance or as part of a class of resources so fragile that surviving examples are rare.

Under Criterion C/3 (Design), there is special guidance for evaluating resources that are associated with living people. Generally, properties associated with living persons are not eligible because sufficient time must have elapsed to assess the person's body of work and the importance of any one representation of that work over the course of their career. It is one of reasons for the age criteria for listing in the national and California registers. Because Mr. Jordan is still building his body of professional work, it is not possible at this time to assess the importance of Howard Terminal as representative of his contributions to design.

The commenter's statement that "the San Francisco Bay shoreline is filled with a rich legacy of African-American heritage which shaped American and world history," encompasses a wide geographic range as well as a number of potential historical contexts. CEQA requires consideration of impacts on a specific geographic area based on the Project site boundaries and evaluation of historic resources against specific historical contexts. Research conducted

I-282 John William Templeton

## COMMENT

## RESPONSE

to date is presented in Appendix CUL.1 and CUL.2. Given the age of the site (39 years) there is currently not sufficient evidence to support evaluation of the Howard Terminal site as a historic resource under the special considerations that are required for resources less than 50 years old and/or associated with living persons.

I-282-3 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-282 John William Templeton

COMMENT

RESPONSE

I-282-4

It is not an overstatement to compare the proposed deal in the transfer of public assets to a singular private benefit.  
**We are asked to leave the most accessible venue for mass gatherings in the nation with an airport, train station, subway, two Interstates and 700 acres of parking in favor of placing a smaller facility at the junction of traffic congestion for the region, block the sight access of a historic African-American community with tall structures (the real impetus for the project); and reduce the ability of the community's economic engine to facilitate global trade. And, the proponents get to keep the original property too, a recipe for gentrifying the declining Black population on multiple fronts.**

I-282-5

With the Biden-Harris administration proposing \$20 billion to remediate the impact of past transit racism which split communities, this proposal includes a gondola to bypass in a unique aerial fashion – a tacit admission to how impractical the whole scheme is.  
Such a gondola is prima facie racist based on regulatory case law in Oakland and Alameda County.  
The first example is the civil rights violation by the Department of Transportation against the aerial BART connector, which also proceeded from a sports stadium for the same team.

I-282-4 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*; Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*; and Consolidated Response 4.22, *General Non-CEQA*. In addition, pursuant to CEQA Section 21099(d), the EIR is not required to consider aesthetic or parking impacts in determining the significance of Project impacts under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-282-5 If the commenter is referring to the A's part ownership of the Coliseum site, that is an existing condition and unrelated to the analysis of impacts resulting from the Project at Howard Terminal. See also Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-282-6

The second example is the successful campaign by South Berkeley to require BART to go underground rather than destroy their community.  
A fig leaf to “equity” asks us to believe the sports franchise would do something it not done in 50 years of operation in the midst of a Black neighborhood – benefit the surrounding residents.  
“In recent years however, professional organizations have found a new core fan base in corporate America. Businesses have more money and are not afraid to spend it, and conversely, have caused team owners to want to relocate back to downtown and metropolitan areas,” according to Garrett Johnson in the *University of Denver Sports and Entertainment Law Journal*.  
The implicit economic assumption is that the preferred corporate clients would not come to the “Black community”, leading to the destruction of San Francisco’s Candlestick Park and the flight from the Oakland-Alameda Coliseum.  
Johnson continues, “Scholars give several reasons why economic development will not occur as a result of having a professional franchise or building a new stadium/arena. The first is that consumer spending on professional sports is by and large a substitute for spending on other entertainment related activities. Because of this, there is not a great deal of new spending or income produced. A second explanation given is that there is a relatively small multiplier effect concerning spending at sporting events. The money spent at these venues typically goes towards the salaries for players, many of whom only live in the host city

I-282-6 The comment is appreciated. See Consolidated Response 4.14, *Environmental Justice*, and Consolidated Response 4.15, *Urban Decay*, for a discussion of the potential for business closures near the Coliseum should the A's relocate to Howard Terminal. The commenter's observations about economic issues surrounding the development of sports facilities in general do not relate to the adequacy of the Draft EIR as an environmental document and no further response is required.

I-282 John William Templeton

COMMENT

RESPONSE

I-282-7 See Consolidated Response 4.22, *General Non-CEQA*.

I-282-6

during the season. Studies show that wealthy individuals spend a smaller fraction of their income than individuals with less money, and much of the spending by professional athletes occurs in places other than the city in which they earned it. A final reason given by scholars is that stadium subsidies tend to reduce the net spending spawned by construction of a new facility.”

In San Francisco, the location of Candlestick Park supported Black-owned restaurants along Third Street for 30 years. The development of the Giants and Warriors stadia downtown led to the closure of those businesses. Just weeks after the opening of the Chase Center, the oldest Black restaurant in California, Sam Jordan’s Bar, closed.

In an environmental impact analysis of the Chase Center called T’eed Up: Technical Fouls Endanger Environmental Justice, I correctly predicted that the basketball arena would practically cut off Bayview-Hunters Point from bus and light rail service.

As Johnson concluded, Taxpayers usually do not get a positive return on their investment..” This is particularly the case for a replacement stadium for an existing team.

We need only look at the proponent. We have the benefit of 50 years from the time when Charlie Finley moved the team from Kansas City to Oakland. Who would argue that the taxpayers got a return on the investment?

Public officials have the responsibility to act on behalf of the entire region, and also for the benefit of the proponent, who is so ensnared in the social construction of space, one of the underpinnings of racism, as not realize the sweet deal it already has.

Instead of being the junior tenant among three sports franchises, it has a dual complex to redevelop to suit its needs. Fifty years hence, at current trends, it would be thankful that it didn’t spend \$12 billion in construction next to the current waterline.

A proper racial-ethnic analysis of the proposal would require the independent analysis of the underlying assumptions regarding the viability of the current location as opposed to the massive dislocation suggested.

It would also require a compelling analysis of the alternative scenario in the current site. If the proponent wishes to push that under the rug, the public agencies are required by law to consider the less disruptive alternative.

A state facing drought, expanding wildfires, housing shortages, health inequity and declining air quality can not gamble limited resources to build skyscrapers which could wind up empty in a pandemic.

I-282-7

The post-earthquake boom in skyscrapers in San Francisco turned into a mirage one year ago as a forest of tall buildings turned into empty space.

I-282 John William Templeton

COMMENT

RESPONSE

I-282-8

We discussed the racism inherent in the architectural decisions of recent decades in two recent Architecture and the City lectures for the American Institute of Architects-San Francisco.

I-282-9

A replacement stadium with every projected amenity could be built on the current site in a fraction of the time, with no negative impacts to surrounding communities, and ultimately more profit to the proponents.

I-282-10

With the state hosting the Olympics, refurbishing existing facilities offers the opportunity to meet the demands of that event, reducing the demand on resources for the entire state instead of spending \$12 billion for a smaller facility. On May 1 at noon, How to Do Equity, the third of four sessions, describes how creating large-scale Black-owned businesses, is the only way to achieve economic equity in distressed communities. Secretary of State Dr. Shirley Weber and Board of Equalization Chair Malia Cohen headlined the second session. We look forward to sharing our expertise to your deliberations and urge you to not fall prey to the same logic which has sent Oakland in the wrong direction since the time of Carpentier.

In the memory of the Brotherhood of Sleeping Car Porters,

*John William Templeton*

John William Templeton\*

*\*John William Templeton contributed "African-Americans in the West" to the Oxford Encyclopedia of African-American History, Vol. 1, The Age of Frederick Douglass (2006). He is a subject matter expert for the National Underground Railroad Network to Freedom, San Francisco Maritime National Historical Park, Presidio Trust, Alcatraz National Park, Buffalo Soldiers National Heritage Trail and hosts the annual Golden Gate National Recreational Area Martin Luther King Jr. National Holiday observance.*

*In 2015, the State Historical Resources Commission unanimously endorsed his California African-American Freedom Trail. Commissioner Rick Moss, the founding director/curator of the African-American Museum and Library in Oakland, joined him in the scholarly presentation of the trail to the American Historical Association, Pacific Coast Branch in August 2017, unveiling 6,000 sites. Templeton authored Our Roots Run Deep: the Black Experience in California, 1500-1900 Vol. 1 in 1991 following the Rodney King incident, completing four volumes in time for the California sesquicentennial. He received the California Sesquicentennial Commendation and the Library Laureate from the Friends of the San Francisco Public Library*

I-282-8 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-282-9 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

I-282-10 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-282 John William Templeton

COMMENT

RESPONSE



I-283 Michael Carilli

COMMENT

RESPONSE

April 26, 2021

Dear Mayor, City Council and Planning Department,

I am in favor of approval of the EIR and Building the New A's Stadium and surrounding site improvements on Howard Terminal with the following stipulations of approval.

1. The Stadium to meet all safety guidelines to moving the local population and visiting public population safely across the railroad tracks to the waterfront area. The current EIR recommends safety mitigation procedures but only extends from the ballpark to the Broadway access to the waterfront. This needs to extend to the Webster, Franklin, and Oak Street crossings. Paid for by the City of Oakland or the Developer of Howard Terminal.

2. The additional housing, office, entertainment, and retail buildings proposed to the site needs to have limitations, so the designs do not get out of proportion to the Architectural concepts. So that a cascade of buildings enhances the site. This can be achieved by limiting proportional height uses that will achieve these goals.

Low- and mid-rise buildings should be integrated with limitations.

10% of site not to exceed 30 stories or 350 feet in Height

10% of site not to exceed 25 stories or 275 feet in height

20% of site not to exceed 16 stories or 200 feet in height

20% of site not to exceed 12 stories or 150 feet in height

30% of site not to exceed 10 stories or 120 feet in height

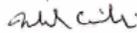
10% of site not to exceed 8 stories or 100 feet in height.

3. Low-income housing should be included on this site not to exceed 7% of residential studios, 1- and 2-Bedroom units on the lower floors and developer's choice of location. Additional 7% of housing to be placed in a fund for off-site low-income development.

4. Approval of Gondola on Washington to be privately funded and operated. The City can contribute but should not run this project so that success can be achieved.

5. The city of Oakland with the additional tax base raised in the Jack London District increase all Police, Fire, Public Safety and Street Cleaning. The Local and Visiting population to this area need to feel safe and protected from all negative aspects that can occur with the increase of public attendance.

Thank you



Michael Carilli

Property Owner Jack London District

I-283-1 See Consolidated Response 4.22, *General Non-CEQA*.

I-283-2 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-283-3 The comment sets forth the commenter's opinions and proposed revisions to the Project that is proposed by the Project sponsor. Comments regarding the merits of suggested components of the Project or in the Project area do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-283-4 The commenter's suggestions are appreciated and do not address the contents or adequacy of the Draft EIR. Comments regarding the merits of suggested components of the Project or in the Project area do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. See Consolidated Response 4.12, *Affordable Housing*.

I-283-5 The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-283-6 As discussed in Section 4.13, *Public Services*, of the Draft EIR, other effects that could result from the Project—such as the potential for an increase in crime, public drinking, outdoor crowd noise, building defacement, public urination, ticket scalping, pan-handling, vandalism, litter, graffiti, and other activities that may result in a diminished quality of life for neighborhood residents—are not considered impacts on public facilities under CEQA unless such effects result in the need for the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services, and the construction of such facilities result in adverse physical environmental impacts. The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the Project.

I-283 Michael Carilli

COMMENT

RESPONSE

To the Mayor, City Council and Planning Department,

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1. The Stadium to meet all safety guidelines to moving the local population and visiting public population safely across the railroad tracks to the waterfront area. The current EIR recommends safety mitigation procedures but only extends from the ballpark to the Broadway access to the waterfront. This needs to extend to the Webster, Franklin and Oak street crossings. Paid for by the City of Oakland or the Developer of Howard Terminal.

2. The additional housing, office, entertainment and retail buildings proposed to the site needs to have limitations so the designs do not get out of proportion to the Architectural concepts. So that a cascade of buildings enhance the site. This can be achieved by limiting proportional height uses that will achieve these goals.

Low and mid rise buildings should be integrated with limitations.

10% of site not to exceed 30 stories or 350 feet in height

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20% of site not to exceed 16 stories or 200 feet in height

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30% of site not to exceed 10 stories or 120 feet in height

10% of site not to exceed 8 stories or 100 feet in height.

3. Low income housing should be included on this site not to exceed 7% of residential studios, 1 and 2 Bedroom units on the lower floors and developers choice of location. Additional 7% of housing to be placed in a fund for off site low income development.

4. Approval of Gondola on Washington to be privately funded and operated the City can contribute but should not run this project so that success can be achieved.

5. The city of Oakland with the additional tax base raised in the Jack London District increase all Police, Fire, Public Safety and Street Cleaning. The Local and Visiting population to the this area need to feel safe and protected from all negative aspects that can occur with the increase of public attendance.

Thank you

Michael Carilli

I-284 Robert Fearman

COMMENT

RESPONSE

I-284-1

Regarding the proposed Howard Terminal A's ballpark (case file number ER18-016), I write as a resident to comment on the proposed railroad safety measures included as transportation mitigation in the draft EIR. It appears that the project would provide pedestrian safety upgrades at 5 at-grade railroad crossings between Market St and Broadway but has neglected to include similar safety measures at the crossings along Embarcadero at Franklin, Webster and Oak Streets. This area has a high density of entertainment venues, restaurants, parking areas and residences that will generate significant game-day increases in pedestrian, bike and scooter travel at these crossing locations. HAVING VISITED RENO, NEVADA, I TRUELY ADMIRE THEIR TRENCHING THE AMTRAK TRACKS THROUGH DOWNTOWN. AT A TIME OF EXTENSIVE BUILDING, THIS WOULD BE THE OPTIMAL LONGTERM SOLUTION. I strongly encourage the City of Oakland to require that the RR crossings at Franklin, Webster and Oak Street benefit from the same safety measures proposed at the adjacent crossings.

I-284-1 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-285 Kathleen Donnell

COMMENT

RESPONSE

I-285-1 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA.

4/27/21

Comments on EIR report for Ballpark

If the proposed A's ballpark at Howard Terminal goes through, I foresee severe air and noise pollution from the inevitable extreme traffic congestion. The project infringes on the very busy Port, and Oakland's downtown area is too small for a project this size. To have 35,000 people swarm the area all at once is a showstopper.

There is almost no parking - 2000 spaces for a 35,000 seat ballpark. Public transportation can never be adequate because there's no room in the Downtown area to build it. So, thousands of cars will be patrolling the streets of Downtown, West Oakland and Lake Merritt areas looking for parking. This will create air pollution from the exhaust, noise, and extreme congestion.

The addition of residential and commercial properties will greatly exacerbate these conditions. This project will negatively impact the quality of life for downtown Oakland and the surrounding area.

Kathleen Donnell  
Lake Merritt Resident

The comment is correct that several impacts were identified that cannot be mitigated to less-than-significant levels related to air quality (see Impacts AIR1, AIR-2, AIR-1.CU, and AIR-2.CU) and noise and vibration (see Impacts NOI-1, NOI-2, NOI-3, NOI-1.CU, and NOI-2.CU). The commenter also expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. While traffic congestion and delay are not subject to CEQA, the City did require for informational purposes a detailed intersection operation analysis of the Project (see Draft EIR Appendix TRA.3). See also Consolidated Response 4.7, *Parking*. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required under CEQA. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-285-1

I-286 Tracy Minicucci

COMMENT

RESPONSE

I-286-1 | This project needs a bike and pedestrian bridge for connectivity and encouraging a sustainable mix of travel modes. Please do not advance this project without that.

I-286-1 This comment expresses a desire for a pedestrian and bicycle overcrossing, which is not part of the proposed Project or required as a mitigation measure for the Project. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-287 Maxwell Davis

COMMENT

RESPONSE

I-287-1

We need a way to get from downtown Oakland to Alameda that feels safe on a bicycle. I live near downtown Oakland and would love to be able to ride my bike to the beach in Alameda but there is no way I'm going in the tunnels on my bike. So instead I always drive which is not sustainable. We need to be able connecting more places by bicycle to solve our climate emergency and this bridge is a perfect addition to the area.

I-287-1

The commenter expresses an opinion about the potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-288 Rev. Kurt Kuhwald

COMMENT

RESPONSE

<p>I-288-1</p>	<p>Public Comment Re: Environmental Impact Report for proposed ballpark at Howard Terminal</p> <p>My name is Rev. Kurt A. Kuhwald. I live in District where we are blessed to have the council leadership of 'Carroll Fife.</p> <p>I'm writing regarding my deep concern about the proposed development at Howard Terminal.</p> <p>I strongly feel that the Mayor and City Administration did a disservice to the City by not granting the public the maximum amount of time possible to study the report.</p> <p>The responsibility of the city is to conduct a rigorous analysis of the likely impacts of the project and make sure those impacts are addressed. This DEIR is not adequate for this massive project on public land.</p> <p>I-288-2 While I have concerns about ... (1) Increased traffic and the threat to pedestrian safety this project would cause; (2) The already poor air quality in West Oakland</p> <p>I-288-3 would be exacerbated by the increased traffic; (3) Toxins in the land where the project will be built that will cause health risks for workers—for which the developers are offering no clean up plan. ... I am most concerned about</p> <p>I-288-4</p> <ul style="list-style-type: none"> <li>● Gentrification and the lack of an affordable housing plan.</li> <li>○ The DEIR says there will be 3,000 residential units, but it doesn't specify how many units will be affordable, or if any of the 3,000 units will be affordable.</li> <li>○ The DEIR says that the developer may build affordable housing at the Howard Terminal site, or it may build affordable housing at some other unspecified location, or it may not build affordable housing at all, and instead pay impact fees to the city. THIS IS UNACCEPTABLE.</li> <li>○ The DEIR does not analyze the impacts of displacement nor of the gentrification that this project will inflict on our City.</li> </ul> <p>The city needs to re-do this analysis and then recirculate the report.</p> <p>I-288-5</p> <p>Our neighborhoods and our City deserve better. No project without strong health and safety protections should be allowed for West Oakland, nor for our City at large.</p> <p>I-288-6</p> <p>Respectfully submitted, Rev. Kurt A. Kuhwald Faith Alliance for a Moral Economy Environmental Justice 4 Black Oakland</p>	<p>I-288-1</p> <p>I-288-2</p> <p>I-288-3</p> <p>I-288-4</p>	<p>This comment is acknowledged. As the designated lead agency under the California Environmental Quality Act (CEQA), the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR was circulated for public review for 45 days, from February 26 to April 12, 2021. During the public review period, the City conducted an informational workshop to inform the public of the key analyses and conclusions of the Draft EIR and two public hearings on the Project. Notice of the public review period, workshop, and public hearings was sent to responsible agencies and all other parties who had previously expressed interest in the Project, and provided on the City's website. In response to comments, the deadline for receipt of public comment on the Draft EIR was extended to April 27. See Consolidated Response 4.19, <i>Comment Period Extension</i>.</p> <p>See Response to Comment I-275-2.</p> <p>See Responses to Comments A-7-51, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.</p> <p>As discussed in the Draft EIR in Section 4.8.2, <i>Regulatory Setting</i>, under <i>Land Use Covenants</i>, and explained further in Consolidated Response 4.16, <i>Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment</i>, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, <i>Hazards and</i></p>
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I-288 Rev. Kurt Kuhwald

COMMENT

RESPONSE

*Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting*, under *Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA), has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

- I-288-5 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.
- I-288-6 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

I-289 Linda Romine

COMMENT

RESPONSE

I-289-1 Hello my husband Ric and I own the single commercial space in the Phoenix Lofts building at 737 2nd St. The proposed ballpark is both a good and a difficult thing for us. We have the only commercial unit in the building. We have a tenant that's been happy in the location for three and a half years we're concerned about the effect that construction will have on our tenants, their ability to do work there and our ability to maintain a rental income stream. The unit is located on the first floor (limited to only commercial) in the rear of the building The tenants rely solely on the windows for ventilation. We are concerned about the noise and potential toxicity of what's being unearthed on that site -- whether we can maintain our tenants' happiness with the building and our income stream. We hope that this is something that's within your parameters to address because we are generally supportive of your development but do worry about the personal and business impact for us as well as tenants which are a locally based design firm from Oakland that want to stay in Oakland and are happy with the unit where they are and we're happy with them.

I-289-2 Thank you,

~Linda Romine & Ric Gagliardi  
737 2nd St unit 101  
Oakland, CA 94607

I-289-1 Construction-related noise impacts are discussed on pp. 4.11-28 through 4.11-42 of the Draft EIR.

Mitigation measures to address construction-related noise impacts of the proposed Project are identified on pp. 4.11-38 through 4.11-42 of the Draft EIR. These measures include:

Mitigation Measure NOI-1a (Construction Days/Hours)

Mitigation Measure NOI-1b (Construction Noise Reduction),

Mitigation Measure NOI-1c (Project-Specific Construction Noise Measures),

Mitigation Measure NOI-1d (Construction Noise Complaints), and

Mitigation Measure NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors.

Construction noise impacts are identified in the Draft EIR as significant and unavoidable with these identified mitigation measures.

I-289-2 This comment is about offsite tenant happiness and income, and does not provide specific comments on the adequacy of the Draft EIR. With regard to the one general comment on toxicity, as discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting, Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the

I-289 Linda Romine

COMMENT

RESPONSE

existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the City of Oakland building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting*, under *Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA), has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

I-290 Amanda Walloga

COMMENT

RESPONSE

I-290-1

Hello. I want to see this proposed pedestrian and bike bridge from Alameda to Jack London Square added to this design! Increased pedestrian mobility and accessibility to the new arena would not only benefit the environment, but also the community and its local businesses.

I-290-1

The commenter expresses an opinion about the desire for and potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-291 James L

COMMENT

RESPONSE

I write in strong support of the Oakland A's proposed ballpark at Howard Terminal, and strong support in favor of a summer Council vote. The EIR is thorough and comprehensive, and highlights specific, realistic, and tangible benefits for the environmental, transportation, and housing future of Oakland.

As a West Oakland resident, I strongly support the conclusions in the EIR. The EIR highlights environmental benefits for the nearby JLS and West Oakland neighborhoods. Those neighborhoods have historically suffered from wealth and racial disparities leading to disproportionately negative environmental and health outcomes for our neighbors.

The EIR highlights the creation of a public waterfront access and open space area in an industrial site that is no longer used as a port. It improves Oakland's resilience against sea-level rise, and transforms the site into a sustainable community.

The Athletics have pledged this project to be a \$1B privately funded ballpark, and projected \$1.4B in tax-increment revenues. This development includes:

- I-291-1
- (i) the Athletics investing in alternative transportation that reduces vehicle emissions and encourages pedestrian and bicycle transit;
  - (ii) the Athletics implementing measures to improve air quality in JLS and West Oakland, and achieves net zero greenhouse gas emissions;
  - (iii) the Athletics constructing 3,000 units of affordable housing in a "priority Development Area" in furtherance of the Plan Bay Area 2040 vision for long-term growth in the City of Oakland;
  - (iv) solidify the Athletics' long-term presence in the City of Oakland.

The EIR reflects a thorough and comprehensive review of the environmental considerations in the Oakland A's proposed ballpark. It concludes with specific, tangible, and realistic benefits for the City of Oakland. I write in strong support of the Oakland Athletics' proposed ballpark development at Howard Terminal. It is a well-thought-out and sensible development proposal that furthers Oakland's commitment to wealth and racial equality.

I urge the Council for a vote this summer.

Thank you very much for your consideration.

I-291-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-292 Rebecca Holder

COMMENT

RESPONSE

I-292-1 As an Alameda resident with family in Oakland, I am very concerned about negative impacts the Oakland Waterfront Ballpark District Project will have on the Port of Oakland, jobs of workers, safety of residents, the environment and traffic, and the economy of northern California. I urge that a more extensive Environmental Impact Report be conducted.

Environmental & Traffic Concerns:

I-292-2 1. A drastic uptick in the number of trucks forced back into West Oakland neighborhoods, according to the DEIR, as a result of elimination of Howard Terminal as a working port terminal. These marginalized neighborhoods already have high rates of health problems, including asthma, due to pollution from the port. It took decades to lower the number of trucks coming in and out of West Oakland neighborhoods; this victory will be reversed and the health and safety of residents will be imperiled by trucks pouring into the area. West Oakland should not be sacrificed for the benefit of others.

I-292-3 2. Increased traffic in the proposed project area combined with lack of parking spaces.

I-292-3 3. On game days, backup in the Webster Tube going into Alameda and the Posey Tube going into Oakland plus traffic congestion that will occur in downtown Oakland, West Alameda and North Alameda as vehicles cross the island to find another bridge to go into Oakland.

I-292-4 4. The environmental impact on water, air and subsequently West Oakland neighborhoods if the concrete cap over toxic substances, now in place at Howard Terminal, is disturbed.

Safety Concerns:

I-292-5 It is my belief that the proposed stadium/housing complex cannot coexist safely with a heavy industry port. The existing buffer zone between Port of Oakland and Jack London Square will be eliminated by this stadium project, with residential units to be build closest to port operations. A buffer zone is necessary per the Downtown Oakland Specific Plan.

Economic concerns:

I-292-6 Oakland's Port is the 2nd busiest on the West Coast, second only to LA/Long Beach, moving 99% of the containerized goods in northern California. It makes no sense to threaten a major economic machine that has an overall economic value of \$130 billion, pays \$698 million in state and local taxes, breaks cargo volume records, and provides over 84,000 good-paying jobs to a diversity of people. In 2021, the largest-ever container cranes on the West Coast were installed at the Port to handle larger ships and provide opportunity for more jobs. Howard Terminal is an integral part of the Port's operations, not a "vacant" or "surplus" area. Jobs for Longshoremen and truckers will be lost and an economic mainstay of the Bay Area will be threatened if the stadium project is built.

I-292-7 This is particularly galling given that the existing East Oakland stadium could be a perfectly viable mixed-use sports/residential/commercial complex at a lower cost and without the potentially disastrous economic and environmental effects the Howard Terminal Project has.

Again, I urge the City of Oakland to conduct a more thorough and in-depth Environmental Impact Report on the proposed Oakland Waterfront Ballpark District Project.

I-292-1 This is a general comment and does not identify specific issues other than general assertions of inadequacy. As a result, no specific response is required. The Draft EIR meets all requirements of CEQA, including detailed analyses of potential direct, indirect, and cumulative impacts on the environment supported by a long list of references and exercise of appropriate methodologies and professional judgement, and provides enforceable mitigation measures for the significant impacts identified (Draft EIR Chapter 4). See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

I-292-2 See Consolidated Response 4.5, *Truck Relocation*.

I-292-3 The commenter expresses an opinion that the City should pay greater attention to increased congestion on regional transportation corridors (Impact TRANS-6 and TRANS-6CU) but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

I-292-4 As discussed in the Draft EIR in Section 4.8.2, *Regulatory Setting, Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated and require approval by DTSC before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the requirements of the existing LUCs and the mitigation measures discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2, would provide further description of the remediation steps, which would include maintaining a cap over the Project site.

I-292 Rebecca Holder

COMMENT

RESPONSE

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures provided in the Draft EIR are actions that would be enforced by the City of Oakland building official. Grading, building, or construction permits, and certificate of occupancy or similar operating permit for new buildings and uses will not be issued until the DTSC and the City of Oakland building official have approved of the various actions required by the mitigation measures.

As discussed in the Draft EIR, Section 4.8.1, *Environmental Setting*, under *Human Health and Ecological Risk Assessment*, a Human Health and Ecological Risk Assessment (HHERA), has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. Further explanation of the HHERA is provided in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

- I-292-5 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. Additionally, Mitigation Measure LUP-1c, Land Use Siting and Buffers, would impose siting limitations to physically separate sensitive land uses and strategies to buffer sensitive Project uses from nearby Port, rail, and industrial operations. Prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from the UPRR railyard to the northwest of the Project site. Buffering strategies included in Mitigation Measure LUP-1c that would promote air flow and pollutant dispersion, combined with Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU would reduce air quality impacts to sensitive receptors on-site. Therefore, as discussed in the Draft EIR, with the implementation these mitigation measures, the Project would not result in a fundamental conflict with nearby or adjacent land uses due to air quality (Draft EIR p. 4.10-49).
- I-292-6 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
- I-292-7 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*. See also individual responses regarding the commenter's criticisms of the Draft EIR.

I-293 Tracy Truong

COMMENT

RESPONSE

I-293-1 | Born and raised in Oakland and the A's have been a huge part of my life. As a new parent I would love for the A's to stay in Oakland and have them be a part of my baby's life.

I-293-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-294 Ryan Wassum

COMMENT

RESPONSE

I-294-1 The proposal is an excellent project that will do much good for the city of Oakland. Of course with any project however there are negative impacts, but the great things this project will do for Jack London Square, downtown and West Oakland, and other surrounding communities clearly outweigh any downsides this project may have. With that said, I think the circulation element should be looked at a little more closely with a lens from pedestrians and bicyclists. I still feel connections could be better improved and enhanced, and a bike/ped. bridge connecting the area to Alameda would be a huge benefit for those visiting the stadium area or commuting to downtown and beyond. I have no doubt some of the project kinks may be worked out over the next few months and hope this project is approved by the City Council and construction commences by 2022.

I-294-2

I-294-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-294-2 The commenter expresses an opinion about the desire for and potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. See Response to Comment A-10-4 for a summary of the mitigation measures that prioritize non-automobile travel either through programs to reduce automobile trips or infrastructure improvements that prioritize transit, walking, and bicycling.

The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-295 Ty Clark

COMMENT

RESPONSE

I-295-1 | We need a new A's stadium!

I-295-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-296 Jonathan Bair

COMMENT

RESPONSE

Mr. Vollman:

I-296-1 As a resident and taxpayer in Oakland, I am very concerned that the draft environmental impact report for the Howard Terminal Ballpark does not thoroughly outline all of the mitigations that will be undertaken to reduce the impacts of the project, and does not clearly lay out the costs incurred by the project and public in making the project happen. CEQA requires that these mitigations be identified in the

I-296-2 Environmental Impact Report, and to guide a decision by the lead agency, the costs should be transparent and the total cost clearly stated. For example, the gondola is

I-296-3 cited in the DEIR but it requires additional permitting and it's unclear if it is included in the project description. Gondolas and similar projects such as the Oakland Airport Connector have a recent history of cost overruns and ridership disappointments.

The Oakland Athletics have pledged a \$450 million community benefit package, identified \$1.4 billion in infrastructure financing from two districts, estimate \$760 million in general fund taxes, and value the overall project at \$12 billion, so it is clearly feasible to mitigate the significant impacts that this project will create. In addition, the A's on April 23 released additional details about the plan, including a

I-296-4 request for local public financing for elements of the plan. The DEIR does not necessarily reflect these details. Whether publicly or privately funded, all details of the project, including all aspects of the project and all mitigations, must be transparently and completely disclosed. For these reasons, the DEIR is inadequate and must be revised and recirculated.

Sincerely,

Jonathan Bair  
Downtown Oakland resident

I-296-1 This is a general comment and does not identify specific issues other than general assertions of inadequacy, and, thus, no response is required. Throughout Chapter 4 the Draft EIR evaluates over 80 project-specific impacts as well as cumulative impacts and identifies over 70 mitigation measures to avoid or reduce the severity or magnitude of significant impacts (also see Chapter 2, *Summary*). CEQA does not require the financial details of a proposed Project to be addressed in the EIR, only that the party(ies) responsible for implementation of all mitigation measures identified to address significant environmental impacts be detailed in an MMRP (which will also detail the timing and responsibility party(ies) for monitoring and compliance) (CEQA Guidelines Section 15097).

I-296-2 See Consolidated Response 4.22, *General Non-CEQA*, regarding financial impacts and concerns.

I-296-3 The Draft EIR analyzes two variants to the proposed Project, including an Aerial Gondola Variant. This variant is a potential project feature that may or may not be included by the Project sponsor as part of the proposed Project because the implementation is beyond the control of the Project sponsor at this time. The variants are not mutually exclusive; the Project could include one, the other, both or neither of them (Draft EIR p. 3-63).

I-296-4 See Consolidated Response 4.22, *General Non-CEQA*, and Consolidated Response 4.3, *Recirculation of the Draft EIR*.

I-297 Scot Conner

COMMENT

RESPONSE

I strongly support this project as is. This project will add 3,000 homes to a region that needs to compensate for decades under-building of housing. It will also provide billions in public benefits and will clean up and revitalize an area that is currently environmentally damaged. This project will create thousands of construction jobs and thousands of jobs in Oakland that will create a stronger payroll tax base for the City. This stronger tax base will enable Oakland to spend more money on public goods such as affordable housing, homelessness, transit, and public spaces. The project also creates a massive public park that will be accessible to all Oaklanders around the perimeter of the stadium.

I-297-1

This project is close to 2 BART stations (West Oakland and 12th St Bart as well as ferries in Jack London) and will help the Bay Area move away from the car dependent lifestyle that threatens to scuttle California's climate change mitigation goals. Creating a built environment where homes, jobs and entertainment are near transit is key to reducing our greenhouse gas emissions and solving climate change. In fact, UC Berkeley's Cool Climate Network demonstrates that urban infill (adding more dense homes and jobs in cities near transit) is the most effective way for Bay Area cities like Oakland to reduce its carbon footprint. The overall environmental impact of this project is positive and good for the planet.

Please certify this EIR and approve this project ASAP so we can get shovels on the ground and start building a project that will bring so much vitality and fun to Oakland.

I ask that the Oakland City Council certify the EIR and approve this project quickly.

I-297-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-298 Agustin Arias

COMMENT

RESPONSE

I am writing to encourage the Mayor and the City Council of Oakland to reject the proposed plan to build a ballpark at the Howard Terminal. I would agree, as a baseball fan and a resident of Oakland, that the A's need a new facility. However, I would respectfully point out that the perfect location for a new ballpark already exists: in East Oakland at the existing Coliseum site.

Oakland should take pride in its working port that is home many high paying blue collar jobs. The proposed Howard Terminal site clearly imperils those jobs. In addition, the proposed site is not served by public transportation, an issue not adequately addressed by the A's in their proposal.

East Oakland is historically underserved. There is no better way to uplift this area (and provide easily accessible jobs for local residents) than by making it the site of a new, state-of-the-art stadium that is able not only to host baseball games but other revenue generating events as well.

Agustín Arias  
Oakland Homeowner

I-298-1 This comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*; and Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-298-1

I-299 Heather Nelson

COMMENT

RESPONSE

I am writing in opposition to the proposed waterfront ballpark complemultiuse project.

I have been an Oakland homeowner for over 25 years. The Howard terminal complex is not a suitable sight for the proposed project. The Port of Oakland in its current use is an economic driver for Northern California. The environmental review is very incomplete. I attended the Zoom 4/20 planning commision meeting on the waterfront. It was almost shocking as a tax payer to listen to all that was not addressed. If this report is recommended by the commision and the project passed by the Council,it will clearly reveal that MONEY SPEAKS louder than the citizens long term needs and the needs of the planet. Oakland has a large Coliseum Complex that be brought up to 2str century standards

I-299-1

I-299-1 This comment primarily concerns the merits of the proposed Project and does not identify specific issues other than general assertions of inadequacy. No further response is required under CEQA.

The Planning Commission held a public hearing on the Draft EIR to obtain comments on the environmental analysis for the proposed Project online via Zoom on April 21, 2021. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*; and Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*. The comment will be forwarded to the decision-makers for their consideration during deliberations on the proposed Project.

I-300 Frank Boyd

COMMENT

RESPONSE

I-300-1

I am writing in opposition to the waterfront ballpark. Keep the A's in East Oakland .  
Keep the Waterfront for shipping. Oakland is not San Francisco or San Diego.  
Oakland has an industrial waterfront full of maritime shipping and train terminals.  
These will not be good neighbors for the sports complex proposed

I-300-1

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

I-301 Melody Davis

COMMENT

RESPONSE

I-301-1 Why is no federal regulations related to recreational resources?  
Why does the City of Oakland does not have a park and dedication requirement pursuant to the Quimby Act ?  
Is " CITIZEN WISHES" to just do What they want in a los provished part of OAKLAND like build MILLIONS DOLLAR HOMES?  
SOUTH PRESCOTT PARK. has a large lawns or a dog park?

I-301-1 The commenter has two questions pertaining to portions of the regulatory setting described in Section 4.14, *Recreation*, of the Draft EIR. Federal regulations pertaining to recreational resources generally apply to federal lands. Since the Project site is owned by the City and Port of Oakland and Dynegy, LLC, there are no applicable federal regulations related to recreational resources. As discussed in the Draft EIR, the City of Oakland does not have a parkland dedication requirement pursuant to the Quimby Act (Draft EIR p. 4.14-8). Although it is an action to adopt the Quimby Act as part of the OSCAR Element of the City's General Plan, the City of Oakland instead chose to charge a Capital Improvements Impact Fee, of which funds may be used towards park improvements among other City facilities.<sup>17</sup> The commenter also asks for clarification on the description of South Prescott Park in the *Environmental Setting* section of Section 4.14. As described in the Draft EIR, South Prescott Park contains large lawns (Draft EIR p. 4.14-2). As the commenter points out, South Prescott Park is also designated as a park where dogs are allowed off-leash.<sup>18</sup> The text of the Draft EIR is revised on p. 4.14-2 to reflect this addition as follows (new text is underlined):

- South Prescott Park, located approximately 0.50 miles northwest of the Project site (3rd Street/Chester Avenue), is an approximately 4.6-acre neighborhood park that contains a playground and large lawns. Dogs are also allowed off-leash in South Prescott Park.

The remainder of the comment does not concern the adequacy or accuracy of the EIR, although the City may consider these comments in its decisions on the merits of the Project. No further response is required under CEQA.

<sup>17</sup> City of Oakland, 2019. Downtown Oakland Specific Plan Draft Environmental Impact Report, August 2019.

<sup>18</sup> City of Oakland, 2021. Dog Friendly Parks. Available at: <https://www.oaklandca.gov/resources/dog-friendly-parks>.

I-302 Florida Reynolds

COMMENT

RESPONSE

I-302-1 Lowell Park do they have night lights?  
Do Defremey Park have a baal field  
Is Raimodi Park is iy located at 1429 Seminary Ave?  
I-302-2 Will the kayak, canoe or small boat be in the Estuary while games be played?  
Will they be considered in the way of vessels/ships coming in?

I-302-1 The commenter asks for clarification on information about Oakland parks provided in the Environmental Setting of Section 4.14, *Recreation*, of the Draft EIR. The commenter points out an inconsistency in the description of lighting at Lowell Park. Lowell Park contains general park lighting with overhead shielding around the outer border of the park, and also contains lighting for the basketball courts. The Draft EIR on p. 4.14-2 has been corrected consistent with the above (new text is underlined; deleted text is shown in ~~strikethrough~~):

- Lowell Park, located 0.66 miles north of the Project site (1180 14th Street), is an 8.37-acre neighborhood park that includes ball fields ~~with lights~~, a junior soccer field, basketball courts with lights, and a playground. The athletic fields are used for soccer and baseball year-round, typically 6 days per week by youth leagues. Additionally, there is an annual African American Festival located at Lowell Park with approximately 20 vendors serving over 1,500 West Oakland community members.

DeFremery Park contains a ball field located at the northeast corner of Poplar and 16th Streets, as described on p. 4.14-4 of the Draft EIR and no change to the text in the Draft EIR is needed. The commenter also points out an error in the street address for Raimondi Park listed in the Draft EIR. Raimondi Park is located at 1800 Wood Street, not 1429 Seminary Avenue. The Draft EIR on p. 4.14-4 has been corrected consistent with the above (new text is underlined; deleted text is shown in ~~strikethrough~~):

- Raimondi Park, located approximately 1.15 miles northwest of the Project site ( ~~1429 Seminary Avenue~~ 1800 Wood Street ) is a 10.02-acre athletic field facility with a baseball diamond, a turf multisport field with bleachers, a playground, lawns, and a putting green. Raimondi Park contains West Oakland’s major athletic fields.

This editorial change does not alter the analysis or conclusions of the EIR.

I-302-2 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

The Project does not propose facilities for recreational watercraft or direct water access. As discussed in the EIR (see p. 4.10-36), there are multiple recreational boat marinas and facilities to located along the Estuary a short

I-302 Florida Reynolds

## COMMENT

## RESPONSE

distance from the Project site from which sailboats, motorboats, kayaks, and similar watercraft can be launched. However, the Project site is adjacent to the Inner Harbor Channel and the Inner Harbor Turning Basin, both used regularly by ships serving the Seaport, and any vessel traveling within the Inner Harbor is subject to the U.S. Coast Guard's Inland Navigation Rules and Regulations. Within the Estuary, anchoring is prohibited outside of designated anchorages except when required for safety. Mitigation Measure LUP-1a (see p. 4.10-38-39) would require the Project sponsor to place signs along the wharf informing those in the water that anchoring of recreational boats adjacent to the Project site is prohibited, and would provide for regular enforcement by the U.S. Coast Guard and/or Oakland Police Department, which is authorized to enforce boating rules by the U.S. Coast Guard.

I-303 Deepak Jagannath

COMMENT

RESPONSE

Hello,

As a D3 resident, I would strongly urge the city council approves the draft EIR for the new A's stadium at the Howard Terminal location.

It will clean up toxic materials, improve waterfront access for Oakland residents, and increase public park space. It will also tie in investment into the waterfront, Jack London Square, downtown, and Brooklyn Basin, giving Oakland the much needed investment boost it needs to link all of these areas increasing economic activity. We can then use that money to help with major issues affecting Oakland such as homeless, affordable housing, and education.

The A's draft projects a 955 million net increase to Oakland's general fund from revenues of the two tax increment financing districts, one at Howard Terminal, and the other at Jack London Square. The A's plan to use 665 million of the revenues at Howard Terminal for onsite/offsite infrastructure improvements and affordable housing of up to 3000 units.

I-303-1

We can see examples of privately financed ballparks that have had big impacts on cities such as Baltimore, San Francisco, and San Diego. Seattle built their stadium near their busy port and they were able to do it without a loss of jobs.

It's important we start building our cities smarter and more accessible by transit, cycling, and walking and don't worry about cars in our city center. Without the density, it will be hard to improve transit. We have an impending crisis as far as the environment, where sea levels are projected to rise which could spill the contaminated soil around West Oakland. With this project we can get ahead of the environmental issues and do it with mostly private investment.

Again I believe this is the right project for Oakland at the most sensible location. Lets approve this draft EIR.

Thanks.

Deepak Jagannath  
D3 West Oakland resident

I-303-1 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I-304 Saied Karamooz

COMMENT

RESPONSE

27 April 2021

Mr. Peterson Vollmann, Planner IV  
City of Oakland  
Planning & Building Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Re: Draft Environment Impact Report for the Waterfront Ballpark District at Howard Terminal, Oakland. (Project # ER18016).**

Dear Mr. Vollmann,

By way of this Public Comment, we, Vida and Saied Karamooz, express our strong support for the new A's stadium at Howard Terminal ("the Project") and its potential as a major economic boost to Oakland. However, achieving the full potential of this endeavor requires a bold and transformative vision. As such, we find the "Transportation Hub" aspect of the Project to lack the right vision and, therefore, somewhat underwhelming to put it politely. As is, the so-called Transportation Hub as proposed in the Draft EIR is nothing more than a glorified bike shop and an expanded AC Transit bus stop. To create a true Transportation Hub, the Amtrak train station and Greyhound bus station must be relocated to the Project to greet visitors with an unmatched experience anywhere in the state or the country for that matter. This facility must also offer such common services as car rental agencies for travelers and residents alike. A good model to emulate would be Union Station in Washington DC that is truly a destination on its own with many amenities and dining and entertainment options. And finally, the complex must be connected to the city of Alameda with a pedestrian walkway to welcome the nearly 100,000 residents of the island.

Of course relocating the Amtrak Station from its current location would result in the added benefit of reducing quite a bit of train traffic through the Jack London District as a number of Amtrak trains (some Capitol Corridor and all San Joaquin scheduled trains) either terminate at the Oakland Station (currently in Jack London) or are deadheads (up to 32, Source: DEIR, 4.15-17) into the railyard for service or maintenance. This reduction of train traffic does not only decrease disruptions to nearby businesses, but also eliminates the corresponding collision risks in this heavily populated and highly popular area south of the Project.

We pray that the City of Oakland and the A's revisit the Transportation Hub at the Project and enhance it to become an actual Transportation Hub, not just a hollow façade.

Sincerely,

Vida and Saied Karamooz

I-304-1

I-304-2

I-304-3

I-304-1 This comment expresses a desire for a transportation experience like Union Station in Washington, D.C., but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

Draft EIR p. 4.15-148 states, "providing a new rail station for Amtrak at the Project site was considered and discarded. The existing Amtrak station is within walking distance, about six to seven blocks away from the site, and Amtrak has a limited number of trains per day operating on fixed schedules that can use the UPRR tracks. Schedule changes to accommodate special events at the ballpark would interfere with freight operations and would therefore not be consistently available. This feature was discarded due to the limited effectiveness of the new station compared to its complexity and cost."

I-304-2 The commenter expresses an opinion about the desire for and potential benefits of a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project.

The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-304-3 This comment expresses an opinion about the proposed Project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-305 Jesse Adams

## COMMENT

## RESPONSE

I-305-1 | Can we please build a pedestrian bridge from the West End of Alameda to Jack  
London Square?

I-305-1 The commenter expresses an opinion about the desire for a bicycle and pedestrian bridge connecting Oakland and Alameda, which is not part of the proposed Project or required as a mitigation measure for the Project. The opinion does not specifically raise an issue regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, that would require a response under CEQA.

The commenter's opinions are noted for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR.

I-306 Kevin Mulvey

COMMENT

RESPONSE

I am concerned that the proposed health-improving tree buffer is inadequate at addressing air quality in and around the entire proposed development from the health-damaging impacts of Schnitzer Steel's operations. I therefore request significant additional analysis following permit submission and during permit review by qualified consultants.

For example Figure 3-19 does not depict what was described in the narrative, as the trees indicated appear to be inadequate to serve their intended purpose. According to current research the type of planting indicated in Figure 3-19 is inadequate for the purposes intended, as noted in research done by The Nature Conservancy. See in particular their 2016 paper titled "Planting Healthy Air" for further guidance. The proposed tree buffer should include at a minimum information pertaining to species selection, wildlife habitat, water sourcing, pruning, maintenance, carbon absorption, fire resistance, flood control, ect. Please provide further details and clarification.

The proceeding observations are even more strongly expressed with regard to Figure 3-19 MERS, the Maritime Reservation Scenario, which includes virtually no tree buffer whatsoever, and would thus expose all residents, ballpark and other patrons directly to the serious health damaging impacts of the Schnitzer Steel operation.

Additionally, and importantly, I would strongly urge an appropriately qualified community voice be established to be included as a central participant in all tree selection review and decision processes, both during the further planning of the project, and on an ongoing basis during the life of the project. There are several excellent volunteer tree planting groups in and around Oakland from which such community expertise could be easily drawn. I would also note the significant prospects for youth employment and arboreal career training as part of this huge, city-changing project.

After all, we live in OAKLAND, and the As are fond of proudly advertising that they are ROOTED IN OAKLAND. So trees, with all their health and aesthetic and climate benefits should be a central focus of this project, both now and throughout its life span.

Submitted respectfully.

Kevin CW Mulvey

I-306-1 Pursuant to Mitigation Measure LUP-1c, City planning staff would review and approve the Project sponsor's plans and specifications for vegetated buffers, together with their proposed timing and phasing strategies prior to issuance of any construction-related permit. City staff would ensure the buffering strategies to be used on the Project site incorporate guidance contained in Californian Air Resources Board's (CARB's) *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (2017)<sup>19</sup> and the U.S. Environmental Protection Agency's (U.S. EPA's) *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality* (2016)<sup>20</sup> as required by the mitigation measure, and would enlist peer review services from a qualified consultant as needed and according to standard City practice.

See Response to Comment O-45-6 to a similar comment regarding the conceptual landscaping plans shown in Figures 3-19 and 3-19.MRS. The comments regarding community involvement, volunteer opportunities, and career training are noted.

The remainder of the comment primarily concerns the merits of the proposed Project and does not address the adequacy or accuracy of the Draft EIR. No further response is required under CEQA. These comments will be forwarded to the decision makers, including the City Council, for consideration in their deliberations concerning approval of the proposed Project.

<sup>19</sup> CARB, 2017. *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*, April 2017.

<sup>20</sup> U.S. EPA, 2016. *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality*, July 2016.

I-307 Andrew Peters

COMMENT

RESPONSE

The text within the cover letter here is repeated in the introductory remarks in the attachment for submission I-334. As a result, no specific response is provided here. See to Responses to Comments I-334-2 through I-334-6 for responses to specific comments raised.

Via E-mail Only: PVollman@oaklandca.gov Peterson Vollman, Planner IV City of Oakland Planning and Building Department 250 Frank H. Ogawa Plaza Oakland, CA 94612

Re: DEIR Comments - Oakland Waterfront Ballpark District City of Oakland Case File No. ER 18-016 Dear Mr. Vollman: I am writing to supplement and reiterate the comments submitted by the Phoenix Lofts HOA through Daniel Muller of GagenMcCoy (our legal representative for the Home Owners Association). By way of background, my wife and I live in the Phoenix lofts (unit 406) with our dog Gerald, and fell in love with the building due to the unique architecture, sense of community in our area of West Oakland, the incredible views of the Port of Oakland and the surrounding Bay, as well as the roof deck where we have built out a substantial vegetable garden taking advantage of the Oakland and East Bay sun. I will note that while I am generally supportive of the idea for the new ballpark and count myself as a lifelong Oakland A's fan, due to substantial problems with the proposal and mitigation efforts (as-written) I share the grave concerns about the severe, negative impacts to my building and the surrounding community. Before I outline and detail the specific issues I have identified, I'll share this short anecdote that succinctly summarizes some of my concerns. During the process of working through the DEIR, I had reached out to other community organizations to hear additional perspectives. When I explained who I was and why I was reaching out, their response was "yours is the building where people may have to relocate due to noise. Is that correct?" As you can imagine, with the broader Oakland community understanding that my small building will bear much of the acute brunt of the construction and build-out of the project, given the extent and breadth of the issues and severely lacking mitigation efforts I cannot support the Waterfront Ballpark project moving forward unless specific changes and improved mitigation efforts are made. My wife and I are concerned about the several-years of constant, disturbing, and disruptive construction outlined in the DEIR (not to mention short and long-term health concerns), as well as the permanent impact to the building and surrounding community from the traffic and sun-blocking nature of the final build-out. While we agree that a Waterfront Project would help the city and a shared sense of pride in the A's, the project and mitigation efforts as-written are fundamentally incompatible with surrounding residents, uses, governing plans, and legal requirements. In particular, it will make living and working at Phoenix Lofts intolerable (which is acknowledged in the DEIR itself). To that end I submit the following and attached comments (prepared with the help of M Henderson, an civil and environmental consultant) intended to briefly summarize the substantial deficiencies of the proposed projects DEIR as part of the CEQA process. As such, my wife and I respectfully request that (1) these DEIR and related comments, including all incorporated attachments and cited sources, be included as part of the City's Record of Proceedings, or Administrative Record, for its consideration of the proposed Project; (2) the City not consider, certify, or approve the DEIR or the Project unless and until both are substantially revised to correct their many legal defects, and such revised Project and DEIR are recirculated for further, required public review and comment; and (3) if the City somehow opts to certify/approve the ultimate Final Environmental Impact Report ("FEIR") and Project over our and all the other concerned commenters' legitimate objections, then this letter be deemed, pursuant to Pub. Res. Code § 21168.6.7(f)(5)(A), as our written request for non-binding mediation, and per subdivision (B) we hereby request that all of the areas of dispute noted or raised herein are to be mediated. The following sections (which will be sent across several emails) briefly summarize the ways in which the DEIR acutely impacts the Phoenix Lofts as well as fails to comply with CEQA, and how the proposed Project is fundamentally incompatible with and thus violates other state and local governing laws, as noted in greater detail along with additional comments/questions in attachments (to be sent over several emails) and supporting information.

I-307 Andrew Peters

COMMENT

RESPONSE

Thank you for your consideration Andrew Peters Phoenix Lofts 737 2nd St #406 Oakland CA 94607  
andrew.ross.peters@gmail.com 707.338.5047

I-307 Andrew Peters

COMMENT

COMMENT

**CHAPTER 2**  
**Summary**

**2.1 Project Summary**

The City of Oakland (City) has prepared this Draft Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project (referred to in this EIR as “Project”) pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.). This Draft EIR is being prepared under Assembly Bill (AB) 734, enacted in 2018 and codified in the CEQA statutes at Public Resources Code Section 21168.6.7. 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, provided that the Project complies with certain conditions and is certified by the Governor.

The Project site includes approximately 55 acres that compose the Charles P. Howard Terminal (Howard Terminal) and certain adjacent properties located at the Port of Oakland (Port) along the Inner Harbor of the Oakland-Alameda Estuary. Howard Terminal is owned by the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners (Port of Oakland). The adjacent properties that the Athletics Investment Group, LLC (Project sponsor) seeks to secure are currently owned by Dynegy Oakland, LLC, a Delaware limited liability company.

The proposed Project would construct all of the following:

- A new open-air waterfront multi-purpose Major League Baseball ballpark with a capacity of up to 35,000 persons;
- Mixed-use development including up to 3,000 residential units, up to 1.5 million square feet of office (which could include a range of commercial uses, such as general administrative and professional office, and life sciences/research), and up to approximately 270,000 square feet of retail uses;
- An approximately 50,000 square-foot indoor performance venue with capacity of up to 3,500 individuals;
- Up to approximately 280,000 square feet of hotel space including up to 400 rooms in one or more buildings and supportive conference facilities;
- A network of approximately 18.3 acres of privately owned, publicly accessible open spaces; and
- Approximately 8,900 total parking spaces at full Buildout.

2. Summary

The ballpark and the performance venue would share approximately 2,000 parking spaces, and the remaining 6,900 parking spaces would serve the site’s residential and commercial uses.

The proposed Project would demolish all existing buildings and structures on the Howard Terminal site except the four existing shipping container cranes, which may be retained,<sup>1</sup> to complete the multiple-phase Project development. Existing structures on other parcels within the Project site would also be removed, with the exception of the Peaker Power Plant and the existing Oakland Fire Station 2 at Clay and Water Streets.<sup>2</sup>

The ballpark would be located in the eastern portion of the site, and would be surrounded by pedestrianized streets (intended primarily for pedestrians, with vehicular access limited to emergency, service, delivery, and maintenance vehicles) that would connect to new public open space areas around and within the ballpark and along the waterfront.

A range of land uses would be developed in phases around and west of the ballpark, on developable blocks that would range in size from 0.2 acres to 2.75 acres and in length from approximately 200 feet to 450 feet. Maximum building heights for the proposed development blocks would range from 50 feet to 600 feet. Site plans are provided in Figures 3-7 and 3-8.

The proposed Project would extend Market Street and Martin Luther King Jr. Way south onto the Project site. In addition, the Project would extend Water Street (a pedestrian street that is also accessible to and used by motor vehicles between Clay and Washington Streets) west from Jack London Square into the Project site. The site itself would have north-south streets that would align with those in the Acom Industrial area immediately north of the site, as well as east-west streets, creating a grid pattern.

The proposed Project would be developed in multiple phases: Phase 1 and development of the remainder of the site, referred to as Buildout. Phase 1 would generally include the area east of Market Street, and is expected to take a minimum of 2 years to construct. Phase 1 is expected to include the ballpark, up to 540 residential dwelling units, 250,000 square feet of commercial office space, 30,000 square feet of retail and restaurant uses, the hotel(s) with a total of up to 400 rooms, approximately 12.3 acres of open space, and 4,818 parking spaces. Once the ballpark is constructed in Phase 1, the Project sponsor would relocate all Oakland A’s baseball operations from the existing RingCentral Coliseum (also referred to as Oakland Coliseum, and previously the Oakland–Alameda Coliseum) to the new facility. No physical changes are proposed at the Oakland Coliseum site as part of the Project.

<sup>1</sup> The Project sponsor intends to retain the existing shipping container cranes on-site. However, retaining the cranes may not be feasible, so their demolition and removal is analyzed as part of the Project.

<sup>2</sup> Fire Station 2 is proposed to remain in place as part of the Project and would be incorporated into the Project design; however, the impacts of demolition of Fire Station 2 are analyzed and disclosed in this EIR in case the demolition is desired or necessary in the future. (See Section 4.13, *Public Services*, for a discussion of fire services following demolition of the fire station, if demolition is pursued.)

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

Remaining development of the Project site after Phase 1 would occur generally west of Market Street. For purposes of this Draft EIR, phasing of the balance of the site has been conservatively estimated to occur immediately after the completion of Phase 1, with completion (except for the turning basin option area discussed below) in the eighth year after construction begins.<sup>3</sup> This Draft EIR considers the potential impacts of the proposed Project at both Phase 1 and Buildout.

A "Maritime Reservation Scenario" is being considered for the Project, which involves an alternative site plan for the proposed Project. In accordance with the Exclusive Negotiation Term Sheet for Howard Terminal between the Project sponsor and the Port dated May 13, 2019, the Port would have the right within approximately 10 years to terminate the Project sponsor's development rights to an approximately 10-acre portion of the Project site located generally in the southwestern corner of the site, if the Port deems that area necessary to accommodate the expansion of the turning basin that is used to turn large vessels within Oakland's Inner Harbor. As a result, the Project site plan would be modified, and the proposed development would be more dense as a result of fitting the same development program (i.e., the ballpark and mix of other uses proposed) onto the smaller site, with less open space area.

The Project sponsor proposes a transportation program that includes a Transportation Management Plan (TMP) that would allow the Project to achieve the 20 percent vehicle trip reduction (VTR) requirement of AB 734. The TMP would address ballpark-related transportation management, and the TDM Plan would address non-ballpark uses. While the basic framework of each plan is known, they are expected to be adjusted as needed and evolve over time, so that Project-related transportation continues to meet the 20 percent vehicle trip-reduction requirement, and to address access and safety in the vicinity.

To meet requirements of AB 734, the proposed Project would not generate any net additional greenhouse gas emissions through a combination of measures. The Project would be designed and constructed to receive Leadership in Energy and Environmental Design (LEED) Gold certification for the ballpark and nonresidential construction and achieve LEED Gold or GreenPoint equivalent rating for residential uses, as required by AB 734.

The Exclusive Negotiation Term Sheet for Howard Terminal requires the Project sponsor and the Port to negotiate Seaport Compatibility Measures, which may include input from the Port's seaport and maritime stakeholders. The outcome of these negotiations would be reflected in an Option Agreement and other negotiated transaction documents between the Project sponsor and the Port, subject to the permitting and regulatory jurisdiction of all applicable federal, State, and local agencies. The Seaport Compatibility Measures, if agreed upon between the Project sponsor and the Port, may address non-CEQA impacts relating to the Port's use or operations outside of the Project.

<sup>3</sup> The technical analyses presented in this EIR assumes Phase 1 construction begins in 2020 rather than 2022 as now anticipated, and also assumes that all construction is completed by 2027 rather than 2029 as now anticipated. Therefore, the emissions estimates presented in this EIR are conservative because emissions are expected to decrease over time due to improvements in technology and regulatory requirements (see Chapter 3, *Project Description*).

I-307 Andrew Peters

COMMENT

RESPONSE

Summary of Comments on Chapter 2, Summary

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Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 4/22/2021 8:00:35 AM
This is deferring mitigation to future phases. Development impacts are reeoseeable. Explain how providing 10,000 parking spaces is reducing transportation demand?			
Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 9:58:33 AM
technical analyses should reflect COVID-related existing conditions, for all subject areas			

I-307-1

I-307-1 The comment refers to the portion of the Summary of the Project Description that describes the Transportation Demand Management (TDM) Plan and the Transportation Management Plan (TMP) proposed by the Project. Mitigation Measures TRANS-1a and TRANS-1b discussed in Section 4.15, *Transportation and Circulation*, of the Draft EIR, include City requirements and ensure effectiveness for the TDM and TMP. As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, because the effectiveness of various vehicle trip reduction strategies is likely to change over time as there are changes in transit services, parking supplies, travel behavior, and advances in technology, it would be impractical to lock-in place a list of discrete actions at the time the Project is approved, and is therefore appropriate to require approval of a TDM plan for each building prior to occupancy and require approval of a TMP with building permits for the ballpark, and recognize that the TMP would be a living document with on-going monitoring and adjustment to respond to the performance standard as well as stakeholder needs. For comments related to parking, see Consolidated Response 4.7, *Parking*. With regard to the commenter requesting that the technical analyses reflect COVID-related existing conditions for all subject areas, as described in Section 4.0 of the Draft EIR, some EIR sections note the recent changes to behavior and the economy resulting from COVID-19 for informational purposes. However, the EIR analysis is based on an environmental baseline without COVID-19, and it would be speculative to identify long-term consequences of the pandemic at this time (Draft EIR p. 4.0-2).

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COMMENT

COMMENT

2. Summary

The Project sponsor proposes a City of Oakland General Plan (General Plan) amendment to redesignate the majority of the Project site from its current designation of “General Industrial” to “Regional Commercial,” a designation intended to maintain, support, and create areas of the City that serve as region-drawing centers of activity. A smaller area of the site (between Jefferson and Clay Streets south of Embarcadero West) that is currently within the Retail Dining Entertainment 1 (RD&E-1) designation under the Estuary Policy Plan would be redesignated to Retail Dining Entertainment 2 (RD&E-2) to allow residential uses. The Project sponsor proposes to develop a new site-specific “Waterfront Planned Development Zoning District” for the Project site, as authorized by and consistent with the proposed General Plan amendment.

The Project sponsor is seeking amendments to regional plans prepared by the San Francisco Bay Conservation and Development Commission and the Metropolitan Transportation Commission, and proposes a boundary settlement and exchange agreement between the Port and the California State Lands Commission to accommodate the proposed Project. In 2019, the State approved Project-specific legislation, AB 1191, which specifically authorizes a trust exchange to resolve trust and boundary uncertainties, and authorizes the proposed ballpark and associated uses as a trust use if the State Lands Commission makes certain findings.

The proposed Project may also include one or more variants, which are potential Project features that may or may not be included by the Project sponsor as part of the Project because the implementation of each is beyond the control of the Project sponsor at this time. Two variants are analyzed in a separate chapter of this Draft EIR:

- **Peaker Power Plant Variant:** This variant would include conversion of the existing Oakland Power Plant (referred to in this Draft EIR as the “Peaker Power Plant” because of its role in supplying power to the electric grid at times of peak demand) in the historic Pacific Gas and Electric Company Station C facility and adjacent fuel storage tank east of Jefferson Street 1 to a battery energy storage system. The Peaker Power Plant variant would also involve physical changes to the existing building, removal of the jet fuel tank, and construction of new mixed-use buildings on the jet fuel tank site.
- **Aerial Gondola Variant:** This variant would involve construction of a new aerial gondola above and along Washington Street. The gondola would extend from a station at 10th and Washington Streets in downtown Oakland to a station located at Water and Washington Streets in Jack London Square.

For additional details about the proposed Project, see Chapter 3, *Project Description*. The Project variants are discussed in Chapter 5.

## 2.2 Environmental Impacts and Mitigation Measures

As provided by Section 15123(b)(1) of the State CEQA Guidelines, an EIR must provide a summary of the impacts, mitigation measures, and significant impacts after mitigation for a proposed project. This information is presented in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, and Chapter 5, *Project Variants*, of this EIR, and summarized in **Table 2-1** at the end of this chapter. While they are not required to address CEQA impacts, Table 2-1 also includes Improvement Measures discussed in the Draft EIR.

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### 2.2.1 Significant and Unavoidable Impacts

As indicated in Table 2-1, the Draft EIR determined that the Project would result in significant and unavoidable impacts in the following areas, even with implementation of feasible mitigation measures.

- **Wind:** Project-level and cumulative conditions would create or contribute to winds that would exceed 36 miles per hour for more than one hour during daylight hours during the year. (*Impact AES-5 and Impact AES-1.CU*)
- **Air Quality:**
  - Project-level and cumulative conditions could result in or contribute to construction-related criteria pollutant emissions in excess of the City’s thresholds. (*Impact AIR-1 and Impact AIR-1.CU*)
  - Under Project-level and cumulative conditions, operation of the Project (and combined overlapping construction and operation) would result in average daily emissions of criteria pollutants in excess of the City’s thresholds. (*Impact AIR-2 and Impact AIR-1.CU*)
  - The Project, combined with cumulative development, would also contribute to cumulative health risk impacts on sensitive receptors. (*Impact AIR-2.CU*)
- **Cultural Resources**
  - The Project may include removal of Crane X-422. The City has received two studies with differing conclusions on the historic significance of Crane X-422; the Lead Agency will determine whether or not Crane X-422 is a historical resource under CEQA. Out of an abundance of caution, this Draft EIR treats Crane X-422 as a historic resource for CEQA purposes. As such, removing Crane X-422 from the site would result in the loss of a historical resource, which would be a significant and unavoidable impact. (*Impact CUL-4*)
  - The proposed Project with the Maritime Reservation Scenario, in combination with development anticipated under the Downtown Oakland Specific Plan (DOSP) and citywide, and the treatment of Crane X-422 as a historic resource, would contribute to a cumulative impact on historic resources through the loss of Crane X-422. (*Impact CUL-1.CU*)
  - The proposed Project, with the Peaker Power Plant Variant, would directly affect a historical resource by removing portions of the east and west wings of the Peaker Power Plant, and in doing so, would contribute to a citywide cumulative impact on cultural and historic resources identified in the DOSP EIR. (*Impact CUL-8 and Impact CUL-3.CU*)
  - The proposed Project, with the Aerial Gondola Variant, would result in impacts on a historic resource, and would contribute to a citywide significant cumulative impact on cultural and historic resources identified in the DOSP EIR through changes to the setting of the Old Oakland Area of Primary Importance. (*Impact CUL-10 and Impact CUL-4.CU*)

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COMMENT

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I-307-2 This is a general comment and does not identify specific issues other than general assertions of inadequacy. As a result, no specific response is required. The Draft EIR meets all requirements of CEQA, including the provision of enforceable mitigation measures for the significant impacts identified (Chapter 4). See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-307-3 The comment is on the analysis of Project-related impacts on 737 2nd Street as a historic resource. This property is identified as item 10 on Figure 4.4-1, Historic Resources, and is listed in Table 4.4-1, Age-Eligible Potential Architectural Resources in the Study Area. It is located within the Project study area and is a contributor to the Southern Pacific Railroad Industrial Landscape API. This building is also known as the Dalziel Company Warehouse, the Phoenix Lofts, and as 737-412 2nd Street. It was constructed in 1920 and is currently used for commercial Live-Work purposes.

The building is not individually listed on the National, California, or City of Oakland registers, nor does it have an OCHS rating of A or B. Therefore, it does not qualify as an individual historic resources for the purposes of CEQA (City of Oakland Historic Preservation Element Policy 3.8). However, 737 2nd Street was considered an historic resource as a contributor to the Southern Pacific Railroad API. This analysis is included in Impact CUL-2, which concluded the impacts to the API would be less than significant; Impact CUL-3, which concluded the impacts to the API would be less than significant with mitigation; and Impact CUL-1.CU, which concluded the impacts to citywide historic resources as a result of the Project in combination with current and future projects would be significant and unavoidable. Mitigation that is specific to the Southern Pacific Railroad API includes Mitigation Measure CUL-2, Vibration Analysis for Historic Structures, to prevent material damage to adjacent historic resources, including 737 2nd Street, as a result of construction activities.

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I-307-2

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:00:29 AM  
The EIR must identify mitigation measures to reduce impacts and cannot defer mitigation to future analysis.

I-307-3

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 4/22/2021 8:02:15 AM  
the project will have a significant and unavoidable impact on the historic resource at 737 2nd street. Revise EIR to include analysis of impacts to that structure and residents

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COMMENT

RESPONSE

2. Summary

• **Noise and Vibration:**

- Project construction could result in or contribute to substantial temporary or periodic increases in ambient noise levels above existing levels or in excess of standards established in the general plan or noise ordinance or applicable standards of other agencies. (*Impact NOI-1 and Impact NOI-1.CU*)
  - Project construction could result in or contribute to groundborne vibration exceeding the criteria established by the Federal Transit Administration. (*Impact NOI-2*)
  - The Project would result in increases in ambient noise in excess of the City’s threshold and in violation of the Noise Ordinance as a result of noise from concert events, increased roadway traffic noise at full Buildout, and noise from crowds leaving the proposed ballpark. (*Impact NOI-3 and Impact NOI-2.CU*)
- **Traffic Safety Hazard:** The Project would generate additional multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. (*Impact TRANS-3 and Impact TRANS-3.CU*)
- **Consistency with Transportation Plans:** Project traffic would increase congestion on regional roadways included in the Alameda County Congestion Management Plan, exceeding Alameda County’s standard on two roadway segments (*Impact TRANS-6*) and contributing to exceedances at six segments (*Impact TRANS-6.CU*).

### 2.3 Summary of Alternatives

Chapter 6, *Alternatives*, of this Draft EIR presents the comparative assessment of a range of reasonable CEQA alternatives to the Project. The following CEQA alternatives are analyzed in detail or discussed in this Draft EIR:

- **Alternative 1: The No Project Alternative.** Under the No Project Alternative, the proposed Project would not be approved, none of the Project variants would be implemented, and no physical changes would occur. Howard Terminal would remain in use by short-term tenants of the Port of Oakland for maritime support uses. The Oakland A’s would continue to use the Oakland Coliseum until the end of their current lease in 2024. In the longer term, it is a likely possibility that the A’s would have to build a new ballpark, either in Oakland or in some other location.
- **Alternative 2: The Off-Site (Coliseum Area) Alternative.** Under this alternative, Howard Terminal would remain in its current use and the Oakland A’s would construct a new ballpark and mixed-use development at the site of the Oakland Coliseum. No physical changes would occur at Howard Terminal, which would remain in use by the Port for maritime uses. Neither of the Project variants analyzed in Chapter 5 would be implemented with the Off-Site (Coliseum Area) Alternative.
- **Alternative 3: The Proposed Project with Grade Separation Alternative.** Under this alternative, the proposed Project would be constructed at the Project site, and would be revised to include the construction of a grade-separated crossing over the railroad tracks for vehicles accessing the site. This alternative would also include the pedestrian and bicycle bridge required as mitigation in Section 4.15, *Transportation and Circulation*, to address

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I-307-4	Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:16:35 AM
	Provide mitigation for residents of 737 2nd street, not deferral of mitigation. This is a foreseeable impact.			
I-307-5	Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:17:26 AM
	Provide analysis of structural impacts to 737 2nd street as a result of groundborne vibration			
I-307-6	Number 3	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:18:33 AM
	provide noise mitigation to sensitive receptors at 737 2nd street, not deferral of mitigation. This is a reasonably foreseeable impact.			
I-307-7	Number 4	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:20:22 AM
	Provide traffic modeling scenario based on pre COVID and post COVID traffic counts			

I-307-4 As stated on p. 4.11-33 of the Draft EIR, the Project sponsor has prepared a Draft construction noise reduction plan (CNRP) addressing noise from construction of the ballpark and initial infrastructure which is included as Appendix to the EIR. The CNRP that would be implemented by the developer and enforced by the City and is required pursuant to Mitigation Measure NOI-1c. Therefore, the measures in the CNRP are not deferred mitigation.

With respect to mitigation measures specific to residents of the Phoenix Lofts at 737 2nd Street, Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors is identified on p. 4.11-41 of the Draft EIR to provide physical improvements or temporary accommodations for residents of the Phoenix Lofts during impact or vibratory pile driving activities when it occurs within 300 feet with direct line of sight for the duration of the pile driving activity. If decision-makers approve the Project, they will also be required to approve a Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation of all adopted mitigation measures.

I-307-5 Construction-related vibration impacts with respect to building damage in general are assessed on p. 4.11-44 of the Draft EIR. Additionally, construction-related vibration impacts with respect to building damage on historic structures, including 737 2nd Street, are assessed on p. 4.4-24 of the Draft EIR.

Construction-related vibration impacts with respect to building damage to 737 2nd Street were determined to be less than significant with implementation of Mitigation Measure CUL-2: Vibration Analysis for Historic Structures. This mitigation measure requires that prior to any vibratory construction within 150 feet of a historic resource the Project sponsor shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 737 Second Street. The Vibration Analysis will identify design means and methods of construction that shall be utilized in order to not exceed the thresholds.

I-307-6 As stated on p. 4.11-33 of the Draft EIR, the Project sponsor has prepared a Draft construction noise reduction plan (CNRP) addressing noise from construction of the ballpark and initial infrastructure which is included as

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RESPONSE

Appendix to the EIR. The CNRP that would be implemented by the developer and enforced by the City and is required pursuant to Mitigation Measure NOI-1c. Therefore, the measures in the CNRP are not deferred mitigation.

With respect to mitigation measures specific to residents of the Phoenix Lofts at 737 2nd Street, Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors is identified on p. 4.11-41 of the Draft EIR to provide physical improvements or temporary accommodations for residents of the Phoenix Lofts during impact or vibratory pile driving activities when it occurs within 300 feet with direct line of sight for the duration of the pile driving activity. The Final EIR will include a mitigation monitoring and Reporting Program to ensure implementation of all identified mitigation measures.

See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-307-7 This comment expresses a desire that the traffic analysis consider both a pre-COVID and post-COVID traffic counts but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

The traffic analysis was performed using a baseline consistent with the date of the Notice of Preparation, as required by the CEQA Guidelines. The NOP was published on November 30, 2018. The traffic data used for the baseline scenario was collected in 2018 and 2019.

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COMMENT

COMMENT

2. Summary

safety of at-grade railroad crossings. Alternative 3 may or may not include implementation of other Project variants.

- **Alternative 4: The Reduced Project Alternative.** Under this alternative, site preparation and phased construction of a new ballpark and other uses would occur; however, commercial and residential development would be at lower densities than with the proposed Project. The site plan for Alternative 4 would be the same as for the proposed Project, with commercial, residential, and mixed-use development. However, only the ballpark and the hotel(s) would be taller than 100 feet, and both the amount of construction and the intensity of use of the site would be less than with the proposed Project.

### 2.3.1 Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines requires EIRs to identify an environmentally superior alternative, and if the No Project Alternative is superior, to identify the second most environmentally superior alternative. Alternative 1, the No Project Alternative, would be environmentally superior because it would avoid all of the impacts of the proposed Project. Alternative 4, the Reduced Project Alternative, would be the second most environmentally superior alternative because it would reduce the significant and unavoidable air quality impacts of the proposed Project and all other build alternatives.

### 2.4 Areas of Controversy Raised in Scoping Comments

Section 15123(b)(2) of the State CEQA Guidelines requires that an EIR summary identify areas of controversy known to the Lead Agency (City of Oakland), including those issues and concerns identified by the City, and by other agencies, organizations, and individuals in response to the City's Notice of Preparation (NOP) published on November 30, 2018.

Areas of potential controversy or interest regarding the Project, based on the number of public comments received, address:

- Aesthetics (altering views and light/glare);
- Air quality (regional and local impacts, including impacts on West Oakland);
- Biological resources (nesting and migratory birds);
- Cultural resources (historic structures, districts, and maritime resources);
- Greenhouse gas emissions (minimizing emissions);
- Hazards and hazardous materials (contaminated soils);
- Land use (Public Trust lands, compatibility with San Francisco Bay Conservation and Development Commission jurisdiction, conflicts between recreational watercraft and maritime navigation, and compatibility including Port, industrial, and rail uses);
- Noise (train horn, traffic, construction, and ballpark);

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- Sea level rise;
  - Transportation (increased congestion, parking availability, vehicle trip reduction, transit use, pedestrian and bicycle improvements, and safety at railroad crossings); and
  - Utilities (wastewater service and treatment, and water supply).
- Commenters also requested that a range of alternatives be considered.

The NOP and comments received in response to the NOP are included in **Appendix NOP**.

### 2.5 Issues to Be Resolved

Section 15123(b)(3) of the State CEQA Guidelines requires that an EIR present the issues to be resolved, including the choice among alternatives and whether or how to mitigate identified significant effects. The major issues to be resolved for the proposed Project include decisions by the City of Oakland, as the Lead Agency, as to whether:

- This EIR adequately describes the environmental impacts of the Project;
- Recommended mitigation measures should be adopted or modified;
- Additional mitigation measures need to be applied to the Project;
- Feasible alternatives exist that would achieve the objectives of the Project and reduce significant environmental impacts;
- Significant and unavoidable impacts would occur if the Project were implemented; and
- The Project should or should not be approved.

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COMMENT

RESPONSE

2. Summary

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.1 Aesthetics, Shadow and Wind</b>		
<b>Impact AES-1:</b> The Project would not have a substantial adverse effect on a public scenic vista or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a State or locally designated scenic highway. (Criteria 1 and 2) (Less Than Significant, but not a CEQA Consideration)	None required	Less Than Significant, but not a CEQA Consideration
<b>Impact AES-2:</b> The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (Criterion 3) (Less Than Significant, but not a CEQA Consideration)	None required	Less Than Significant, but not a CEQA Consideration
<b>Impact AES-3:</b> The Project would create a new source of substantial light or glare which could substantially and adversely affect day or nighttime views in the area. (Criterion 4) (Significant and Unavoidable, but not a CEQA Consideration)	<p><b>Improvement Measure AES-1: Construction Lighting Design Features.</b> During construction, light sources associated with proposed Project construction shall be shielded and/or aimed so that no direct beam illumination is directed/aimed outside of the Project Site boundary to the extent feasible. However, construction lighting shall not be so limited as to compromise the safety of construction workers.</p> <p><b>Improvement Measure AES-2: Design Lighting Features to Minimize Light Pollution.</b> Prior to obtaining the final building permit for the ballpark, to minimize the effects of light pollution on nighttime views, and to prevent unnecessary glare onto adjacent areas, the following measures would be implemented:</p> <ul style="list-style-type: none"> <li>• <b>Field Lighting:</b> To the extent permitted by and compatible with MLB requirements, standards or professional baseball standards, all field lighting shall be a correlated color temperature of 5000K, a minimum color rendering index of 80, and field lighting may include accessories such as visors or shades to minimize spill light.</li> <li>• <b>Architectural Lighting:</b> minimize areas of non-signage architectural facade lighting (not signage) on buildings above 50 feet; use warm color temperature LED sources to minimize blue light emissions; integrate lighting elements into architecture wherever possible to minimize direct view of light sources, and rely to the extent possible on low mounting-weight luminaires to reduce the visibility of the luminaires from a distance.</li> <li>• <b>House Lighting:</b> lighting of the stands, or "house" lighting, shall be fully shielded so that house lighting limits or avoids uplighting and should be CIE-correlated color temperature 5000K.</li> <li>• <b>Digital Signage:</b> two key digital signage locations are the double-sided digital scoreboards in centerfield and the digital ribbon boards within the ballpark. While all signage will comply with the California Vehicle Code requirements for brightness where they are within the field of view for freeway drivers, digital signage applications such as replays or advertising that are not within the ballpark itself and associated with the function of the ballpark shall include the following measures:</li> </ul>	Significant and Unavoidable, but not a CEQA Consideration

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RESPONSE

I-307-8 Please refer to the response to Comment I-307-3-5 concerning the historic status of 737 2<sup>nd</sup> Street.

I-307-9 As stated on Draft EIR p. 4.1-52, the light reduction steps set forth in Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution, if implemented, could reduce light and glare during Project operation. However, because it cannot be stated with certainty that the impact could be reduced to below the applicable threshold, this impact would be conservatively determined to be significant and unavoidable if the proposed Project’s aesthetics impacts were subject to CEQA. However, as explained on Draft EIR p. 4.1-1, accordance with CEQA Section 21099(d), added by Senate Bill 743 (2103), aesthetic impacts of a mixed-use project that includes residential uses and is on an infill site within a transit priority area “shall not be considered significant impacts on the environment.” Accordingly, aesthetics is not considered in identifying the Project’s significant environmental effects because it meets the applicable criteria in Section 21099(d). Thus, the EIR does not consider aesthetics, including the aesthetic impacts of light and glare in determining the significance of Project impacts under CEQA. Nevertheless, the Draft EIR includes information about aesthetics for informational purposes. Therefore, as stated on p. 4.1-52, no mitigation measures are required for light and glare impacts because the proposed Project’s aesthetics impacts are not considered environmental impacts for the purposes of CEQA. Refer also to the response to Comment O-36-11.

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I-307-8

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:23:08 AM  
The EIR fails to consider substantial adverse effects on 737 2nd Street, a historic structure

I-307-9

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:25:52 AM  
Provide substantial evidence that these measures will mitigate impacts of light and glare to residents of 737 2nd Street, when buildings exceeding 200 feet in height are proposed. Provide reasonable mitigation such as reducing or relocating buildings in vicinity of 737 Second Street.

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**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.1 Aesthetics, Shadow and Wind (cont.)</b>		
<b>Impact AES-3 (cont.)</b>	<ul style="list-style-type: none"> <li>o all digital signage, including static and dynamic signage, should be provided with dimming capabilities and the associated control infrastructure to dim the sign brightness at night;</li> <li>o all digital signage should include glare control measures to minimize off-axis brightness and upward directed and wasted light;</li> <li>o the brightness of all digital signage should be verified after installation through photometric measurements to comply with the following limitations: the greater of the amount required by M.B. standards or no greater than 1,000 cd/m<sup>2</sup> when set to all pixels at bright white, and no greater than 8.0 lux vertical at the property line created by any single digital sign.</li> </ul> <p>The Project sponsor shall demonstrate to the satisfaction of the City and the Port that its lighting design achieves the desired lighting results, or is necessary to meet the demand and expectations of an MLE ballpark with respect to field lighting, architectural lighting, house lighting, and digital signage as described in the Lighting Technical Report (HLB Lighting Design, 30.20). In addition, if the ballpark orientation or design of light stands changes such that light and glare levels in the atypical channel or Inner Harbor Turning Basin would be substantially different than analyzed in the Lighting Technical Report, the Project sponsor shall be required to assess the changes in a supplemental Lighting Technical Report subject to review and approval by the City and the Port.</p>	
<b>Impact AES-4:</b> The Project would not cast shadow that substantially impairs a nearby use reliant on sunlight, including the following functions: a building using passive solar heat collection, solar collectors for hot water heating or photovoltaic solar collectors; the beneficial use of any public or quasi-public open space; a historic resource; or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be inadequate light related to appropriate uses. (Criteria 6, 7, 8, and 9) (Less than Significant)	None required	Less than Significant
<b>Impact AES-5:</b> The Project would create winds that exceed 36 mph for more than one hour during daylight hours during the year. (Criterion 10) (Significant and Unavoidable with Mitigation)	<b>Mitigation Measure AES-1: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height.</b> With the goal of preventing to the extent feasible a net increase in the number of hazardous wind exposure locations, compared to existing conditions, prior to obtaining a building permit for any building within the Project site proposed to be at least 100 feet in height, the Project sponsor (including any subsequent developer) shall undertake a wind analysis on the proposed building. The wind analysis shall be conducted by a qualified wind consultant. The consultant shall conduct an analysis of the proposed building using a model that represents the proposed building in the	Significant and Unavoidable

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I-307-10	Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:26:44 AM
	Provide a mitigation measure that does not defer resolution of project impacts			
I-307-11	Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:30:00 AM
	The project would cast shadow on a historic structure at 737 2nd Street that is in the process of using passive solar heating, solar collectors, PV collectors and contains quasi-public open space. This is a significant impact requiring mitigation, including reducing building height and relocating buildings to avoid shading this structure.			
I-307-12	Number 3	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 10:32:22 AM
	Deferral of mitigation is not appropriate. Provide substantial evidence that quantifies wind impacts to residents of 737 2nd street and offer mitigation to reduce such impacts, such as lowering building height and or relocating buildings. The			

I-307-10 As explained in the response to Comment I-307-9, no mitigation measures are required for light and glare impacts because the proposed Project’s aesthetics impacts are not considered environmental impacts for the purposes of CEQA. Accordingly, the measures identified to reduce light and glare impacts described in Impact AES-3 are Accordingly, the measures identified in Table 2-1, on p. 2-9, are not mitigation measures, but improvement measures; these improvement measures may be adopted by the Project sponsor or required by the City as conditions of approval but are not required to reduce the severity of or avoid a significant impact. Accordingly, there is no requirement that such measures be feasible or enforceable, as would be the case for mitigation measure(s) identified to reduce or avoid significant impacts.

I-307-11 This comment is in reference to the Draft EIR Summary table of impacts and mitigation measures (Table 2-1). Please refer to the responses to Comments I-307-3-5 (concerning solar collectors potentially installed in the future); and I-307-4-12 (concerning “quasi-public open space”).

I-307-12 See Response to Comment O-29-74.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.1 Aesthetics, Shadow and Wind (cont.)</b>		
<b>Impact AES-5 (cont.)</b>	<p>context of then-existing conditions, as well as in the context of the proposed Project as a whole (the buildout scenario listed in the EIR, as may be modified from time to time by the Project sponsor to reflect actual building designs known at the time). The building shall include test points deemed appropriate by the consultant and agreed upon by the Oakland Department of Planning &amp; Building to determine the wind performance of the building, such as building entrances and sidewalks, and the consultant's report shall be submitted to the Oakland Department of Planning &amp; Building. If the wind consultant demonstrates to the satisfaction of the Oakland Department of Planning &amp; Building that the modified design would not create a net increase in hazardous wind hours or locations under partial buildout or buildout conditions, compared to then-existing conditions, no further review would be required.</p> <p>If the wind analysis determines that the buildings of [redacted] will increase the hours of wind hazard or the number of test points subject to hazardous wind compared to then-existing conditions, the wind consultant shall notify the City and the Project sponsor. The Project sponsor shall work with the wind consultant to identify feasible mitigation strategies, including design changes (e.g., setbacks, rounded/chamfered building corners, or stepped facades), to eliminate or reduce wind hazards to the maximum feasible extent without unduly restricting development potential. Wind reduction strategies could also include features such as landscaping and/or installation of canopies along building facades, and the like.</p>	
<b>Impact AES-1 (cont.)</b> The Project, combined with cumulative development in the Project vicinity and citywide, would result in significant cumulative aesthetics, wind, and shadow impacts. (Significant and Unavoidable with Mitigation, but not CEQA impacts with regard to aesthetics)	<b>Mitigation Measure AES-1: Wind Load Analysis and Mitigation for Buildings 100 Feet or Greater in Height</b> (See Impact AES-5)	Significant and Unavoidable
<b>4.2 Air Quality</b>		
<b>Impact AIR-1:</b> Demolition and construction associated with the Project would result in average daily emissions that would exceed the City's construction significance thresholds of 54 pounds per day of ROG, NO <sub>x</sub> , or PM <sub>10</sub> or 82 pounds per day of PM <sub>2.5</sub> . (Criterion 1) (Significant and Unavoidable with Mitigation)	<p><b>Mitigation Measure AIR-1a: Dust Controls.</b></p> <p>The Project sponsor shall implement all of the following applicable dust control measures during construction of the Project.</p> <p><b>Basic Controls</b></p> <ol style="list-style-type: none"> <li>1. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Recycled water should be used whenever feasible.</li> <li>2. Cover all trucks hauling soil, sand, and [redacted] loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. Limit vehicle speeds on unpaved roads to 15 mph.</li> <li>5. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</li> </ol>	Significant and Unavoidable

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I-307-13 See Response to Comment O-29-74.

I-307-14 In Impact AIR-1 (construction criteria pollutants), the Draft EIR concludes that fugitive emissions of PM10 and PM2.5 during construction would be mitigated to less-than-significant levels through implementation of the BAAQMD's required and recommended Best Management Practices (BMPs), which are required through implementation of Mitigation Measure AIR-1a. Specific mitigation at 737 2nd Street is not required. See Responses to Comments O29-1-13, O29-1-18, O29-1-19, and O29-1-20.

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I-307-13

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:33:49 AM  
Deferral of mitigation is not acceptable. Potential impacts to adjacent residents is foreseeable and should be included in the analysis.

I-307-14

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:34:31 AM  
Mitigation measure is relocating and reducing proposed building heights

Number 3 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:36:20 AM  
Provide quantitative analysis of potential impacts to residents of 737 2nd street, and project specific mitigation to sensitive receptors at that location, such as relocating and reducing structures in the vicinity, as well as locating staging areas away from this area.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
4.2 Air Quality (cont.)	<p>to be distributed by email annually and upon any new lease signing to residential and/or commercial tenants of each building on the Project site that encourage the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing.</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b></p> <p>To reduce NO<sub>x</sub> associated with operation of the proposed Project, the Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ol style="list-style-type: none"> <li>1. If feasible, non-diesel fueled generators shall be installed to replace diesel-fueled generators. Alternative fuels used in generators, such as biofuel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce NO<sub>x</sub> emissions compared to diesel fuel.</li> <li>2. All new diesel backup generators shall have engines that meet or exceed California Air Resources Board Tier 4 off-road Compression Ignition Engine Standards (Title 13, CCR, section 2622) which have the lowest NO<sub>x</sub> emissions of commercially available generators. If the California Air Resources Board adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest NO<sub>x</sub> emissions shall apply.</li> <li>3. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process.</li> <li>4. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future on-site sensitive receptors. This analysis must consider health risks from the Project as a whole at full buildout, including all 17 generators installed at the Project site, and including emissions from offsite sources of TACs under cumulative conditions, and the impact of all existing offsite and new on-site sensitive receptors.</li> <li>5. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.</li> </ol>	

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:54:27 AM  
this will impact adjacent residents. analyze impacts of diesel generators on residents of 737 2nd street, including cumulative analysis

I-307-15 |

I-307-15 Health risk impacts at all existing offsite sensitive receptor locations associated with diesel backup generators are evaluated under Impact AIR-4 and Impact AIR-2.CU. Impact AIR-2.CU includes a cumulative health risk assessment. The maximum offsite health risk impacts were found to occur at Phoenix Lofts at 737 2nd Street. Impact AIR-4 finds that the Maximally Exposed Individual Receptor (MEIR) is located at Phoenix Lofts at 737 2nd Street (Draft EIR p. 4.2-102, 4.2-103, 4.2-108). The same MEIR is identified in Impact AIR-2.CU (Draft EIR p. 4.2-146, 4.2-147). See also Appendix AIR.1 figures 9A, 9B, 9C, and 9D for the offsite MEIR locations.

In addition, the Final EIR includes a new requirement that alternatives to diesel power emergency backup generators, such as battery storage or hydrogen fuel cells, must be used whenever possible when technology is available and approved for use by the Fire Department. This requirement is now part of Mitigation Measure AIR-2c. See Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p> <p><b>Impact AIR-2 (cont.)</b></p>	<p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b></p> <p>The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible:</p> <ol style="list-style-type: none"> <li>1. Installing electrical hook-ups for diesel trucks at loading docks.</li> <li>2. Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.</li> <li>3. Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid or alternative fuels).</li> <li>4. Prohibiting trucks from idling for more than two minutes.</li> <li>5. Establishing truck routes to avoid sensitive receptors in the Project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.</li> </ol> <p><b>Mitigation Measure AIR-2e: Criteria Pollutant Mitigation Plan.</b></p> <p>The Project sponsor shall prepare a Criteria Pollutant Mitigation Plan (CPM Plan) prior to the issuance of building construction related permits for the preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). The purpose of the CPM Plan is to document expected construction and operational criteria pollutant emissions, including ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions, and to identify all available feasible measures (as defined under CEQA, see below) to reduce total criteria pollutant emissions below the City's thresholds of significance. The criteria pollutant emissions estimate for the Project shall include consideration of all criteria pollutant emission reduction measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and reduction measure.</p> <p>The CPM Plan shall be submitted to the City of Oakland Planning Department for review and approval or conditional approval based on a determination of whether the CPM Plan meets the conditions described below. The CPM Plan shall include some or all of the recommended measures listed below, as needed to reduce the Project's criteria pollutant emissions below the City's thresholds of significance. Should the Project sponsor deem any of the recommended measures infeasible, the CPM Plan shall clearly explain why such measure is considered to be infeasible, and how the goal of reducing all criteria pollutant emissions below the City's thresholds will be accomplished without the measure, and the Project sponsor shall only be permitted to remove measures if the City of Oakland Planning Department, in its discretion, determines that the measure is infeasible. The criteria pollutant emissions estimate for the Project shall include consideration of all mitigation measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and mitigation measure.</p>	

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I-307-16 The Draft EIR includes an analysis of impacts to all nearby existing offsite sensitive receptors, including residents of 737 3rd Street, and identified mitigation to reduce these impacts. See Response to Comment I-307-15.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:55:43 AM  
this will impact residents of 737 2nd street. provide analysis of impacts to sensitive receptors and relocate staging and idling areas to reduce impacts

I-307-16

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p>4.2 Air Quality (cont.)</p> <p>Impact AIR-2 (cont.)</p>	<ul style="list-style-type: none"> <li>ii. <i>Electricity at residential development:</i> Residential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding the fact that this is a recommended measure, the Project shall comply with applicable building electrification requirements adopted by the City as part of its building code and compliance with regulatory requirements shall not be considered mitigation.</li> <li>iii. <i>Electricity nonresidential development:</i> Nonresidential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding this measure, the Project shall comply with any applicable building electrification requirement adopted by the City as part of its building code and compliance with regulatory requirements shall not be considered mitigation.</li> <li>iv. <i>Additional electric vehicle (EV) charging stations beyond regulatory requirements:</i> Install EV charging stations that provide charging opportunities at the Project site beyond regulatory requirements. The Project Sponsor shall promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking and installation of charging stations beyond the level required by regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on the Project site include electric vehicles within its car share program to reduce the need to have a vehicle or second vehicle and to reduce vehicle emissions.</li> <li>v. <i>Preferred parking for alternative-fueled vehicles and car sharing:</i> Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.</li> <li>vi. <i>Additional TDM or TMP measures:</i> Implement TDM or TMP measures that go beyond the 20 percent vehicle trip reduction in the TDM or TMP Plan by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing.</li> <li>vii. <i>Additional actions from Mitigation Measure GHG-1:</i> Implement any additional on-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions.</li> <li>viii. <i>Additional measures and technology:</i> Implement additional measures and technology to reduce criteria pollutant emissions from Project construction and operations that are not currently known or available. This may include new energy systems (such as battery storage) to replace natural gas use, new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles, or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available at the project level, provided that the CPM Plan demonstrates to the City's satisfaction that such measures are as or more effective as the existing measures described above.</li> </ul>	

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I-307-17 See Consolidated Response 4.7, *Parking*, which outlines the Project’s intended approach for provision and management of parking.

Parking impacts are not a CEQA significance criterion per the City of Oakland Transportation Impact Review Guidelines Chapter 5, CEQA Analysis, but the City has produced a Parking Management Plan (PMP) for the Project, a draft of which is included in the Additional Transportation Reference Materials of the Draft EIR.<sup>21</sup> The on- and off-street parking management strategies of the PMP would reduce the number of vehicles that drive to the Project site on event days and increase the attractiveness of other modes of travel. They would also reduce vehicle circling for parking and improve event-day traffic operations for all road users in the area. The PMP thus reinforces Draft EIR Mitigation Measure TRANS-1a (implementing a TDM Plan for non-ballpark development) and Mitigation Measure TRANS-1b (implementing a TMP for ballpark events) in reducing overall vehicle trips generated by the Project by 20 percent from a baseline condition without the mitigation measures.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:57:30 AM  
provide analysis that justifies provision of 10k parking spaces and how this complies with transportation reduction commitments

I-307-17

<sup>21</sup> Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p> <p><b>Impact AIR-2 (cont.)</b></p>	<p><b>b. Recommended Off-Site Emission Reduction Measures:</b></p> <p>i. Community energy efficiency retrofits: Fund, contribute to, or implement community energy efficiency retrofits in West Oakland, the greater Oakland community, or other communities selected for the CARB Community Air Protection Program under AB 617, to reduce off-site building energy use.</p> <p>ii. Off-site EV chargers: Fund or implement a program that expands the installation of EV chargers in West Oakland, the greater Oakland community, or other communities selected for the CARB Community Air Protection Program under AB 617, to reduce mobile source emissions from gasoline and diesel vehicles.</p> <p>iii. Additional actions from Mitigation Measure GHG-1: Implement any additional off-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions.</p> <p>c. <b>Emissions Offsets:</b> Prior to issuance of the final certificate of occupancy for the final building associated with Phase 1, the Project sponsor, with the oversight of the City of Oakland Planning Department, shall either:</p> <p>i. Directly fund or implement a specific offset project within the City of Oakland to achieve the equivalent of annual tons-per-year reduction equal to the total estimated operational ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions offsets required to reduce the Project's criteria pollutants below City's significance thresholds. The emissions offset measures will be based on the criteria pollutant reductions necessary after implementation of all other emission reduction measures implemented through the verified CPM Plan described above. To qualify under this mitigation measure, the specific emissions offset project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as zero-emission trucks, upgrading forklifts with cleaner engines, replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines, or expanding or installing energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution. Prior to implementing the offset project, it must be approved by the City of Oakland Bureau of Planning, as consistent with the requirements of this mitigation measure. The Project Sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification.</p> <p>ii. Pay mitigation offset fees to the Air District Bay Area Clean Air Foundation or other governmental entity. The mitigation offset fee shall fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin. The fee will be determined by the City, the Project Sponsor, and the Air District or other governmental entity, and be based on the scope of projects available at the time of the payment. This fee is intended to fund emissions reduction projects to achieve annual reductions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures as currently calculated and implemented through the CPM Plan.</p>	

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I-307-18

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:58:07 AM  
provide specific mitigation for residents of 737 2nd street

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:58:40 AM  
provide specific mitigation for residents of 737 2nd street

I-307-19

Number 3 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 10:59:41 AM  
provide mitigation measure, not deferral of mitigation. This is a reasonably foreseeable impact.

I-307-18 The commenter appears to be referring to an off-site emission reduction strategy that may be implemented by the Project sponsor to achieve the "no net additional" performance standard in Mitigation Measure GHG-1a. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, and thank you for expressing interest in the suggested program.

I-307-19 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p>4.2 Air Quality (cont.)</p> <p><b>Impact AIR-2 (cont.)</b></p>	<p>The offset fee for ROG and NO<sub>x</sub> shall be made prior to issuance of the first building permit for the Project when the combination of construction and operational emissions is predicted to first exceed 54 pounds per day. This offset payment shall total the annual tons per year of ROG and NO<sub>x</sub> above the 54 pounds-per-day and 10 tons-per-year threshold after implementation of Mitigation Measures AIR-2a through AIR-2d and the verified CPM Plan. The offset fee for PM<sub>10</sub> shall be made prior to issuance of the final certificate of occupancy for the first building associated with Full Buildout of the Project when operational emissions of PM<sub>10</sub> is predicted to first exceed 82 pounds per day. This offset payment shall total the annual tons per year of PM<sub>10</sub> above the 82 pounds-per-day and 15 tons-per-year threshold and PM<sub>10</sub> after implementation of Mitigation Measures AIR-2a through AIR-2d and the verified CPM Plan.</p> <p>The total emission offset amount shall be calculated by summing the maximum daily construction and operational emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> (pounds/day), above the City's threshold multiplying by 260 work days per year for construction and 365 days per year for operation, and converting to tons. The amount represents the total estimated operational and construction-related ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions offsets required to reduce the Project's criteria pollutant emissions below the City's thresholds after implementation of all other mitigation measures implemented through the CPM Plan.</p> <p>Documentation of mitigation offset payments, as applicable, shall be provided to the City.</p> <p>When paying a mitigation offset fee under paragraph (c)(i), the Project sponsor shall enter into a memorandum of understanding (MOU) with the Air District Clean Air Fundation or other governmental entity. The MOU shall include details regarding the funds to be paid, the administrative fee, and the timing of the emissions reductions project. Acceptance of this fee by the air district shall serve as acknowledgment and a commitment to (1) implement an emissions reduction project(s) within a time frame to be determined, based on the type of project(s) needed, after receipt of the mitigation fee to achieve the emissions reduction objectives specified above and (2) provide documentation to the Planning Department and the Project sponsor describing the project(s) funded by the mitigation fee, including the amount of emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> reduced (tons per year) within the San Francisco Bay Area Air Basin from the emissions reduction project(s). To qualify under this mitigation measure, the specific emissions reduction project must result in emission reductions within the air basin that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The requirement to pay such mitigation offset fee shall terminate if the Project sponsor is able to demonstrate that the Project's emissions upon the (a) full buildout or (b) termination of the Development Agreement fit or later than full buildout are less than the 10-ton-per-year thresholds for ROG and NO<sub>x</sub> and the 15-ton-per-year threshold for PM<sub>10</sub>.</p> <p>The Project sponsor shall prepare an Annual CPM Verification Report in the first quarter of each year following completion of each project site as shown in final development plan or equivalent. The purpose of the Report is to quantify total Project construction and operational criteria pollutant emissions for the previous year based on appropriate emissions factors for that year and the</p>	

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I-307-20 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

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I-307-20 |

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:01:04 AM  
Provide evidence that the City of Oakland is an impartial enforcement entity.

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I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2 (cont.)</b>	<p>effectiveness of emission reduction measures that were implemented, and determine the on-site and off-site emission reduction measures and additional ROG, NO<sub>x</sub>, and PM<sub>10</sub> offsets needed to bring the Project below the City's thresholds of significance for the coming year. The Report shall be prepared by the Project proponent and submitted to the City Planning Department for review and verification. Criteria pollutant offsets for the previous year, if required, shall be in place by the end of the reporting year. If the City Planning Department determines the report is reasonably accurate, they approve the report; otherwise, the City shall identify deficiencies and direct the Project proponent to correct and re-submit the report for approval.</p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, Transportation and Circulation)</p>	
<b>Impact AIR-3:</b> Traffic associated with the development of the proposed Project would not contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour. (Criterion 3) (Less than Significant)	None required	Less than Significant

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COMMENT

RESPONSE

I-307-21 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for a discussion of the referenced mitigation measures. Please note that implementation of the mitigation measures will be the responsibility of the Project sponsor, or the Project sponsor's successors or designees. The City will also require the Project sponsor to provide financial support for the City's work to monitor the mitigation measures as they are implemented.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:02:49 AM  
provide substantial evidence that the City of Oakland is qualified and impartial to approve and enforce these provisions. Provide a funding commitment sufficient to fund these improvements.

I-307-21 |

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<p><b>Impact AIR-4:</b> Construction and operation of the Project could generate substantial levels of toxic air contaminants (TACs) and impact on-site receptors. (Criterion 4) (Less than Significant with Mitigation)</p>	<p><b>Mitigation Measure AIR-1c:</b> Diesel Particulate Matter Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2c:</b> Diesel Backup Generator Specifications. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e:</b> Diesel Truck Emission Reduction. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e:</b> Criteria Pollutant Mitigation Plan. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3:</b> Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</p> <p>The Project sponsor shall incorporate the following health risk reduction measures into the Project design of the ballpark and non-residential uses in order to reduce the potential health risk due to truck-related sources of toxic air contaminants. These measures shall be specified on the Project plans for confirmation by the City's building official at the time of plan check and would be subject to periodic inspection.</p> <ol style="list-style-type: none"> <li><b>Truck Loading Dock Requirement:</b> The Project sponsor shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.</li> <li><b>Truck Fleet Emission Standards:</b> The Project sponsor shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, higher-tier diesel engine trucks with added particulate matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.</li> </ol>	Less Than Significant
<p><b>Impact AIR-5:</b> Construction and operation of the Project could expose proposed future on-site sensitive receptors to substantial levels of toxic air contaminants (TACs). (Criterion 5) (Less than Significant with Mitigation)</p>	<p><b>Mitigation Measure AIR-1c:</b> Diesel Particulate Matter Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2c:</b> Diesel Backup Generator Specifications. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e:</b> Diesel Truck Emission Reduction. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e:</b> Criteria Pollutant Mitigation Plan. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3:</b> Truck-Related Risk Reduction Measures – Toxic Air Contaminants. (See Impact AIR-3)</p> <p><b>Mitigation Measure AIR-4a:</b> Install MERV16 Filtration Systems.</p> <p>The Project Sponsor shall install a mechanical ventilation system at all residential buildings at the Project site capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard 55.2). The system must meet the requirements of Mitigation Measure AIR-1c (Diesel Particulate Matter Controls). As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</p> <p>Alternatively, the Project sponsor shall retain a qualified air quality consultant to prepare an updated HRA for the Project in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of Project residents/occupants/users to TAC emissions. The updated HRA shall be conducted during final</p>	Less Than Significant

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I-307-22 Impact AIR-2.CU, which evaluates whether the Project, combined with cumulative development and existing background TAC sources, would contribute to cumulative health risk impacts on sensitive receptors. The results are presented in on Draft EIR pp. 4.2-146 through 4.2-153 and in Tables 4.2-22 through 4.2-25. The Draft EIR concluded that Impact AIR-2.CU would be significant and unavoidable.

To address this impact, Mitigation Measure AIR-2.CU, Implement Applicable Strategies from the West Oakland Community Action Plan, requires the Project sponsor to implement all applicable strategies and actions from the WOCAP that apply to the Project. These include Actions 14a, 14b, 18, 29, 36, 49, and 52 (Draft EIR pp. 4.2-156 through 4.2-157). Mitigation Measure AIR-2.CU also requires the Project sponsor to “achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions.” This is an objective performance standard that aims to reduce the Project’s total health risk impact to zero, through implementation of all relevant and feasible WOCAP actions, other feasible measures and technology, and offsite TAC exposure reduction projects.

I-307-23 Mitigation Measure AIR-4a requires the Project sponsor to install MERV 16 filtration systems at all onsite residential buildings, unless an approved updated HRA concludes that MERV 16 filtration systems are not needed to reduce health risks below both the City’s project-level and cumulative thresholds of significance for new on-site sensitive receptors. This measure does not defer mitigation.

Impact AIR-4 evaluates the Project’s health risk impacts on all nearby offsite sensitive receptors, including Phoenix Lofts at 737 2nd Street. Through implementation of Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, and AIR-3, this impact would be reduced to less-than-significant levels (Draft EIR pp. 4.2-105 through 4.2-108). Additional mitigation, including specific mitigation at 737 2nd Street, is not required.

In addition, the Project sponsor does not have authority to provide mechanical ventilation improvements to 737 2nd Street building. This building is privately owned, so it is not feasible for the sponsor to provide HVAC retrofits to the building.

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Number	Author	Subject	Date
Number 1	M HENDERSON	EIR COMMENT	3/19/2021 11:13:44 AM
Provide substantial evidence and analysis that construction of the project will not exacerbate current conditions regarding TACs on residents of 737 2nd street.			
Number 2	M HENDERSON	EIR COMMENT	3/19/2021 11:14:36 AM
deferral of mitigation does not ensure reduction of impacts. Provide mechanical ventilation improvements to 737 2nd street to mitigate similar impacts			

I-307-22

I-307-23

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p> <p><b>Impact AIR-5 (cont.)</b></p>	<p>design for the proposed building or phase, when the exact level of TAC exposure is known, based on proximity to actual, forecasted emission sources from both the entire Project and background cumulative sources consistent with the methods used in the EIR for cumulative analysis. The updated HRA shall be submitted to the City for review and approval. If the approved updated HRA concludes that health risks are at or below both the City's project-level and cumulative thresholds of significance for new on-site sensitive receptors with a filtration system alternative to MERV16, then the alternative MERV filtration system identified in the approved updated HRA shall be allowed rather than MERV16.</p> <p><b>Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants</b></p> <p>The Project sponsor shall incorporate the following health risk reduction measures into the Project design in order to reduce the potential health risk due to exposure to toxic air contaminants as feasible for the Project's sources of TACs. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <ol style="list-style-type: none"> <li>1. Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for future on-site residents and other sensitive populations in the Project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 or higher (with exceptions as provided in 4a above). As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</li> <li>2. Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</li> <li>3. Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</li> <li>4. The Project shall be designed to locate sensitive receptors as far away as feasible from the Project's sources of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</li> <li>5. Sensitive receptors shall be located on the upper floors of buildings, if feasible.</li> <li>6. Planting trees and/or vegetation between sensitive receptors and pollution sources, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>Cupressocypripis leylandii</i>), and poplar (<i>Populus deltoides</i> X <i>trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</li> <li>7. Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</li> </ol> <p><b>Maintenance of Health Risk Reduction Measures:</b> The Project sponsor or its designee shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the Project sponsor shall prepare and then distribute to the building manager/operator operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p>	

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COMMENT

RESPONSE

I-307-24 See Responses to Comments I-307-15, I-307-22, and I-307-23.

I-307-25 The commenter states that the Draft EIR does not provide sufficient landscaping area to provide a measurable reduction in TAC emissions. However, the commenter does not define “sufficient” or “measurable” and provides no evidence to support this claim.

As stated on Draft EIR pp. 4.2-115 through 4.2-119, Impact AIR-5 would be less than significant with mitigation, so no additional mitigation measures are required. In addition, item #6 of Mitigation Measure AIR-4b was not quantified in the analysis, so a measurable benefit from this item is not required to reduce impacts to less-than-significant levels. Further, reducing or relocate buildings is not required to demonstrate compliance with Mitigation Measure AIR-4b.

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I-307-24

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:19:11 AM  
Apply retrofit measures herein to reduce potential health risk to residents of 737 2nd street due to project implementation

I-307-25

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:18:08 AM  
this is not a reasonable mitigation measure, the applicant is not proposing sufficient landscape area to provide measurable reduction in toxins. Reduce or relocate buildings to demonstrate compliance. Provide analysis that demonstrates how much landscaping will be provided to produce a measurable reduction. Use models available from CARB and others to demonstrate compliance.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-6:</b> The Project would not create or expose sensitive receptors to substantial objectionable odors that would affect a substantial number of people. (Criterion 6) (Less than Significant)	None required	Less Significant
<b>Impact AIR-1.CJ:</b> The Project, combined with cumulative development in the Project vicinity and elsewhere, would contribute to cumulative regional air quality impacts associated with criteria pollutants. (Criteria 1, 2, and 3) (Significant and Unavoidable with Mitigation)	<p><b>Mitigation Measure AIR-1a:</b> Dust Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1b:</b> Criteria Air Pollutant Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1c:</b> Diesel Particulate Matter Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1d:</b> Super-Compliant VOC Architectural Coatings during Construction. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2a:</b> Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2b:</b> Promote use of Green Consumer Products. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2c:</b> Diesel Backup Generator Specifications. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2d:</b> Diesel Truck Emission Reduction. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e:</b> Criteria Pollutant Mitigation Plan. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3:</b> Truck-Related Risk Reduction Measures – Toxic Air Contaminants. (See Impact AIR-4)</p> <p><b>Mitigation Measure AIR-4a:</b> Install MERV16 Filtration Systems. (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-4b:</b> Exposure to Air Pollution – Toxic Air Contaminants. (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-1.CJ:</b> Include Spare the Air Telecommuting Information in Transportation Welcome Packets.</p> <p>The Project sponsor shall include dissemination of information on Spare the Air Days within the San Francisco Bay Area Air Basin as part of transportation welcome packets and ongoing transportation marketing campaigns. This information shall encourage employers and employees, as allowed by their workplaces, to telecommute on Spare the Air Days.</p> <p><b>Mitigation Measure TRANS-1a:</b> Transportation Demand Management (TDM) Plan. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b:</b> Transportation Management Plan. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1c:</b> Implement a Transportation Hub on 2nd Street. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1d:</b> Implement Bus-Only Lanes on Broadway. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1e:</b> Implement Pedestrian Improvements. (See Section 4.15, Transportation and Circulation)</p>	Significant and Unavoidable

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I-307-26

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:21:31 AM  
Provide analysis that demonstrates that the project would not expose residents of 737 2nd street from objectionable odors, including construction equipment and odors from project implementation.

I-307-27

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:23:18 AM  
Provide evidence that any of these measures are implementable, and that they will effectively reduce cumulative impacts. Deferral of mitigation is not appropriate.

I-307-26 Impact AIR-6 evaluates whether the Project would create or expose sensitive receptors to substantial objectionable odors that would affect a substantial number of people. As discussed on Draft EIR p. 4.2-119, it is anticipated that the Project would not introduce any new significant sources of odor. Further, any proposed restaurant uses would be subject to BAAQMD’s Regulation 7, which limits emission of odorous substances. This would ensure that odor impacts from such new project-related uses would be less than significant. This analysis was conducted in conformance with BAAQMD CEQA Guidelines.<sup>22</sup> Additional analysis is not required.

I-307-27 The effectiveness of air quality mitigation measures is discussed in Section 4.2, *Air Quality*. The effectiveness of air quality mitigation measures is discussed in Section 4.15, *Transportation and Circulation*. All mitigation measures will be enforced and monitored through the Mitigation Monitoring and Reporting Program (MMRP) for the Project. This constitutes the evidence requested by the commenter. See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*

<sup>22</sup> BAAQMD, 2017. *California Environmental Quality Act Air Quality Guidelines*, May 2017. [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed April 2019.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-1.CU (cont.)</b>	<p><b>Mitigation Measure TRANS-2a:</b> Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mendota Parkway to Martin Luther King Jr. Way. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2b:</b> Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2c:</b> Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-3a:</b> Implement At-grade Railroad Crossing Improvements. (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-3b:</b> Pedestrian and Bicycle Overcrossing. (See Section 4.15, Transportation and Circulation)</p>	
<b>Impact AIR-2.CU:</b> The Project, combined with cumulative development would contribute to cumulative health risk impacts on sensitive receptors. (Criteria 4 and 5) (Significant and Unavoidable with Mitigation)	<p><b>Mitigation Measure AIR-1a:</b> Criteria Air Pollutant Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1c:</b> Diesel Particulate Matter Controls. (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2a:</b> Diesel Backup Generator Specifications. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2a:</b> Diesel Truck Emission Reduction. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2c:</b> Criteria Pollutant Mitigation Plan. (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3:</b> Truck-Related Risk Reduction Measures – Toxic Air Contaminants. (See Impact AIR-4)</p> <p><b>Mitigation Measure AIR-4c:</b> Install MERV16 Filtration Systems. (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-4b:</b> Exposure to Air Pollution – Toxic Air Contaminants. (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-2.CU:</b> Implement Applicable Strategies from the West Oakland Community Action Plan. (See Attachment 2)</p> <p>The Project sponsor shall implement the following health risk reduction measures to the extent necessary to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions. These measures, derived from the West Oakland Community Action Plan, shall be incorporated into the Project design. As an added benefit, these measures may also reduce health risks associated with existing background sources of TACs within the West Oakland community, to assess the degree to which the Project exacerbates these existing TAC health risks (given that these measures will not reduce Project-generated TAC emissions to zero). These measures shall be specified on the Project plans for confirmation by the City's building official at the time of plan check and would be subject to periodic inspection.</p> <ol style="list-style-type: none"> <li><b>Action 14a:</b> The Project sponsor shall work with the BQAQMD to help distribute information to future landlords about subsidized loans for local businesses to install energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution (e.g., back-up generators).</li> </ol>	Significant and Unavoidable

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COMMENT

RESPONSE

I-307-28 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

I-307-29 The Draft EIR finds that Impact AIR-2.CU is significant and unavoidable with mitigation due to the already high background risk independent of the Project. The Draft EIR identifies all feasible mitigation to reduce this impact, including Mitigation Measure AIR-2.CU, which implements applicable strategies from the WOCAP, and requires the Project to “achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions.” This is an objective performance standard that aims to reduce the Project’s total health risk impact to zero, through implementation of all relevant and feasible WOCAP actions, other feasible measures and technology, and offsite TAC exposure reduction projects.

As discussed on Draft EIR p. 4.2-159, the specifics of this measure are unknown at this time:

However, the exact amount of TAC emission reductions and associated health risks from implementation of MM AIR-2.CU is not currently known, because specific feasible emission reduction measures have not yet been identified or quantified. In addition, implementation of offsite community TAC emission reduction project(s) could be conducted by BAAQMD or other governmental entities, and would therefore be outside the jurisdiction and control of the City and not fully within the control of the Project sponsor.

Due to this uncertainty, the Draft EIR concludes that the cumulative health risk impact would be significant and unavoidable.

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Number	Author	Subject	Date
Number 1	M HENDERSON	EIR COMMENT	3/19/2021 11:25:22 AM
Provide documentation from CPUC that at-grade crossing improvements are allowable and sufficient to reduce public safety hazards. Provide data regarding train/vehicle/pedestrian accidents in the vicinity and realistic mitigation measures.			
Number 2	M HENDERSON	EIR COMMENT	3/19/2021 11:26:36 AM
provide specific mitigation measures to mitigate cumulative health risks to residents of 737 2nd street			

I-307-28 |

I-307-29 |

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<p><b>Impact AIR-2.CU (cont.)</b></p>	<ol style="list-style-type: none"> <li>2. Action 74b: The Project sponsor shall install energy storage systems (e.g., batteries, fuel cells) instead of diesel backup generators, if feasible.</li> <li>3. Action 18: The Project sponsor shall install truck charging stations for electric vendor and delivery trucks serving the Project site.</li> <li>4. Action 28: The Project sponsor shall provide incentives to future tenants to retrofit their truck fleets to zero-emission vehicles.</li> <li>5. Action 36: The Project sponsor shall work with the BAAQMD and CARB to help distribute information about financial incentives for fueling infrastructure, and for low and zero-emission equipment.</li> <li>6. Action 42: The Project sponsor shall work with the BAAQMD to help distribute information to future tenants about funding incentives to pay for the cost of purchasing cleaner equipment in West Oakland potentially including electric lawn and garden equipment and battery electric Transportation Refrigeration Units.</li> <li>7. Action 52: The Project sponsor shall offer incentives for the purchase of electric bicycles for bike share programs.</li> <li>8. Additional measures and technology: The Project sponsor shall implement additional measures and technology to reduce TAC emissions from Project operations that are not currently known or available. This may include new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available or feasible at the project level, provided that the Project sponsor demonstrates to the City's satisfaction that such measures are as or more effective as the measures above.</li> <li>9. Directly fund or implement a specific emissions or exposure reduction project(s) within the City of Oakland to achieve the equivalent toxic-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions. The emissions or exposure reduction measures will be evaluated after implementation of all other emission reduction measures implemented above. To qualify under this mitigation measure, any emissions reduction project must result in TAC emission reductions that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as zero-emission trucks (Action 29); upgrading locomotives with cleaner engines (Actions 51, 62, 64, and 65); replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines (Action 70); installing high-efficiency air filtration systems at schools, daycare facilities, and homes (Actions 75 and 76); expanding or installing energy storage systems such as batteries, fuel cells, etc. (Action 14); or providing increased electrical infrastructure and power storage to support electric trucks (Action 15). The offset project shall be approved by the City of Oakland Bureau of Planning prior to its implementation. The Project sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification.</li> </ol>	

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COMMENT

RESPONSE

I-307-30 As discussed in Response to Comment A-11-4, it is currently not feasible to identify the specific amounts of funding the Project sponsor will commit to each of the actions listed under Mitigation Measure AIR-2.CU, given that the specific program details, costs, benefits, and effects are not known at this time (which is also consistent with the WOCAP itself, which also does not identify funding amounts or financial costs of each of its actions). Nor is specifying funding amounts for mitigation measures a requirement of CEQA (funding amounts are not identified for any other mitigation measure in the Draft EIR; the BAAQMD CEQA Guidelines also include this recommendation).

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:27:33 AM  
provide specific funding commitment to mitigate health risk at 737 2nd street

I-307-30 |

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2.CU (cont.)</b>	<p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandala Parkway to Martin Luther King Jr. Way.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, Transportation and Circulation)</p>	
<b>4.3 Biological Resources</b>		
<b>Impact BIO-1:</b> The Project could have a substantial adverse effect, either directly or through habitat modifications on resident and/or migratory birds, and/or on bird species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Criterion 1) (Less than Significant with Mitigation)	<p><b>Mitigation Measure BIO-1a: Disturbance of Birds during Nesting Season.</b></p> <p>To the extent feasible, initial Project activities that include ground disturbance, tree or vegetation removal, building/structure demolition/modification, or excavating shall not occur during the bird breeding season of February 1 to August 15, if such disturbance must occur during the bird breeding season, work areas plus an appropriate buffer area determined by a qualified biologist shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-construction surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged, such that nesting birds are not disturbed by the Project activity. The size of the nest buffer will be determined by the biologist in coordination with the California Department of Fish and Wildlife, and will be based on a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest, as necessary to avoid disturbance of nesting birds.</p>	Less Than Significant

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I-307 Andrew Peters

COMMENT

RESPONSE

I-307-31 The commenter is incorrect regarding the assumption of "24/7/365" pile driving activities during construction. See Mitigation Measure NOI-1a (Construction Days/Hours), which imposes restrictions concerning construction days and hours for the Project.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 11:29:59 AM  
This mitigation measure is inconsistent with other sections that indicate pile driving will occur 24/7/365. Please be truthful about project impacts and provide reasonable mitigation measures.

I-307-31 |

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>5.0 Variants (cont.)</b>		
<b>Impact CUL-4 CUL-7:</b> The proposed Project, in combination with the Aerial Gondola Variant, would contribute to a citywide significant cumulative impact on cultural and historic resources identified in the CGMP EIR through changes to the setting of the Old Oakland AFD. (Criterion 1) (Significant and Unavoidable with Mitigation)	<b>Mitigation Measure CUL-7: Convention Center Station Contextual Design Review.</b> (see Project CUL-10) <b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b> (see Section 4.4, Cultural and Tribal Cultural Resources)	Significant and Unavoidable
<b>Impact HAZ-4:</b> The proposed Project, with the Peaker Power Plant Variant, would have the potential to encounter hazardous materials, which could create a significant hazard to the public or the environment. (Criterion 5) (Less than Significant with Mitigation)	<b>Mitigation Measure HAZ-2: Peaker Power Plant Fuel Tank Decommissioning and Training/ Oversight</b> Prior to demolition or removal of the fuel tank, the Project sponsor shall have the fuel tank panel decommissioned, subject to the oversight and inspection of the Oakland Fire Department. The decommissioning activity shall be performed by qualified personnel trained and certified in environmental health and safety procedures pursuant to Occupational Safety and Health Administration training requirements in Code of Federal Regulations Title 29, Section 1910.120, Hazardous Waste Operations and Emergency Response, including appropriate training for enclosed space activities. The Project sponsor shall ensure that full-time observation under a site management plan occurs during actual removal of the tank to determine whether evidence of subsurface impact is present. <b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAW, LUCs and Associated Plans.</b> (see Section 4.8, Hazards and Hazardous Materials) <b>Mitigation Measure HAZ-1b: Compliance with Approved RAW, LUCs and Associated Plans.</b> (see Section 4.8, Hazards and Hazardous Materials) <b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b> (see Section 4.8, Hazards and Hazardous Materials) <b>Mitigation Measure HAZ-1d: Hazardous Building Materials.</b> (see Section 4.8, Hazards and Hazardous Materials)	Less Than Significant
<b>Impact HAZ-5:</b> The proposed Project, with the Aerial Gondola Variant, would have the potential to encounter hazardous materials which could create a significant hazard to the public or the environment. (Criterion 5) (Less than Significant with Mitigation)	<b>Mitigation Measure HAZ-3: Aerial Gondola Soil and Groundwater Management Plan.</b> <b>Soil and Groundwater Management Plan</b> Prior to issuance of a building permit for the Aerial Gondola Variant, the contractor shall develop a Soil and Groundwater Management Plan (SGMP) specifying how the construction contractor(s) will remove, handle, transport, and dispose of all excavated materials in a safe, appropriate, and lawful manner. The plan shall be implemented before the start of construction activities. The SGMP must identify protocols for soil testing and disposal. Contract specifications shall mandate full compliance with all applicable Federal, State, and local regulations related to the identification, transportation, and disposal of hazardous materials, including those encountered in excavated soil. <b>Hazardous Waste Management Procedures</b> If soil classified as hazardous waste is encountered, the material shall be managed as hazardous waste pursuant to California Code of Regulations Title 22, Division 45, in accordance with the following procedure:	Less Than Significant

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I-307 Andrew Peters

COMMENT

RESPONSE

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I-307-32 |

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 2:32:08 PM  
please describe the impacts of this action on the residents of 737 2nd street

I-307-33 |

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 3:37:41 PM  
please identify any toxic waste issues or groundwater contamination that has migrated into adjacent properties, including 737 2nd street

I-307-32 The 737 2nd Street property is located north and upgradient of the Project site. As explained in Section 4.9, *Hydrology and Water Quality*, under *Environmental Setting, Local Setting, Groundwater*, the direction of groundwater flow on the Project site is southwest, not toward the 737 2nd Street property. Consequently, contamination from the Project is not able to migrate to the 737 2nd Street property.

I-307-33 As explained above in Response to Comment I-307-33, groundwater is not able to flow from the Project to the 737 2nd Street property. As described in Section 3.2.4, *Existing Wharf Conditions, Utilities, and Site Conditions*, the Project site is covered with hardscape (i.e., asphalt and concrete) that encapsulates underlying contaminated materials. Consequently, contaminated materials are not able to migrate to the 737 2nd Street property. Finally, Section 4.8, *Hazards and Hazardous Materials*, Section 4.8.3, *Significance Criteria, Remediation and Mitigation of Contaminated Materials*, describes the remediation methods that would be used to address contaminated materials at the Project site.

I-307 Andrew Peters

COMMENT

RESPONSE

2. Summary

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>5.0 Variants (cont.)</b>		
<p><b>Impact HAZ-5 (cont.)</b></p>	<ul style="list-style-type: none"> <li>• Excavation and transportation shall be performed by Occupational Safety and Health Administration-certified personnel, as needed and required by all federal, state, or local laws.</li> <li>• Soil shall either be characterized in-situ or staged on-site for characterization. If all or any portion of the soil is determined to be hazardous waste, such portion shall be managed and disposed of in accordance with applicable hazardous waste regulatory requirements.</li> <li>• Breathing zones shall be monitored for dust control.</li> <li>• All haul trucks (including those transporting soil, sand, or other loose material including demolition debris off-site) shall be covered, as required by applicable laws.</li> <li>• Soil that is visibly impacted or has an odor shall be stockpiled on-site, if needed, and shall be placed on 10-mil plastic sheeting or equivalent, pending characterization. As necessary based on meteorological and site conditions, the soil stockpiles shall be protected and secured to prevent dust or runoff during storm events.</li> </ul> <p><b>Groundwater Dewatering Controls</b> As part of the SGMP, the contractor shall develop a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. Consistent with Best Management Practices (BMPs), the SGMP must identify the locations at which groundwater dewatering is likely to be required, the test methods to analyze groundwater for hazardous materials, the appropriate treatment and/or disposal methods, and approved disposal sites, including written documentation that the disposal site can accept the waste. The contractor(s) may also discharge the effluent under an approved permit to a publicly owned treatment works, in accordance with any requirements the treatment works may have.</p> <p><b>Site-Specific Health and Safety Plans (HASP)s</b> The contractor shall develop a site-specific HASP as part of the SGMP to ensure that construction activities are performed in a manner protective of the health and safety of site construction workers and of interim site uses in the construction zone(s). The HASP is a mechanism through which the workers involved in the construction are informed of the presence of chemicals in the area prior to initiating work.</p> <p><b>Review and Approval</b> The SGMP shall be submitted to the California Department of Toxic Substances Control and the City for review and approval prior to commencement of construction.</p>	<p>Less Than Significant</p>
<p><b>Impact HYD-6:</b> The proposed Project, with the Aerial Gondola Variant, could violate surface water and groundwater quality standards, result in erosion or siltation on- or off-site that could affect receiving water quality, and/or substantially degrade surface water and groundwater quality and conflict with implementation of a water quality control plan (Criteria 1, 3, and 7) (Less than Significant with Mitigation)</p>	<p><b>Mitigation Measure HAZ-2: Aerial Gondola Soil and Groundwater Management Plan</b> (see Impact HAZ-5)</p>	<p>Less Than Significant</p>

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COMMENT

RESPONSE

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Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 3:39:35 PM  
Identify transport routes for dust and toxic substances, through West oakland including 2nd St, and what measures will be taken to protect the community you are transporting the waste through?

I-307-34

I-307-34 Draft EIR Section 4.2, *Air Quality*, analyzes construction truck routes under Impacts AIR-4, AIR-5, and AIR-2.CU, and the potential health risk impact of these trucks on nearby sensitive receptors in West Oakland. As stated in Draft EIR Appendix AIR.1 p. 32, “The excess lifetime cancer risk and chronic hazards analysis in the construction HRA assesses impacts from DPM emissions from off-road diesel construction equipment and onroad diesel hauling trucks.” Anticipated truck haul routes were included in the modeling. The modeled construction haul road routes are shown in Draft EIR Appendix AIR.1 Figure 4 and the modeled construction area sources are shown in Appendix AIR.1 Figure 5.

Mitigation Measure AIR-1a requires that the Project sponsor to cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.

I307-1 Andrew Peters (Part 2)

COMMENT

COMMENT

### CHAPTER 3 Project Description

This chapter describes all components and characteristics of the proposed Oakland Waterfront Ballpark District Project (Project) proposed by the Oakland Athletics Investment Group, LLC (Oakland Athletics or Oakland A's), and serves as a basis for the analysis that follows in subsequent chapters of this Draft Environmental Impact Report (EIR). This chapter also provides an overview of existing conditions on and around the Project site, including current jurisdictional designations; however, existing conditions are described in greater detail in the *Environmental Setting* portion of each environmental analysis section in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, and Chapter 5, *Project Variants*.

In addition to describing all aspects of the proposed Project and providing an overview of existing conditions on and near the site, this chapter lists the Project sponsor's objectives and the discretionary approvals that the Project sponsor is seeking from the City of Oakland (City), the Port of Oakland (Port), and various other agencies.

This chapter also introduces a Maritime Reservation Scenario for the Project, as well as two Project variants, and explains how the Maritime Reservation Scenario and the two Project variants would add to or alter the basic characteristics of the Project. The Maritime Reservation Scenario and variants are included in this EIR's analysis so that they can be implemented in the event they prove to be feasible and desirable. The Maritime Reservation Scenario and variants are not incompatible with one another. Any one of them, or any two, or all three could be developed and their potential combined impacts can be ascertained by reviewing Chapter 4 and Chapter 5.

#### 3.1 Project Location and Setting

The proposed Project location is the Charles P. Howard Terminal (Howard Terminal) and certain adjacent properties – together referred to as the "Project site" – located in the southwestern area of Oakland, California. Existing regional freeway access to the Project site exists via Interstate 880 (I-880) and Interstate 980 (I-980). As depicted in **Figure 3-1, Project Location Map**, the Project site is approximately 9 miles northwest of the Oakland International Airport, 6 miles northwest of the RingCentral Coliseum (also referred to as Oakland Coliseum, and previously the Oakland-Alameda County Coliseum), and 1 mile from each of three stations on the regional Bay Area Rapid Transit (BART) system.

The Project site is located within the Seaport Area of the Port of Oakland, which includes the waterfront area generally bounded by the San Francisco-Oakland Bay Bridge (Bay Bridge) to the

The northern side of the Project site is bounded by Embarcadero West, a roadway running east-west adjacent to the existing UPRR tracks. The UPRR tracks are located within the railroad right-of-way directly adjacent to and parallel between the eastbound and westbound lanes of Embarcadero West. The railroad tracks, Embarcadero West, and the south end of Market Street, Martin Luther King Jr. Way, and Clay Street converge at the northern property line, and Embarcadero West serves as the boundary of the proposed on-site improvements.

Figure 3-3 captures the area north and northeast of the Project site, across the UPRR railroad tracks and Embarcadero West. (Also see Figure 4.10-1 in Section 4.10, *Land Use, Plans, and Policies*, in Chapter 4 of this Draft EIR, which depicts numerous surrounding areas.) The City of Oakland's Acorn Industrial Area of light industrial, warehouse, and commercial uses is northwest of the Project site, anchored along 3rd Street and bordered on the north by I-880, on the east by Castro Street; on the south generally by Embarcadero West; and on the west by railyards. West Oakland neighborhood is generally north of the Acorn Industrial Area and west to I-980. The southwest corner of Downtown (Old Oakland) is located immediately north of I-880 and east of I-980, approximately five blocks from the Project site. The Acorn Industrial Area also continues to the northwest of the Project site, adjacent to railyards. Schnitzer Steel is a heavy metal recycling operation that abuts the western border of the Project site. Other active Port terminal uses are located farther west along the Estuary. Figure 3-3 also shows that directly south, across the Estuary from the Project site, is the north shore of the City of Alameda, currently comprised of industrial warehouse, maritime uses, and Estuary Park. Immediately south of these uses is the recently developed Alameda Landing commercial/retail and housing developments on the previous Naval Air Station Alameda. The Alameda Ferry landing is approximately 0.5 miles southwest of the Project site.

Existing uses on and surrounding the Project site are discussed in more detail in Section 4.4, *Cultural and Tribal Cultural Resources*, and Section 4.10, *Land Use, Plans, and Policies*, in Chapter 4 of this Draft EIR. Also, additional context relevant to each of the Project variants analyzed in this Draft EIR is described in Chapter 5.

#### 3.2.3 Existing Project Site Access

The Project site has regional freeway access via both I-880 and I-980, with on-ramps to each within 1 mile of the Project site. Direct vehicular access to the site exists via local roadways: Embarcadero West extending from the east, and via at-grade crossings of the railroad tracks at Clay Street, Martin Luther King Jr. Way, and Market Street. Pedestrian, bicycle, and vehicular traffic must cross the UPRR tracks to gain access to the Project site.

Three BART stations, including West Oakland (0.9 miles), 12th Street Oakland City Center (0.8 miles), and Lake Merritt (1.1 miles), exist within approximately 1 mile of the Project site. The Amtrak/Capital Corridor train station is about 0.5 miles east of the Project site, Alameda-Contra Costa (AC) Transit bus and shuttle service is within 0.25 miles of the site, and the Jack London Square landing for the San Francisco Bay Ferry is immediately adjacent to and east of the site.

Existing support facilities for pedestrian, bicycle and scooter users (e.g., bike racks, dedicated scooter paths) are limited given the current maritime use of Howard Terminal, described above.

I307-1

COMMENT

RESPONSE

Summary of Comments on Chapter 3, Project Description

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Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 5:29:27 PM  
Immediately north of the project site is the mixed-use Phoenix Lofts Condominium, a historic structure constructed in 1913, which serves as a primarily a residential development.

I307-1-1

I307-1-1 The comment states that the Phoenix Lofts Condominium (737 2nd Street, Dalziel Company Warehouse) is a historic structure constructed in 1913. The building is a contributor to the Southern Pacific Railroad Industrial Landscape Area of Primary Importance (API) and is included in the draft EIR under the analysis of the API. Documentation for the API lists the construction date for the building as 1920. See Response to Comment I-307-3 for further discussion regarding 737 2nd Street, its status as a historic resource, and consideration of impacts as a result of the Project.

I307-1

COMMENT

RESPONSE

3. Project Description

Existing nearby bicycle paths are north of the Project site and run along 2nd Street (east of Brush Street) and 3rd Street (west of Brush Street).

Emergency vehicle access to the Project site is currently provided via the streets and at-grade railroad crossings described above, as well as along Water Street, which serves as a fire apparatus route for the existing buildings fronting it. Previously, the Port of Oakland licensed a temporary easement to the City for emergency vehicle access on an unimproved, unpaved route leading west from the west end of Embarcadero West to Middle Harbor Road. The temporary easement ended in June 2019.

The existing Oakland Fire Station near Clay and Water Streets, immediately east of the Project site (and south of the railroad tracks), reopened in 2020 for use as a temporary fire station during planned fire station remodels and rebuilds that will be taking place in the City on a rotating basis over the next 5 to 7 years as part of the Bond Measure KK capital improvements (discussed in more detail in Section 4.13, *Public Services*, in Chapter 4 of this Draft EIR).<sup>3</sup>

### 3.2.4 Existing Wharf Conditions, Utilities, and Site Conditions

#### Site Conditions

According to the Federal Emergency Management Agency's Flood Insurance Rate Map, the majority of the Project site is located outside of the 100-year flood zone and would not impede or otherwise redirect any flood flows to other areas. A small portion at the northeast corner of the Project site is within Special Flood Hazard Zone AE.

Groundwater is estimated at a depth of 5 to 12 feet below the ground surface and likely fluctuates several feet daily with the tidal action, due to the presence of the adjacent San Francisco Bay. The site is relatively level with a ground surface elevation generally ranging from 4.5 to 8 feet (City of Oakland Datum<sup>4</sup>).

The Project site has a history of handling hazardous and potentially hazardous materials as part of industrial uses for decades, as do sites in the surrounding area. Howard Terminal proper involves three separate active cleanup sites overseen by the California Department of Toxic Substances Control (DTSC). Existing environmental conditions on the Project site are described in detail in Section 4.8, *Hazards and Hazardous Materials*, in Chapter 4 of this Draft EIR. As explained in Section 4.8, each of the three clean-up sites currently has a separate land use covenant prohibiting certain land uses and disturbance of the existing "cap" without a Risk Management Plan and Health and Safety Plan approved by DTSC.  Each site is also subject to a separate operations and maintenance plan or agreement, which describes how soil and groundwater must be managed during maintenance activities, utility installations, and other activities.

<sup>3</sup> Oakland residents approved Bond Measure KK in November 2016 to improve public safety and invest in neighborhoods throughout Oakland, including providing funds for facility improvements.

<sup>4</sup> "Datum" is the established point from which the elevation is measured.

I307-1

COMMENT

RESPONSE

I307-1-2 The 737 2nd Street property is located north and upgradient of the Project site. As explained in Draft EIR Section 4.9, *Hydrology and Water Quality*, under *Environmental Setting, Local Setting, Groundwater*, the direction of groundwater flow on the Project site is southwest, not toward the 737 2nd Street property. Consequently, contamination from the Project site is not able to migrate to the 737 2nd Street property. As described in Draft EIR Section 3.2.4, *Existing Wharf Conditions, Utilities, and Site Conditions*, the Project site is covered with hardscape (i.e., asphalt and concrete) that encapsulates underlying contaminated materials. Consequently, contaminated materials are not able to migrate to the 737 2nd Street property.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 5:30:58 PM  
Identify if any toxic substance have migrated off site, specifically in the vicinity of 737 2nd street. If so, what is the Hazardous materials mitigation plan?

I307-1-2 |

I307-1

COMMENT

RESPONSE

3. Project Description

- 10. Construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited to green building design and construction practices, walkability features, and sea level rise adaptability standards.
- 11. Optimize opportunities for sustainable transportation by encouraging walking, bicycling, and transit use, and discouraging automobile use.

### 3.5 Site Plan and Project Characteristics

#### 3.5.1 Project Overview

To develop the proposed multi-phased development Project, all existing buildings and structures on Howard Terminal and the remainder of the Project site would be demolished, except for Fire Station 2,<sup>7</sup> the four existing shipping container cranes which may be retained,<sup>8</sup> and the historic PG&E Station C facility.<sup>9</sup> **Figure 3-6, Phasing Plan**, depicts the overall anticipated phasing of the proposed Project, which is illustrated and described below in greater detail in **Figure 3-7, Illustrated Phase 1 Site Plan; Figure 3-8, Illustrated Buildout Site Plan; Table 3-1, Illustrated Development Scenario and Parking by Phase**; and Section 3.13.1, *Construction Activity and Schedule*, in this chapter. The proposed phasing for development of the Project is considered conservative from an impact perspective because it assumes development of non-ballpark uses within a relatively short period of time. Actual build-out of non-ballpark uses would be influenced by market and financing considerations, and is likely to occur over a longer period of time than envisioned, as discussed in Section 3.13.1.

Once the ballpark is constructed in Phase 1 of the Project, the Project sponsor would relocate all MLB operations from the existing Oakland Coliseum to the new facility. Any redevelopment at the Oakland Coliseum is not part of or the Project sponsor's application nor a prerequisite for development of the proposed Project, and no physical changes are proposed at the Oakland Coliseum site as part of the Project.

As shown in Figures 3-7 and 3-8, the site plan for the proposed Project would extend Market Street and Martin Luther King Jr. Way south onto the Project site, and also extend Water Street (a pedestrian street that is also accessible to and used by motor vehicles between Clay and Washington Streets) west from Jack London Square into the Project site. The site itself would have north-south streets that align with those in the Acom Industrial area immediately north of the site, and east-west streets creating a grid pattern with developable blocks that range in size from 0.2 to 2.75 acres, and block lengths ranging from approximately 200 to 450 feet.

<sup>7</sup> Fire Station 2 is proposed to remain in place as part of the Project and would be incorporated into the Project design; however, the impacts of demolition of Fire Station 2 are analyzed and disclosed in this EIR in case the demolition is desired or necessary in the future.

<sup>8</sup> The Project sponsor intends to retain the existing shipping container cranes on site. However, retention may not be feasible so their demolition and removal is analyzed as part of the Project.

<sup>9</sup> See Chapter 5, *Project Variants*, in this Draft EIR for a description of the Peaker Plant Variant, which would modify and reuse this facility, and for a description of the variant located off-site (Aerial Gondola Variant).

I307-1

COMMENT

RESPONSE

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I307-1-3 |  
I307-1-4 |  
I307-1-5 |

Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 5:45:09 PM
Include specific project elements that meet green building standards, not deferral of mitigation			
Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 5:47:04 PM
Why do you propose 10,000 parking spaces? This is inconsistent with project objectives.			
Number 3	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 5:47:39 PM
Quantify traffic impacts to Second Street, which will become a transit artery			

I307-1-3 The commenter is pointing to the Project sponsor's objectives as articulated in the Draft EIR Project Description. No further detail is needed in a statement of objectives and no mitigation measure has been deferred.

I307-1-4 See Consolidated Response 4.7, *Parking*.

I307-1-5 This comment requests more information about traffic impacts to 2nd Street as a result of the proposed Project. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. The comment does not raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

Mitigation Measure TRANS-1b would require a Transportation Management Plan (TMP) to manage transportation before, during, and after ballpark events. A draft TMP is provided in Draft EIR Appendix TRA.1, and Chapter 11 describes traffic management strategies before and after events based on event size. The level of intervention to manage transportation on 2nd Street would be dependent on the event size and level of bus and shuttle activities for the event. The final determination of transportation management strategies would be established by the Oakland A's, in consultation with the City and Port of Oakland, and with input from key stakeholders. The City of Oakland would be responsible for approving the TMP before it is implemented. The TMP would also be amended periodically to be responsive to changing transportation and neighborhood needs over time. Amendments would also be approved by the City of Oakland prior to implementation.

I307-1

COMMENT

RESPONSE

3. Project Description

**TABLE 3-1  
DEVELOPMENT SCENARIO AND PARKING BY PHASE USE/SIZE/CAPACITY**

Project Component	Phase 1	Parking Stalls	Remainder Development Program	Parking Stalls	Total Buildout	Parking Stalls
<b>Ballpark</b>						
Ballpark (capacity)	35,000	3,500 <sup>a</sup>	0	(1,500) <sup>b</sup>	35,000	2,000 <sup>a</sup>
Ballpark (square footage of ballpark in addition to potential uses such as Team Offices, Community Space, Dining and Retail) <sup>c</sup>	1,200,000 sq. ft. (incl. seating and field)	—	—	—	1,200,000 sq. ft. (incl. seating and field)	—
<b>Performance Venue</b>						
Performance Venue <sup>d</sup>	0	0 <sup>e</sup>	3,500 seats 50,000 sq. ft.	0	3,500 seats 50,000 sq. ft.	0
<b>Hotel</b>						
Hotel <sup>f</sup>	400 rooms 280,000 sq. ft.	200	0	0	400 rooms 280,000 sq. ft.	200
<b>Mixed Use Development</b>						
Residential (mixed use component)	540 units 594,000 sq. ft.	540	2,400 units 2,678,000 sq. ft.	2,400	3,000 units 3,300,000 sq. ft.	3,000
Office/Commercial (mixed use component) <sup>g</sup>	250,000 sq. ft.	500	1,250,000 sq. ft.	2,500	1,500,000 sq. ft.	3,000
Retail <sup>h</sup>	30,000 sq. ft.	70	240,000 sq. ft.	622	270,000 sq. ft.	700
<b>Parks and Open Space Amenities<sup>i</sup></b>						
Waterfront Park	4.3 acres		6.0 acres		10.3 acres	
Athletica Way	5.0 acres		0 acres		5.0 acres	
Ballpark Rooftop Park	2.5 acres		0 acres		2.5 acres	
Plaza Open Space	0.5 acres		0 acres		0.5 acres	
Streets/Roadways/Paseos	Approx. 5 acres		Approx. 7 acres		Approx. 12 acres	

**NOTES:**

a. On-site ballpark parking will be reduced over time. Specifically, as buildout of the Project occurs, the land surface areas on the western portion of Howard Terminal would no longer be available for parking, and the Project proposes using roughly 1.5 miles of curb space to manage passenger loading activities, adjusting curb allocations as needed to support alternate transportation needs.

b. Team Offices may be included in the ballpark or a separate building.

c. Performance Venue and Hotel sites may be located within "Mixed Use" or within "Retail" zone in Phase 1 and in Remainder Development Program phase, respectively. Also, the Project could develop the 400 hotel rooms in one or more hotels total.

d. Performance Venue parking shared with ballpark parking.

e. Commercial/Office uses could include a range of commercial uses, including but not limited to general administrative and professional office and life sciences/research.

f. Retail uses could include a range of retail commercial uses, including dining/retail/entertainment; retail in this instance is not limited to the "Retail Sales" category in the Planning Code.

SOURCE: Athletica Investment Group, LLC

Waterfront Ballpark District at Howard Terminal  
Final Environmental Impact Report

3-20

ESA / 1507564  
February 2021

I307-1

COMMENT

RESPONSE

Page: 6

Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 5:50:16 PM
Provide fiscal analysis regarding need and density for this number of housing units			
Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 5:57:35 PM
In other sections of the EIR it describes GHG reduction due to planting trees for carbon sequestration. However this indicates that less than 10% of the site will be available for tree planting. Provide a correction, and truthful evaluation of the site's landscape reality vs carbon offset. The project as planned does not meet the legislative requirement nor GHG goals.			

I307-1-6

I307-1-8

I307-1-6 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I307-1-7 Mitigation Measure GHG-1 lists several onsite and offsite GHG reduction measures that shall be included in the GHG Reduction Plan as necessary to meet the “no net additional” GHG emissions requirements of the Project. One such measure is “tree planting and vegetated buffers” as described on p. 4.7-62 of the Draft EIR as an offsite measure to increase carbon sequestration (item (4)(iii)(a)). Note that this is an *offsite* measure and would therefore not occur on the Project site. Tree planting is not a required mitigation, but it can potentially be counted toward reducing the Project’s GHG emissions if a suitable program can be funded or implemented and adequately quantified per the requirements of Mitigation Measure GHG-1.

Mitigation Measure GHG-1 includes an objective performance standard, “no net additional” GHG emissions, as defined by AB 734, and requires the Project sponsor to achieve this requirement through all feasible measures. See Response to Comment O-62-38 for an explanation of how Mitigation Measure GHG-1 reduces the Project’s emissions to the “no net additional” threshold through a combination of additional on-site and off-site measures.

I307-1-8 See Response to Comment I307-1-7.

I307-1

COMMENT

RESPONSE

3. Project Description

The ballpark would be located on the eastern portion of the site, and would be surrounded by pedestrianized streets (intended primarily for pedestrians, with vehicle access limited to emergency, service, delivery and maintenance vehicles), which would connect to new public open space areas around and within the ballpark and along the waterfront, described in the following section 

A range of land uses (shown in Table 3-1) would be developed in phases on the blocks around and west of the ballpark. The mix of uses are delineated across the site in **Figure 3-9, Land Use Plan**, and described in the following section. Maximum building heights for all development, as analyzed in this Draft EIR, is shown in **Figure 3-10, Maximum Building Massing and Height Plan**. The development intensity of proposed uses is described in Table 3-1, although there could be some adjustments (for example building less commercial use and more housing, as discussed in Section 3.6.2, *Development Modifications*, below) in the future based on market conditions.

**Figure 3-11, Aerial View Looking West from Jack London Square/Waterfront Warehouse District**, provides a site-wide view of the proposed development and surrounding setting.

### 3.5.2 Major Project Components

This section describes the major Project components specified in Table 3-1 and the previous exhibits in more detail.

#### Ballpark

The proposed Project would construct a new open-air waterfront multi-purpose MLB ballpark with a capacity of up to 35,000 persons. The various Project exhibits in this chapter show the ballpark, which encompasses approximately 8 acres, located within the eastern half of the site and oriented to the southeast. The ballpark would be accessed from Market Street behind home plate, Martin Luther King Jr. Way along left field, and from Jack London Square via Water Street from the outfield. **Figure 3-12, Conceptual Design of the Ballpark**, shows a conceptual image of the ballpark, which would be up to 130 feet tall, encompassing multiple concourse levels. Uses within the multi-concourse layer ballpark would include social spaces, dining and retail. The team offices of the Oakland Athletics would be located within the ballpark or at another location within the proposed development program at Howard Terminal. The main entrance and arrival plaza, as well as areas for loading and press vehicles and limited drop-off and covered parking would be located at the field-level. The ballpark would be located within portions of the Project site that are currently or would be subject to the “public trust,” as discussed in Section 3.3.4 above.

Major design and operational elements associated with the ballpark include signage, lighting and amplification. The Project design and implementation would comply with the City of Oakland’s Bird Safety Measures, adopted in 2013, as required by California Assembly Bill (AB) 734 (CEQA Section 21168.6.7) (see Chapter 1, *Introduction*). Nighttime programming would apply best management practice strategies to avoid and reduce potential collision hazards for migratory and resident birds, to the extent feasible.

I307-1

COMMENT

RESPONSE

I307-1-9 See Response to Comment I307-1-7.

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I307-1-9 |

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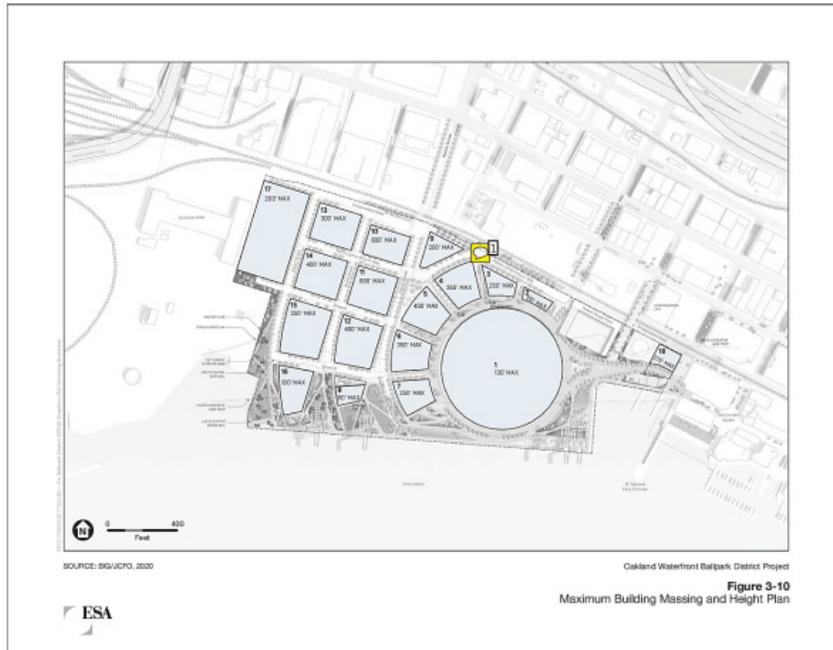
Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 5:58:35 PM  
quantify the percentage of pavement vs green landscape areas and rectify GHG carbon sequestration inconsistencies.

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I307-1

COMMENT

RESPONSE



I307-1

COMMENT

RESPONSE

I307-1-10 Please refer to the response to Comment I-307-3-5.

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I307-1-10 |

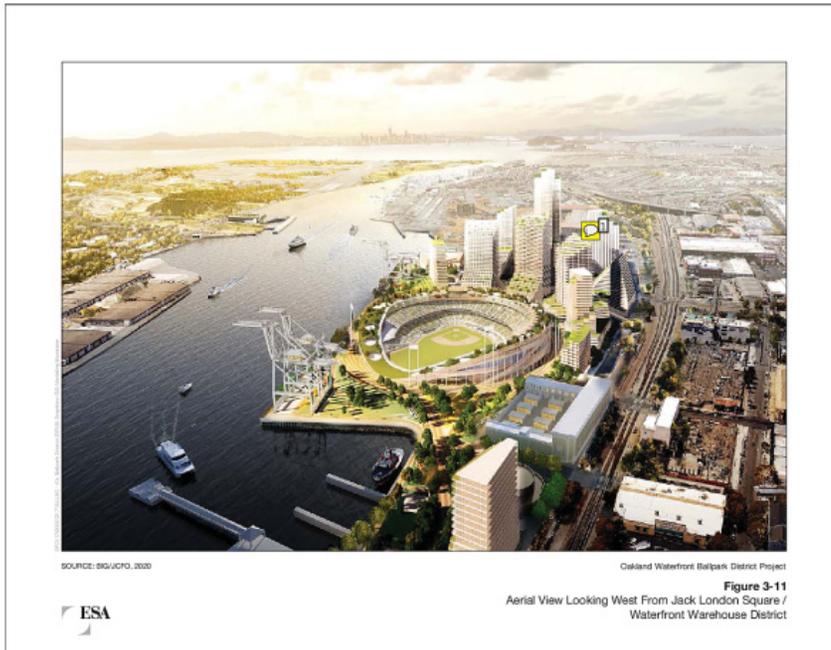
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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:01:54 PM  
Building 3,4,5, and 9 will permanently shade the historic structure at 737 2nd street, and should be relocated and height reduced to less than 70 feet to remain in character with the adjacent historic area.

I307-1

COMMENT

RESPONSE



I307-1

COMMENT

RESPONSE

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I307-1-11

Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:04:14 PM  
provide a comparison of building height in other areas, the height proposed here are not in character with any other areas of the city and will permanently shade historic residential areas of West oakland, an impacted community.

I307-1-11 The comment is made in reference to Draft EIR Figure 3-11, p. 3-24, which presents an aerial view of the proposed Project. Project buildings other than the proposed ballpark would range in height from 50 feet to 600 feet, as shown on Draft EIR Figure 3-10, Maximum Building Massing and Height, p. 3-23. It is assumed that the comment asks about building heights in downtown Oakland. The tallest existing building in Oakland is the Ordway Building, part of the Kaiser Center complex, which is approximately 400 feet in height. In May 2021, the Oakland Planning Commission approved a building at 415 20<sup>th</sup> Street that, if built, will be about 620 feet tall.

I307-1

COMMENT

RESPONSE

3. Project Description

**Mixed-Use Development**

As shown in Table 3-1, the Project's "mixed-use development" would include a mix of residential, office/commercial, retail, and entertainment uses that would be developed in blocks throughout the Project site west of the ballpark, as depicted in Figure 3-8. The mixed-use development of the Project would include up to 3,000 residential units<sup>10</sup> up to 1.5 million square feet of commercial/office (which could include a range of commercial uses, including but not limited to, general administrative and professional offices and life sciences/research), and up to approximately 270,000 square feet of retail uses (which could include dining/restaurant/entertainment) at full buildout in addition to the ballpark.

While any permitted land use could occur on the ground level in most blocks, dependent on sufficient hazardous materials cleanup and agency approvals or limitations on Public Trust/BCDC lands, street-fronting retail uses would be encouraged or required via new Project-specific zoning regulations proposed for the site along portions of Market Street (the main north-south street corridor through the Project site) and Athletics' Way, the curved promenade that would be the main entrance to the site from Jack London Square.

**Performance Venue and Hotel**

An approximately 50,000-square-foot indoor performance venue would be constructed on-site, and would have a capacity of up to 3,500 individuals. Although the location of the performance venue is not specified, the performance venue would likely be sited within a development block west of the ballpark (see Figure 3-9). The performance venue facilities would be used year-round for entertainment and convention purposes.

A total of 400 hotel rooms could be developed in one or more hotels. The structure(s) would likely include ancillary conference facilities, food and beverage facilities, and retail, as well as guest athletic team accommodations.

**Parks and Open Space Amenities**

The proposed Project would include a network of approximately 18.3 acres of accessible open spaces, the large components of which are described below and illustrated in **Figure 3-13, Parks, Plaza and Open Space Program and Design**. The parks and open spaces are envisioned to be flexible, and accommodate a range of outdoor programming, including, but not limited to, concerts, markets, festivals and activities noted in Figure 3-13.<sup>10</sup>

<sup>10</sup> The Project will have an affordable housing program, which may include on-site or off-site affordable housing units and/or the payment of impact fees. Should the Project satisfy its affordable housing component via off-site development at as-yet unidentified sites, that development would require separate environmental review and entitlement; these units would fall within the overall cumulative growth forecast used in the analyses contained in this EIR.

I307-1

COMMENT

RESPONSE

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I307-1-12 |

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:05:21 PM  
what is the basis for proposing this number of units? This does not meet project objectives.

I307-1-13 |

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:07:18 PM  
What percentage of park and open space amenities would be green landscape to meet GHG and LEED requirements? These appear to be mostly roads and paved surfaces, and are inconsistent with project objectives.

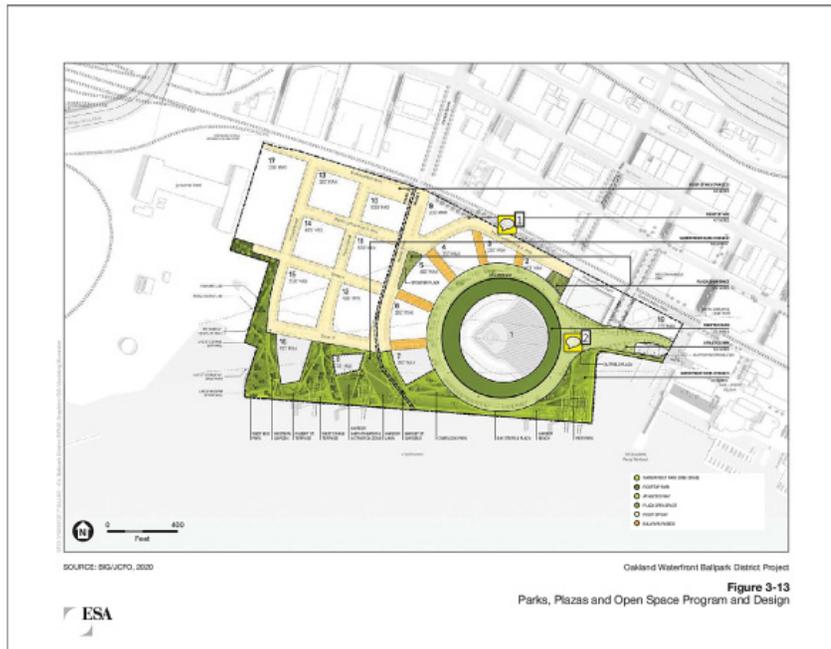
I307-1-12 The proposed Project would include 3,000 housing units, consistent with the Project objective to "construct high-quality housing with enough density to contribute to year-round active uses on the Project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents and to assist Oakland in meeting its housing demand" (Draft EIR p. 3-15). This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I307-1-13 See Response to Comment I307-1-7. Precise percentages of park and open space landscaping would be developed at a later date. See also Draft EIR Figure 3-19, which depicts the general locations of proposed new site trees.

I307-1

COMMENT

RESPONSE



I307-1

COMMENT

RESPONSE

I307-1-14 Figure 3-13 depicts a conceptual image of the proposed parks, plazas, and open space program and design. This is intended to be conceptual in nature. See also Draft EIR Figure 3-19, which depicts the general locations of proposed new site trees, some of which would be included in off-site streetscape improvements. Precise percentages of park and open space landscaping would be developed at a later date.

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I307-1-14

Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:09:53 PM
Landscaping is shown off the site. Will this be included in the project? Provide an accurate depiction of project components			
Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:09:11 PM
Please accurately represent which portions of the site will be landscape with trees, living plants and pervious surfaces. This is not an accurate representation of lanscape intent.			

I307-1

COMMENT

RESPONSE

3. Project Description

**Athletics' Way**

Athletics' Way would extend Water Street, the largely pedestrianized spine of Jack London Square, west and encircle the ballpark, functioning as the main point of arrival for pedestrians accessing the ballpark and the Waterfront Ballpark District or Project site (see Figure 3-13). A total of 5.0 acres in size, Athletics' Way would consist of a pedestrian promenade with adjacent retail uses and landscaping around the ballpark. Athletics' Way is envisioned as a social promenade and concourse that would be intended for everyday use while also managing a significant volume of users during games. Athletics' Way would be open to the public on non-event days (subject to periodic closures for security, safety, maintenance and/or repairs) and would be reserved for ticketed attendees during event days at the ballpark. The promenade would be designed to accommodate up to 35,000 fans and spectators on game day and provide a continuous pathway with a diverse mix of settings – including places to dine, stroll, and play. **Figure 3-14, View Approach to Ballpark from Jack London Square/Water Street**, provides an illustrated image of Athletics' Way.

**Waterfront Park**

A 10.3-acre Waterfront Park would extend along the Estuary for the length of the existing wharf on the Project site. The park would accommodate retention of the cranes previously used for containerized shipping if feasible and would be landscaped and furnished to enable wide view corridors to the Bay. The Waterfront Park would also offer diverse opportunities for active and passive uses, for both individuals and groups, with promenades and picnic areas, as called out on Figure 3-13. No facilities for recreational watercrafts would be included in the Waterfront Park, and anchoring of boats in the Estuary along the Park front would be prohibited. Per the Exclusive Negotiation Term Sheet, the Port could berth tugboats and similar watercraft (but not cargo vessels) along the western end of the wharf within the Maritime Reservation Area during the 10-year period during which the Port must determine whether to exercise its option to take back all or a portion of the area. (See Section 3.7.)

The Bay Trail, envisioned as a 500-mile trail around the Bay, currently has a gap between where it ends at Water and Clay Streets (from Jack London Square) and where it resumes at 3rd and Brush Streets, and continues west of Brush Street in to West Oakland. The proposed Project would fill this approximately 1.25-mile segment of the Bay Trail on the Project site by extending it along the waterfront and along a circular route using Market Street, Embarcadero West and a segment of Jefferson Street, as shown in **Figure 3-15, Bay Trail Connection**. Off-site, the proposed Project would construct a continuation of the Bay Trail Connection north on Martin Luther King Jr. Way to 3rd Street where it would continue west along Brush Street.

**Ballpark Rooftop Park**

A circular rooftop park is proposed on top of the seating areas of the new ballpark (see Figures 3-11 through 3-14). The elevated Rooftop Park would ramp down to the ground to Athletics' Way. The public would be able to access the park via stairs, elevators and escalators. Approximately 2.5 acres in size, the Rooftop Park would provide views of both the Oakland waterfront and events at the ballpark. Like the other park and open space areas, potential programming elements for the Rooftop Park include a tree-lined walkway, active programming, and passive spaces from which users could view an event. The Rooftop Park would be open to the public on non-event days and would be reserved for ticketed attendees during event days at the ballpark.

I307-1

COMMENT

RESPONSE

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I307-1-15

I307-1-16

Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:10:41 PM
what percentage of this area will be landscaped with living plants?			
Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:11:14 PM
what percentage of this park would be landscaped with living plants?			
Number 3	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:12:45 PM
quantify percentage of living landscape is proposed and how this conflicts with GHG goals			

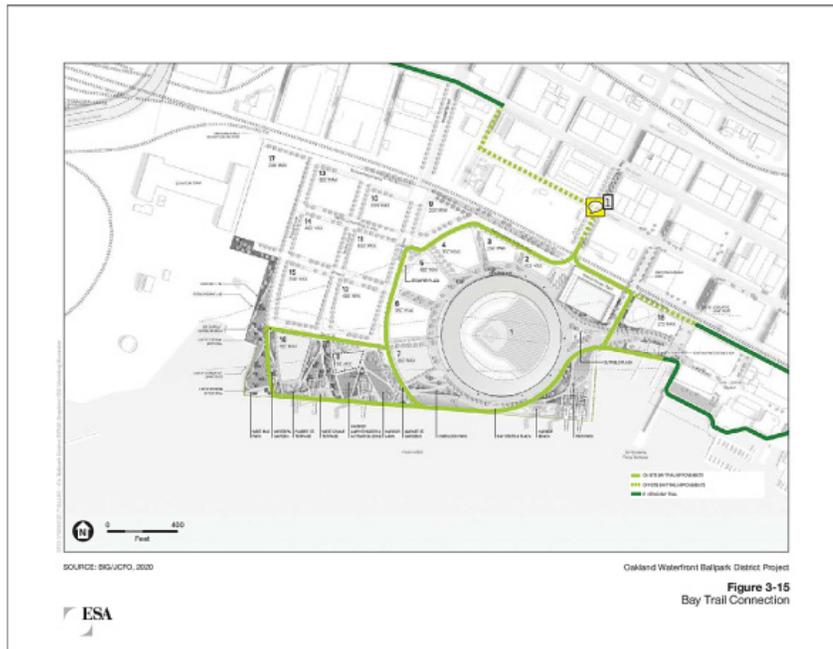
I307-1-15 Figure 3-13 depicts a conceptual image of the proposed parks, plazas, and open space program and design. Precise percentages of park and open space landscaping would be developed at a later date. See also Draft EIR Figure 3-19, which depicts the general locations of proposed new site trees.

I307-1-16 See Response to Comment I307-1-7.

I307-1

COMMENT

RESPONSE



I307-1

COMMENT

RESPONSE

I307-1-17 As discussed in the Draft EIR, the proposed Project would construct a continuation of the Bay Trail Connection off-site north on Martin Luther King Jr. Way to 3rd Street, where it would continue west along Brush Street (Draft EIR p. 3-28).

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I307-1-17 |

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:14:07 PM  
does the project include completion of the Bay trail gap off site?

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I307-1

COMMENT

RESPONSE

3. Project Description

#### Plaza Open Space

Figure 3-13 also depicts two relative smaller Plaza Open Spaces totaling approximately 0.5 acres as part of the open space network: an approximately 0.25-acre triangular space referred to as “Stomper Plaza” fronting Market Street within a mixed-use block adjacent and west of the ballpark, and a similar-sized quad-shaped plaza space where Martin Luther King Jr. Way meets the Project site north of the ballpark, between Athletics Way and the Peaker Power Plant.

The proposed open space network would be connected to a pedestrian and bicycle network of sidewalks and pedestrianized streets that are intended primarily for pedestrians, with vehicle access limited or prohibited, and other landscaped areas along portions of Embarcadero West, between Martin Luther King Jr. Way and Market Street, depicted in Figure 3-13. (Proposed landscaping along streets and walkways throughout the site is discussed in Section 3.9, *Trees and Landscaping*, in this chapter.)

#### Parking

As summarized in Table 3-1, the proposed Project would provide parking for all uses on the Project site, with shared parking among certain uses anticipated and with an overall strategy to reduce ballpark parking on-site over time. The initial development phase (summarized in Table 3-1 and described in Section 3.6, *Development Phasing and Intensity*, below) would utilize the large vacant surface area on the western part of the Project site for a range of transportation services, including approximately 3,500 surface parking spaces for ballpark use, in addition to approximately 1,318 spaces for the proposed hotel(s) and residential and office uses in the initial development phase.

As the western part of the Project site is developed, the ballpark parking would be reduced by approximately 1,500 spaces to accommodate the new construction (for a total of 2,000 spaces for the ballpark). Future phases of development would also add up to approximately 5,582 spaces to support the mixed-use development, for a total of approximately 6,900 parking spaces at Project buildout for the mixed-use development. (See Section 3.8, *Transportation and Circulation*, in this chapter for more detail about the proposed Project’s transportation and parking functions, strategies, and transportation management .)

#### Ship-to-Shore Container Cranes

As noted above, the site includes four container cranes that were used to load and unload ships when the terminal was in active use as a shipping facility. These container cranes are not currently in use. The Project sponsor intends to retain these cranes on site as non-operational elements in the waterfront parks and open space areas. However, it may not be feasible to maintain the cranes in the long term and therefore this EIR assumes their removal and analyzes associated impacts. Also, if the Port chooses to exercise its option to take back all or a portion of the Maritime Reservation Area (see Section 3.7), one or two of the cranes in the affected area would be demolished. Retention of the cranes is a baseline design concept for the Project. However, retention of the container cranes will ultimately be determined by a later assessment of whether such retention meets required safety standards to incorporate the cranes within a publicly accessible space and the feasibility of any required retrofitting or other safety measures.

I307-1

COMMENT

RESPONSE

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:15:31 PM  
explain how this parking makes it a green project that reduces transportation demand?

I307-1-18 |

I307-1-18 See Response to Comment I-307-17, on a similar comment pertaining to Chapter 2, *Summary*, of the Draft EIR, as well as Consolidated Response 4.7, *Parking*. Parking impacts are not a CEQA significance criterion per the *City of Oakland Transportation Impact Review Guidelines*, Chapter 5, *CEQA Analysis*, but the City has produced a Parking Management Plan (PMP) for the Project, a draft of which is included in the Additional Transportation Reference Materials of the Draft EIR.<sup>23</sup> The on- and off-street parking management strategies of the PMP would reduce the number of vehicles that drive to the Project site on event days and increase the attractiveness of other modes of travel. They would also reduce vehicle circling for parking and improve event-day traffic operations for all road users in the area. The PMP thus reinforces Draft EIR Mitigation Measure TRANS-1a, Implement a TDM Plan for Non-ballpark Development, and Mitigation Measure TRANS-1b, Implement a TMP for Ballpark Events, in reducing overall vehicle trips generated by the Project by 20 percent from a baseline condition without the mitigation measures.

<sup>23</sup> Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

I307-1

COMMENT

RESPONSE

3. Project Description

Therefore, the Project is described as maintaining the cranes in their current locations, but includes discussion of impacts resulting from their loss if retention is not feasible.

### 3.6 Development Phasing and Intensity

#### 3.6.1 Phasing

The proposed Project would be developed in multiple phases: Phase 1 and development of the remainder of the site, referred to as Buildout, as illustrated in **Figure 3-16, 3D Maximum Massing Diagram**.

As illustrated in Table 3-1 and Figure 3-6, development and associated site improvements and infrastructure installation, generally east of Market Street would likely be developed first, as Phase 1. Phase 1 is expected to include the ballpark, up to approximately 540 residential dwelling units, 250,000 square feet of commercial office space, up to 30,000 square feet of retail and restaurant uses, and the one or more hotels with a total of up to approximately 400 rooms.

Phase 1 would also include approximately 67 percent (12.3 acres) of the total publicly accessible open space proposed for the Project (18.3 acres). The remaining open space developed in future phases would include the remaining nearly half (6.0 acres) of Waterfront Park (see Figure 3-13).

Within Phase 1, the Project sponsor intends to complete site grading, install backbone infrastructure, construct the primary streets for initial development in Phase 1, construct the ballpark, and potentially develop parcels, partner with other developers, and/or lease/sell one or more individual development blocks to one or more individuals/developers. Secondary streets and infrastructure in the Phase 1 area of the Project site would be developed over time as blocks west of Phase 1 are developed. The Project sponsor estimates that Phase 1 would take a minimum of two years to construct.

During and after Phase 1, the pace of building out the remainder of the site (Buildout) would be dependent on market demand, absorption, financial feasibility, and construction practicalities. Construction of Buildout could overlap with occupancy and use of Phase 1 buildings, and construction of multiple development parcels/blocks could occur concurrently. The analysis in this Draft EIR conservatively captures this possibility by modeling Buildout in the eighth year after construction begins (referred to as “Year 8”).<sup>11</sup>

(See specific related discussions in Section 1.2.1, *Scope of the EIR and Level of Analysis*, in Chapter 1 and in Section 4.0.1, *Environmental Analysis Approach and Terms Used in This Draft EIR*, in Chapter 4 of this Draft EIR.)

Construction phasing is described in greater detail in Section 3.14.1, *Construction Activity and Schedule*, in this chapter.

<sup>11</sup> The technical analyses presented in this EIR assumes Phase 1 construction begins in 2020 rather than 2022 as now anticipated, and also assumes that all construction is completed by 2027 rather than 2029 as now anticipated. Therefore, the emissions estimates presented in this EIR are conservative because emissions are expected to decrease over time due to improvements in technology and regulatory requirements (ESA, 2021).

I307-1

COMMENT

RESPONSE

I307-1-19 As discussed in Draft EIR Section 3.4, *Project Objectives*, there is no objective related to "a defined implementation timeline." As stated in the Draft EIR, the Project sponsor estimates that Phase 1 would take a minimum of two years to construct; however, the construction of Phase 1 may take longer, and the construction schedule assumptions are conservative because they mean the analysis considers more construction happening at one time than is likely to occur, and also more construction happening in the near term than is likely. See also Response to Comment I307-1-6 related to a similar question about housing density.

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I307-1-19

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:17:20 PM  
provide a defined implementation timeline per project objectives.2 years or more? Explain the justification for housing density and what amount of housing would be considered in keeping with project objectives?

I307-1

COMMENT

RESPONSE

3. Project Description

### 3.6.2 Development Modifications

The development program illustrated in Table 3-1 reflects the Project sponsor's proposal and represents the mix of land uses that would be developed under the proposed Project that is analyzed in this Draft EIR at Phase 1 and Buildout, as defined above. Due to unknown variables, including future market conditions, it is possible that the Project sponsor may seek to revise the mix of uses included in the Project. Any Project modifications that are proposed would be evaluated to determine whether they would result in environmental impacts beyond those disclosed in this Draft EIR. If new environmental impacts would occur, or if identified impacts would become more severe, additional environmental review would be required prior to a decision to allow the proposed modification.

### 3.6.3 Events and Attendance

The proposed ballpark would accommodate up to 35,000 people in addition to employees and would host a minimum of 1–2 pre-season games and a total of 81 regular-season games during the baseball season (from late March through September). There could be an additional 11 post-season games if the Oakland Athletics succeed in making it to the World Series. The ballpark could also be used for up to nine concerts with up to a maximum of 35,000 attendees, per event, including attendees on the ballpark field, with concerts occurring during the night until 11:00 p.m. Smaller events could occur at the ballpark and the Performance Venue throughout the entire year.

**Table 3-2, Estimated Average Annual Event Characteristics**, estimates the anticipated timing and frequency of events that could occur over the life of the Project for home baseball games, concerts at the ballpark, and other events, including special events at the Performance Venue. The actual number and size of events could fluctuate in any given year. For purposes of the environmental analysis in this Draft EIR, a peak event scenario, which is a specific set of events occurring during the p.m. peak hour time of day, was considered to most conservatively assess the potential transportation effects of the ballpark on a game day.

### 3.6.4 Employment and Population

**Table 3-3, Estimated Employment by Other Team Operations**, estimates employment associated with various types of events anticipated to occur within the new ballpark specifically. Multiple large events could occur on the site at the same time, for example at the ballpark and Performance Venue or Waterfront Park, with implementation of shared parking and traffic management strategies developed for the Project (see Section 3.8, *Transportation and Circulation*, in this chapter).

Thus, during a Phase 1 Game Day event – assuming the most conservative scenario with multiple uses (housing, ballpark, office/commercial, retail, and hotel) operating – approximately 3,171 full-time equivalent (FTE) employees could be on the Project site. At buildout, a total of approximately 9,499 FTE employees could be on site. 

I307-1

COMMENT

RESPONSE

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:20:14 PM  
the project requires "highly skilled, highly paid employees" Define the types of jobs that are represented in this Table, and the average annual salary of such positions.

I307-1-20 |

I307-1-20 The conditions required by Assembly Bill (AB) 734 include that the Project will create high-wage, highly skilled jobs that pay prevailing wages and living wages, provide construction jobs and permanent jobs for Californians, and help reduce unemployment (Draft EIR p. 1-5). However, CEQA requires analysis of whether the project would induce substantial population growth in a manner not contemplated in the General Plan, either directly or indirectly, such that additional infrastructure is required but the impacts of such were not previously considered or analyzed (Draft EIR p. 4.12-12). This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I307-1

COMMENT

RESPONSE

3. Project Description

**TABLE 3-2  
ANTICIPATED AVERAGE ANNUAL EVENT CHARACTERISTICS**

Event Type	Annual Frequency	Average Attendance	Maximum Attendance	Event-Day Employees	Season	Typical Characteristics
Home Games	1-2 pre-season games	25,000	35,000	1,320	Last week of March/First week of April	Pre-season Games: Variable start times
	81 regular season games (April – September)	25,000	35,000	1,320	Early April to Early October	Regular Season: 7:00 p.m. or 12:30 p.m., rarely 4:00 p.m. or 6:00 p.m.
	Maximum 11 post-season games (October)	30,000	35,000	1,320	October	Post-season: 5:00 p.m. or 8:00 p.m.
Ballpark Concerts	Approximately 9	20,000	35,000	1,200 <sup>a</sup>	Year-long	Typical Time: 7:30-11:00 p.m.; Primarily Friday and Saturday p.m.
Other Events	Approximately 35	5,000	7,500	480	Year-long	Variable
Corporate/Community Events	Approximately 100	300	2,000	25	Year-long	Variable
Waterfront Park Events	Approximately 16	2,400	4,000	25	Year-long	Variable
Performance Venue	Approximately 100	3,000	3,500	200	Year-long	Variable

NOTE:  
a There are approximately 9 concerts per year proposed to take place under the Project. For the purposes of the environmental analysis in this Draft EIR there are all assumed to be "large" concerts that would generate an estimated 1,200 employees. However, the Project could host "medium" concerts which would require an estimated 1,650 employees or "small" concerts which would require an estimated 525 employees in place of a "large" concert.

SOURCE: Athletics Investment Group, LLC

**TABLE 3-3  
ESTIMATED EMPLOYMENT BY OTHER TEAM OPERATIONS**

Employment	Description	Total Employees
Sports Operations	Players, coaches, training staff, etc.	60
Business Operations	Executive management, legal, finance, human resources, media and broadcasting staff, public and community relations, hospitality services, etc.	100
Business Operations Support	Customer service, sales and marketing support, team operations support	75
Ballpark Operations and Management	Management, arena maintenance and operations, security, housekeeping	50
<b>Total</b>		<b>285</b>

NOTE:  
a Certain Team offices could be located on-site at a location other than the ballpark.

SOURCE: Athletics Investment Group, LLC

I307-1

COMMENT

RESPONSE

I307-1-21 See Response to Comment I307-1-20.

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I307-1-21

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Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:20:54 PM
how many of these employees fit into the highly skilled, highly paid promise?			
Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:21:56 PM
this indicates that less than half the staff would meet the highly skilled highly paid requirements, please clarify.			

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I307-1

COMMENT

RESPONSE

3. Project Description

The EIR analysis assumes that the 3,000 housing units at buildout would have an average unit size of 880 net square feet and could accommodate an estimated 1,080 residents in Phase 1 (540 units) and an estimated 4,920 residents for the remainder of the site (2,460 units), for a total of 6,000 residents. The average household ratio and the employment densities for commercial development are used consistently throughout the analysis in this Draft EIR and are discussed in Section 4.12, *Population and Housing*, in Chapter 4 of this Draft EIR.

### 3.7 Maritime Reservation Scenario

Under the Maritime Reservation Scenario included in the Exclusive Negotiation Term Sheet (ENA) between the Project sponsor and the Port of Oakland, the Port has established a "Maritime Reservation Area" at the southwest corner of Howard Terminal for up to approximately 10 years from the approval date of the ENA (May 13, 2019).<sup>12</sup> At any point within the reservation period, the Port of Oakland may elect to terminate the Project sponsor's development rights to some or all of approximately 10 acres of the Maritime Reservation Area, if the Port deems that area necessary to accommodate the expansion of the turning basin that is used to turn large vessels within Oakland's Inner Harbor. Under this scenario, the approximately 10 acres of the Maritime Reservation Area would be returned to the Port.

If the Port exercises this option, the Project site plan would be modified, and the proposed development would be more dense as a result of fitting the same development program (i.e., the same ballpark and mix of other uses proposed) onto the smaller site with less open space area. See **Figure 3-17, Illustrated Phase 1 Site Plan – Maritime Reservation Scenario**, and **Figure 3-18, Illustrated Buildout Site Plan – Maritime Reservation Scenario**. The Port of Oakland has not proposed, designed, approved, or secured permits for an expanded turning basin, and the impacts of an expansion, if it were proposed, are not considered in this Draft EIR. If the Port were to exercise its option and take back a portion of the Project site from the A's, the Port would analyze the potential impacts of expanding the turning basin as a separate project at that time.

A full set of Maritime Reservation Scenario exhibits relevant for comparison with the proposed Project is presented at the end of this chapter. For ease of review, each Maritime Reservation Scenario exhibit is numbered to match the companion exhibit presented in this chapter for the proposed Project. The exhibits are listed at the end of this section.

Changes to the Project site plan that would occur with the Maritime Reservation Scenario would occur within the area of the Project site that would be developed after Phase 1. The Maritime Reservation Scenario would distribute the Project's development program differently within the altered site configuration. Proposed uses affected in the area that would be reserved for the expanded turning basin include public open space within the Waterfront Park; portions of the proposed extensions of Filbert Street, Myrtle Street and Market Street leading to the water; public trust-related uses on Blocks 8 and 16; and mixed-use development on Block 15 and a portion of Blocks 12 (see Figure 3-8 for the proposed Project).

<sup>12</sup> Port of Oakland, 2019. *Exclusive Negotiation Term Sheet for Howard Terminal*, for Board of Port Commissioner Consideration, Special Meeting of May 13, 2019, filed with Board Secretary for Publication May 3, 2019.

I307-1

COMMENT

RESPONSE

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I307-1-22

Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:24:04 PM  
this statement indicates that the bulk of the housing would be one bedroom units, not suitable for families or consistent with affordable housing mandates. These appear to be designed for single occupancy use. Please indicate how this housing mix is consistent with housing mandates and enabling legislation.

I307-1-22 As indicated on Draft EIR p. 3-37, the proposed Project includes 3,000 housing units, which would have an average size of 880 net square feet. This size does not suggest "single occupancy use" as suggested by the commenter, although it is possible that smaller units could be occupied by one-person households. Other units would be occupied by larger households and the Draft EIR assumes an average of 2.0 person per unit, as explained on p. 4.12-12 of the Draft EIR. This ratio of persons per unit is larger than the one used for the Downtown Oakland Specific Plan (DOSP) Draft EIR (1.9) or the Coliseum Area Specific Plan (CASP) EIR (1.8) and larger than the 1.66 persons per unit in the Jack London Square census tract, although it is smaller than the citywide average (2.49). Any units that are permitted and constructed would count toward the City's Regional Housing Needs Allocation, as described on p. 4.12-8 of the Draft EIR, and would thus not conflict with "housing mandates" and (unspecified) "enabling legislation."

I307-1

COMMENT

RESPONSE

3. Project Description

accommodate property access and provide flexibility during special events at either the ballpark or the performance venue for curb-side commercial and passenger loading. Sidewalks and paths would be provided throughout the site connecting the development blocks, the ballpark, the streets crossing the railroad tracks, the Water Street corridor, and the Bay Tra

Special event bicycle and scooter parking is proposed on the east and west sides of the ballpark, providing pedestrian connections to the ballpark and Athletics' Way without crossing motor vehicle streets. The ballpark itself would have seven attendee access points distributed around the ballpark on Athletics' Way. There would also be three access opportunities to the ballpark's rooftop park that would be open to the public on non-event days.

Access for ballpark commercial loading and unloading would be accommodated via connecting driveways to Market Street and Martin Luther King Jr. Way. Commercial loading for up to four 70-foot trucks, four 65-foot media trucks, and two team buses would be accommodated. Player and coach parking, as well as buses for concert events would also be accommodated. Parking, and commercial loading access for each development block would be accommodated within the block and would be consistent with zoning and design guidelines for the site.

The Project would provide parking for all uses on the site, with an overall strategy to reduce ballpark parking on-site over time from a maximum of 3,500 parking spaces under Phase 1 to no more than 2,000 parking spaces at buildout. (As a point of reference, the Oakland Coliseum currently provides about 9,100 parking spaces for ballpark events.) Under Phase 1, parking spaces would generally be located on the large surface area west of the ballpark. As the Project site builds out, the large surface parking area would be replaced with development and a network of streets with up to approximately 1.5 miles of curb space to support a range of mobility services. See Section 4.15, *Transportation and Circulation*, for further description of proposed maximum parking ratios and management of parking for the Project.

Additional Project elements are generally described below, starting with elements designed to achieve the 20 percent trip reduction requirement of AB 734 and the City's guidelines. These include a Transportation Management Plan (TMP) and a Transportation and Parking Demand Management (TDM) Plan. The TMP would address ballpark-related transportation management, and the TDM Plan would address non-ballpark uses. While the basic framework of each plan is known, they are expected to be adjusted as needed and evolve over time, so that Project-related transportation continues to meet the 20 percent vehicle trip-reduction requirement, and to address access and safety in the vicinity. ensure the TMP and TDM Plan meet City requirements and remain effective, they are included as mitigation measures in Section 4.15, *Transportation and Circulation*.

Additional information regarding the relationship of these proposals to existing policies or planned projects can also be found in Section 4.15, *Transportation and Circulation*, along with descriptions of principal transportation routes to/from the Project site, recommended mitigation measures, and recommended off-site improvements.

I307-1

COMMENT

RESPONSE

I307-1-23 See Response to Comment I307-1-17.

I307-1-24 See Consolidated Response 4.7, *Parking*.

I307-1-25 The commenter is referencing a description of the Transportation Management Plan (TMP), which is expected to evolve over time as vehicle trip reduction strategies are evaluated, as circumstances change, and as new technologies and transportation services evolve. See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for more discussion of the TMP and how it would be effective at meeting the 20 percent vehicle trip reduction identified as its performance standard. The TMP is specific to Oakland and the Howard Terminal site, and comparison to a site in Santa Clara would not add to the analysis.

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I307-1-23	Number 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:34:48 PM
	will the offsite segment of Bay trail gap be completed as part of the project?			
I307-1-24	Number 2	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:36:30 PM
	Where is the study of impacts to nearby streets (such as 2nd Street) due to informational parking and those attendees crossing the tracks from these area? Provide a parking and safety analysis of this reality.			
I307-1-25	Number 3	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:37:32 PM
	This is reasonably foreseeable and should be included in this analysis not deferred to a future date. Please reference traffic issues at Levis stadium in Santa Clara.			

I307-2 Andrew Peters (Part 3)

COMMENT

RESPONSE

3. Project Description

### 3.8.1 Transportation Management Plan

Appendix TRA, *Transportation Supporting Information*, contains the Draft TMP, which outlines operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event. Its primary goal is to ensure safe and efficient access for all people traveling to and from the site, with a focus on promoting pedestrian, bicycle, and transit access, thereby reducing motor vehicle impacts to the site and surrounding neighborhoods. Strategies to increase the use of and attractiveness of transit, walking, bicycling, and scooters are included, along with management techniques for attendee and employee traffic, ridesourcing (i.e., Lyft, Uber [transportation network companies [TNCs]], and taxis to ensure that people who travel via car can effectively navigate to their parking and drop-off, and pick-up locations with fewer delays than would occur without a TMP. The TMP also addresses railroad crossings, game day operations and communication, curb management, freight, and emergency vehicle access. It also includes a monitoring program with a process for making refinements to the plan to achieve identified performance standards.

The TMP for the ballpark would include elements recommended for implementation in coordination with the City of Oakland Department of Transportation (OakDOT). The TMP also includes elements that could be implemented as needed in the future. A partial list is included here, and more detail can be found in Section 4.15, *Transportation and Circulation*, and Appendix TRA:

- Transportation Hub within the public right-of-way on 2nd Street between Martin Luther King Jr. Way and Clay Street with bus shelters, benches, pedestrian-scale lighting and landscaping, wayfinding, real-time transit arrival information, concrete bus pads, and shared micromobility to enhance the transit experience on 2nd Street.
- Supplemental shuttle service (provided by AC Transit or a private operator) to 12th Street BART station.
- Bus priority lanes on Broadway serving the 12th Street BART station, Downtown Oakland, Chinatown, and Jack London.
- Wayfinding between the West Oakland BART station and the ballpark via 7th Street, between the 12th Street BART station and the ballpark via Broadway and Washington Street, and between the Lake Merritt BART station and the ballpark via 8th Street.
- A combination of standard, secure and valet bicycle parking at multiple locations identified in collaboration with OakDOT.
- Identification of geofenced micromobility parking (such as scooter and bike share), as well as priority and coordination for on-site and/or site-adjacent shared micro-mobility services identified in collaboration with OakDOT.
- Coordination with OakDOT on management of off-site parking garages within 1 mile of the Project site and coordination with OakDOT on the management of on-street parking on-site and in adjacent neighborhoods within 1 mile of the site.
- Agreements between the A's and TNC operators (such as Lyft and Uber) to use geofencing or similar methods to restrict pick-up and drop-off zones to designated locations farther from the ballpark than bus transit and shared micro-mobility options.



I307-2

COMMENT

RESPONSE

I307-2-1 See Response to Comment I307-1-17.

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I307-2-1 |

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:38:32 PM  
include completion of off site bay trail gap

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I307-2

COMMENT

RESPONSE

3. Project Description

### 3.8.2 Transportation and Parking Demand Management

Like the TMP, the TDM Plan for the Project's non-ballpark development would consist of both one-time physical improvements and on-going operational strategies, consistent with City guidelines. TDM measures would include but would not be limited to improvements that encourage walking and bicycling, better transit options and transit improvements including bus boarding bulbs or islands, bus shelters, curb extensions or bulb-outs, and concrete bus pads, parking supply management, incentives and restrictions to reduce vehicle trips, and traffic signal upgrades. Detail can be found in Section 4.15, *Transportation and Circulation*. A Draft TDM Plan is included in Appendix TRA. The TDM Plan, like the TMP, includes a monitoring program with a process for making refinements to the plan to ensure that identified performance standards are achieved.

### 3.8.3 Construction Management Plan

The Project would be constructed over several years and include on-site construction activities, construction along the railroad corridor, and off-site infrastructure construction such as the transportation improvements. As part of the Project, the project sponsor and general contractor would be required to prepare a Construction Management Plan for City review and approval specifying measures to minimize potential construction impacts including measures to comply with all construction-related conditions of approval and mitigation measures such as those addressing dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management.

### 3.8.4 Railroad Corridor Safety Improvements

A suite of improvements is proposed that consistent with solutions identified in the Alameda County Transportation Commission Grade Crossing Toolkit, that would be subject to review and approval by the California Public Utilities Commission including:

- Fencing along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to Broadway, such that there would no longer be a motor vehicle intersection with Embarcadero West at Martin Luther King Jr. Way, and the street on the south side of the railroad tracks between Martin Luther King Jr. Way and Washington Street (and potentially to Broadway) could be converted to a multi-use use path and to the extent feasible an emergency vehicle access. The street on the north side of the railroad tracks, Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway.
- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street and Broadway with quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing as well as Americans with Disabilities Act features and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes or is stopped on the track.

I307-2

COMMENT

RESPONSE

I307-2-2 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I307-2-3 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

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I307-2-2 |

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:39:52 PM  
what assurances does the public have that the City (a project partner) is impartial in implementing this plan?

I307-2-3 |

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:41:25 PM  
provide analysis of accidents along this corridor to justify at-grade vs grade separation. This is inconsistent with CPUC policy, and is a social justice issue.

I307-2

COMMENT

RESPONSE

3. Project Description

Roadway Requirements:

- Maximum width of 20 feet, consisting of a 12-foot one-way lane and two four-foot shoulders.
- Support appropriate loading for weight and size of anticipated emergency vehicles (minimum HS-20).
- Paved with curb and gutter.
- Sloped to drain so pavement does not cause ponding on either side of roadway.
- Transition approaches at either end need to be at the same grade.
- Provide ramp at the transitional ends.
- Compliance with Manual on Uniform Traffic Control Devices for ingress and egress access. This may require implementation of a dedicated signal beacon when the gate is activated for safe entry to the adjacent driveways.
- Minimum 6-foot high fencing on both sides of the roadway.
- Provide crossing panels and lights.
- Roadway corridor shall have adequate signage for restricted use for emergency services and Port of Oakland only.

Gate Requirements:

- Gates are required at both ends to ensure the emergency vehicle access area is not accessible to the general public and is used only in the event of an emergency.
- Access shall be restricted to Port staff and emergency responders only.
- The gates shall be remote operated and shall open one gate at a time.

While the emergency vehicle access area would cross the "Roundhouse" railroad spur, this spur is off the mainline and used less frequently. For this reason and because of the existing grade-separated crossing of the mainline tracks accessed via Middle Harbor Road, it is not expected that the emergency vehicle access to the west of the site would be impossible at the same time as all other access routes.

### 3.9 Trees and Landscaping

The Project anticipates approximately 600 trees within the boundaries of the Project site. Proposed street trees and other landscape features are proposed along the new streets, and while precise tree locations would be developed at a later date, they would minimize screening of the Southern Pacific Railroad Area of Priority Importance and historic PG&E Substation C (Peaker Power Plant) from the railroad corridor and the public right-of-way.

I307-2

COMMENT

RESPONSE

I307-2-4 This section lists the approximate new number of trees proposed on the Project site. See Response to Comment I307-1-7.

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I307-2-4 |

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:43:37 PM  
this is inconsistent with GHG goals and enabling legislation. Please correct

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I307-2

COMMENT

RESPONSE

3. Project Description

**Figure 3-19, New Site Trees and Landscaped Detail**, shows four categories of new site trees proposed. They include the following:

- **Primary Street Tree “Alees”** along a network of existing north-south streets from Downtown Oakland and neighboring communities to the new public waterfront;
- **Secondary Street Tree Clusters**, which would be more-informal clustering of Street trees along the secondary network of east-west streets and within stormwater gardens;
- **Athletics’ Way Promenade Trees** along the main point of arrival and entrance for pedestrians would be set in a linear arrangement to establish a continuous green framework around the ballpark.
- **Waterfront Park Trees** would be selected and placed to depict a series of outdoor program “rooms.” In addition to tree plantings, the Project would also include open lawns, meadows, gardens and other plantings.
- **Landscape Buffer:** The southwestern edge of the site would be densely planted to establish a buffer between the Project site and the existing Schnitzer Steel facility. Trees would be selected for their quality of form and distinct character, but also their hardiness to wind and weather.

The Project proposes a planting palette that is resilient and appropriate for a public urban spaces, using species native to the Bay Area along with non-native, non-invasive, and salt- and drought-tolerant species that are appropriate for the challenging setting of the Project site.

More detail on possible plant species is presented in Section 4.3, *Biological Resources*, in Chapter 4.

### 3.10 Lighting

The proposed Project would involve various types of lighting to address various land uses. A description of the Lighting Masterplan is contained in Sections 3.7 and 3.8 of the analysis prepared by HLB Lighting Design (2020) (Appendix AES.1, *Technical Lighting Study*). Below is a summary of the Lighting Masterplan.

**Field Lighting:** Illumination design for the inside of the ballpark would be based on requirements for spectators, game play, MLB standards, and television broadcast requirements. Field lighting for the proposed Project ballpark would consist of four pole-mounted lighting clusters located outside of the ballpark behind the first and third base lines, along with two additional outfield pole-mounted light stands, as depicted in Figure 3-12.

**Digital Signage:** The proposed Project ballpark would have two single-sided digital scoreboards inside the ballpark (one located in left field and the other, and two LED digital ribbon boards displaying text and graphics would be located between seating levels and would wrap around the inside of the ballpark. The primary scoreboard would be located in left field and a secondary scoreboard would be located behind the third base line. A single-sided display could also be located on the exterior of the ballpark facing Jack London Square, and is included in the analysis.

I307-2

COMMENT

RESPONSE

I307-2-5 This section generally describes the expected planting palette proposed for the Project site. See Response to Comment I307-1-7.

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I307-2-5 |

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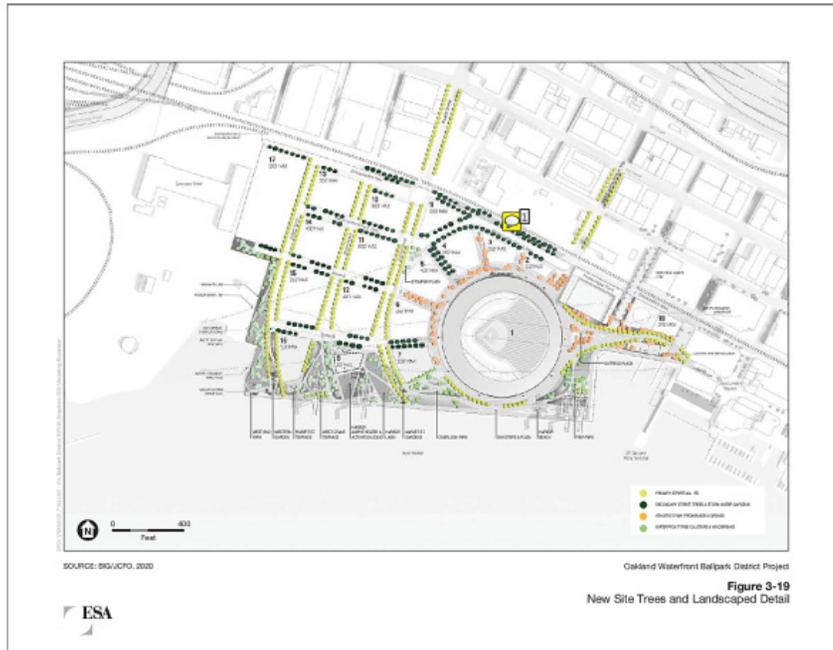
Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:44:25 PM  
Inconsistent with GHG discussion

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I307-2

COMMENT

RESPONSE



I307-2

COMMENT

RESPONSE

I307-2-6 See Response to Comment I307-1-14.

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I307-2-6 |

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Number: 1	Author: M HENDERSON	Subject: EIR COMMENT	Date: 3/19/2021 6:45:07 PM
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Are these off site improvements?

I307-2

COMMENT

RESPONSE

3. Project Description

**Exterior Lighting:** Exterior lighting would include street and intersection lighting, sidewalk lighting, building perimeter lighting, emergency lighting, and outdoor security lighting along walkways, driveways, and plaza areas. Vertical walls of the ballpark would be visibly lit in most directions, both from the outside as well as from the inside. All exterior lighting is expected to use LED sources.

**Streetscape Lighting:** Streetscape lighting would include sidewalk lighting of public areas at a pedestrian scale, intended both for safety and to improve the visual quality of streetscapes. Lighting at sidewalks would be at a pedestrian scale to encourage and facilitate nighttime use of public areas.

Overall, all proposed Project lighting would generally be directed downward and/or use full-cutoff to reduce wasted uplight and minimize energy use. Moreover, all outdoor non-ballpark lighting on the Project would be designed to meet the State and local (City and Port) standards, in addition to MLB standards that would apply to lighting aspects of the ballpark specifically and would include tailored bird safety measures. All applicable standards and measures pertaining to Project lighting are described in Section 4.1, *Aesthetics, Shadow, and Wind*, in Chapter 4 of this Draft EIR.

### 3.11 Sustainability and Resilience

#### 3.11.1 Sea Level Rise

The Project's proposed grading plan involves adding soil throughout much of the Project site to raise the ground surface elevations to above base flood elevation to reduce flood exposure due to future sea level rise. Overall, the Project creates a large area of raised ground along the shoreline. The Project sponsor proposes finished floor elevations of all residential buildings on the site to be at or above 10 feet to accommodate future increases in the base flood elevation due to future sea level rise. The one exception would be on development block at the corner of Embarcadero West and Clay, which would have a finished floor elevation of 6.0 feet, higher than the base flood elevation, based on the preliminary grading plan. Proposed roadway elevations on the Project site would be approximately 9–14 feet above the City of Oakland Datum for most internal roads and 4.9 feet City of Oakland Datum on the north edge of the Project site to match with the existing grade of adjacent properties. The majority of the proposed ballpark structure would be at elevations of 5–10 feet City of Oakland Datum and higher, with the potential for lower elevations at field level suites and adjacent areas.

The current elevation of the wharf is lower than the proposed ground surface in the site's interior and would not be elevated during buildout of the proposed Project. This would be consistent with the wharf's intended use as shoreline public open space and access, and could change in the future as sea levels rise, and flooding occurs more often. (Section 4.9, *Hydrology and Water Quality*, in Chapter 4 of this Draft EIR discusses site elevations and sea level rise in more detail, including requirements of AB 1191.)

I307-2

COMMENT

RESPONSE

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I307-2-7 |

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:46:16 PM  
Provide analysis of lighting effects of 300-600 ft tall buildings and impact on adjacent historic buildings.

I307-2-8 |

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:52:03 PM  
SLR base elevation is 12, not 10. Please provide a SLR analysis that justifies this elevation. Does this comply with BCDC requirements?

I307-2-7 This comment refers to Draft EIR Chapter 3, Project Description. Chapter 3 does not, and should not, contain analysis of potential environmental effects; this analysis is provided in the various technical sections of Chapter 4, Environmental Setting, Impacts, and Mitigation Measures. Please refer to Draft EIR Section 4.1, Aesthetics, Shadow, and Wind, for analysis of effects of Project lighting, including building lighting and glare impacts (Impact AES-3, Draft EIR p. 4.1-42). As stated there, the Draft EIR evaluated operational spill light and glare based upon standards promulgated by the International Commission on Illumination (CIE) and found that nighttime spill light and glare would each exceed CIE thresholds at some nearby locations. However, the Draft EIR explains that no mitigation is required for light and glare impacts because the proposed Project’s aesthetics impacts are not considered environmental impacts for the purposes of CEQA. Accordingly, the Draft EIR identified improvement measures to that could reduce Project light and glare; these improvement measures may be adopted by the Project sponsor or required by the City as conditions of approval but are not required to reduce the severity of or avoid a significant impact. Please refer also to the responses to Comments O-36-11 and O-57-13.

I307-2-8 The relationship between the elevations used to assess sea level rise hazards and impacts, as well as how these elevations relate to San Francisco Bay Conservation and Development Commission scenarios, is provided in Section 4.9.1 of the Draft EIR, pp. 4.9-6 through 4.9-8. In addition, the base flood elevations for existing conditions and with sea level rise are listed in Draft EIR Table 4.9-1 (p. 4.9-8).

I307-2

COMMENT

RESPONSE

3. Project Description

### 3.11.2 GHG Emissions Reduction

To meet requirements of AB 734, the proposed Project would not generate any net additional greenhouse gas emissions by implementing a combination of measures, as described in Section 4.7, *Greenhouse Gas Emissions*, in Chapter 4 of this Draft EIR. The Project would also be designed and constructed to achieve a LEED Gold standard (or GreenPoint equivalent for residential uses), and to achieve a 20 percent vehicle trip reduction via implementation of a TMP and TDM Plan, as discussed in Section 3.8, *Transportation and Circulation*, above. These sustainability features are required by AB 734 and are thus part of the Project analyzed in this Draft EIR. The analysis and mitigation provided in relevant sections (e.g., Section 4.7, *Greenhouse Gas Emissions*, and Section 4.15, *Transportation and Circulation*) describe how requirements would be met and would ensure the effective implementation of related Project features/measures.

### 3.12 Utility Infrastructure and Service

The Project would generate increased utility demands and provide infrastructure to serve the proposed development. Proposed on-site characteristics for each major utility are summarized below. More detail and estimated demands for each service utility are provided in Section 4.5, *Energy*, Section 4.9, *Hydrology and Water Quality*, and Section 4.16, *Utilities and Service Systems*, in Chapter 4 of this Draft EIR. Exhibits of the proposed Project utility infrastructure for water, wastewater and stormwater, highlighting major changes in alignment, are also presented in Section 4.16.

#### 3.12.1 Water and Wastewater

EBMUD prepared a Water Supply Assessment (WSA) based on water demand estimates and EBMUD factors for the uses proposed by the Project, concluding that the additional water demand from the proposed Project would be within the forecasted planning horizon and that water demands would be met with existing and future water rights and entitlements. The WSA was approved by the EBMUD Board of Directors on May 14, 2019, and amended on September 24, 2019.

According to EBMUD, portions of the water pipelines that exist on the Project site (see Section 3.2, *Project Site Existing Conditions*, in this chapter) may need to be replaced based on estimated project demands and site configuration. However, the proposed Project would connect to the existing domestic water system at several points near the Project site to allow for a looped water system at the site. Pipe size upgrades would occur at the mains in Market Street and Martin Luther King Jr. Way, and an additional new water pipeline would extend from the Project site east to connect with an existing EBMUD water pipeline in Water Street, as well as other various improvements within the City right-of-way.

For wastewater, the Project sponsor would pay the Sanitary Sewer Impact Fee to the City of Oakland for funding improvements to the sanitary sewer system if the net increase in post-Project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer

I307-2

COMMENT

RESPONSE

I307-2-9 See Response to Comment I307-1-7.

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I307-2-9 |

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:53:38 PM  
correct the inconsistency regarding tree planting.

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I307-2

COMMENT

RESPONSE

3. Project Description

system. The Project would install sealed and impervious wastewater pipelines to convey wastewater and would comply with required regulations to prevent inflow and infiltration from entering the system.

### 3.12.2 Stormwater

#### Stormwater Treatment

The required stormwater treatment area for the runoff from the Project site would be located within the streets, parks, and development areas near the catch basins or inlets and would also provide reduction of stormwater runoff flows compared with pre-project conditions. The ballpark and surrounding walkways, landscape and support services would be designed to meet the City's NPDES Permit conditions through either capture and re-use, landscape based treatment, bio-retention or flow through planters, such as rain gardens, as shown in **Figure 3-20, Preliminary Stormwater Treatment Plan**. The grass field of the ballpark is anticipated to meet the standard for self-treating area because it would be a permeable surface on grade. The parks and open spaces within the development (see Figure 3-13) would provide landscape based treatment areas within, or adjacent to, the footprint of each park and open space. The streets within the development would also include landscape-based treatment in the adjacent streetscape and open space areas. Permeable materials may be utilized in some areas to offset the treatment requirements. Additionally, the Project would also incorporate hardscape areas and minimize the extent of exposed privately owned landscaped areas where people could potentially come into contact with underlying contaminated materials (see *Site Remediation* in Section 3.13.1) and where areas of hard surface are needed to accommodate large vehicles for routine maintenance.

#### Stormwater Drainage and Groundwater

Construction of the Project site would include a reduction in existing impervious surfaces and importation of fill to raise the elevation of the Project site for adaptation to future sea level rise. Installation of a new stormwater drainage system would occur prior to, during, and after importation of fill and final grading. Design and final grading of the Project site would result in capture of all site runoff into the newly installed stormwater drainage system once the site has been resurfaced and structures begin construction. In addition, site boundaries would be graded to adjacent property elevations to manage Project runoff and prevent on-site stormwater from entering adjacent properties and the existing Port stormwater system.

#### In-water Work

Temporary in-water work under the proposed Project would be limited to the proposed relocation and construction of stormwater and drainage outfall facilities in the southeast area of the site, in addition to the reinforcement of waterfront areas, in particular, the limited addition of in-water piles to support the wharf, improvements, and the cranes in overwater areas (wharf), as described below and in Section 4.3, *Biological Resources*, and Section 4.9, *Hydrology and Water Quality*, in Chapter 4.

I307-2

COMMENT

RESPONSE

I307-2-10 Draft EIR Table 4.16-2 on p. 4.16-29 shows an approximately 13 percent reduction in impervious surfaces compared to existing 100 percent impervious surface conditions.

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I307-2-10 |

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 6:55:33 PM  
describe percentages of permeable, impermeable and green landscapae areas of the site.

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I307-2

COMMENT

RESPONSE

I307-2-11 The design of the proposed Project meets the City's Bureau of Engineering & Construction Storm Drainage Design Standards, the Municipal Regional Stormwater Permit, and the Clean Water Program of Alameda County to reduce the flow and volume of stormwater entering the City's stormwater collection system by incorporating on-site bioretention landscaping in addition to reducing on-site impervious surfaces by approximately 13 percent. See p. 4.16-38 and 4.16-39 in Draft EIR Section 4.16, *Utilities and Service Systems*, for the analysis of stormwater collection and conveyance and for Mitigation Measure UTIL-2, which would require treatment of all stormwater runoff before leaving the site and include a targeted reduction of all stormwater runoff of 25 percent to the maximum extent practicable compared to current conditions.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:03:23 PM  
Explain how this site density and ratio of impervious surfaces meets any kind of green LID development standards?

I307-2-11 |

I307-2

COMMENT

RESPONSE

3. Project Description

**Stormwater and Drainage Facilities (Outfall/Cofferdam)**

The proposed Project includes temporary in-water work related to relocation and construction of stormwater and drainage facilities (including the necessary installation of a sandbag berm or steel cofferdam around the proposed outfall opening), as needed, in the southeast area of the Project site. Specifically, the stormwater outfall work would involve installing either a sandbag berm or a steel cofferdam around the proposed outfall opening. The latter would consist of steel H-piles or sheetpiles driven through or adjacent to the rock dike. Construction of the temporary cofferdam would take about 3 days; removal of the cofferdam would take about 2 days, and the enclosed work footprint would cover an area of about 200 square feet. After the construction, Project stormwater would discharge to the Estuary via one existing and one relocated stormwater outfall. The relocated outfall structure could result in slight localized grade alterations (plantings, circulation/ramps/stairs up to ballpark), but the overall elevation of the wharf would not change. No new permanent fill is proposed for the relocated outfall construction. In water work will require permits from agencies with jurisdiction.

**New Piles for Crane Stabilization**

In addition to possible in-water work for the temporary stormwater and drainage improvements described above, the retention of the wharf and cranes in overwater areas (wharf) may require reinforcement of waterfront areas with the limited addition of in-water piles to support the wharf, improvements, and the cranes. If needed, such support work is anticipated to require approximately 0.01 acre (500 square feet) of new in-water piles. Although the Project is anticipated to be designed to avoid the need for new in-water piles, the potential need for these new in-water piles, and the associated impacts of construction, are analyzed in this document should this work be necessary. If needed, piles would be vibrated during the allowable fish windows, and impact hammers shall only be used after piles have reached the point of refusal with vibratory method.

**Cutoff Wall**

A drainage system would be installed beneath the ballpark to drain off stormwater. Seasonal rainwater would be collected in this shallow drainage system, which would route the water to the site's larger stormwater system. A cutoff wall would likely also be installed around the boundaries of the ballpark to control groundwater inflow into the ballpark area. The approach to the cutoff wall is described in more detail in the stormwater analysis in Section 4.9, *Hydrology and Water Quality*.

Dewatering would occur during the construction of the proposed cutoff wall, and once the cutoff wall is constructed, the groundwater in the area enclosed within it would be dewatered by pumping to lower the groundwater to be below the level of the collection system underneath the ballpark. The cutoff wall would largely isolate groundwater from the area beneath the ballpark; however, some groundwater may seep through or under the cutoff wall, requiring a separate collection system and drain where water can be pumped out by sump pumps as needed. The pumped groundwater would be tested to assess the appropriate treatment and disposal method, which could include discharge to the stormwater drainage system or sewer system.

I307-2

COMMENT

RESPONSE

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I307-2-12 |

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Number: 1    Author: M HENDERSON    Subject: EIR COMMENT    Date: 3/19/2021 7:05:20 PM  
clarify impacts to fish due to pile driving? Will continuous pile driving be allowed, and who is impartial oversight entity?

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I307-2-12 At the time of the drafting of the Draft EIR, the exact specifications (size, number, material) and installation methodology (vibratory, impact hammer) has not been determined for the Project. As such, Mitigation Measure BIO-3 is included to reduce the potential for an impact from pile installation to a less-than-significant level. This measure includes the development of a National Oceanic and Atmospheric Administration–approved sound attenuation and monitoring plan that would provide detail on the use of the sound attenuation system and detail methods used to monitor and verify sounds levels during pile installation activities.

I307-2

COMMENT

RESPONSE

3. Project Description

### 3.12.3 Electricity and Natural Gas

The existing gas transmission lines that currently enter the site from Market Street and Castro Street would be abandoned or removed south of 3rd Street, as they would become redundant. In addition, the Project would install a joint trench within the new on-site streets, which would include gas distribution for the Project's needs. Gas service would need to be extended to the site from the local distribution mains, and some existing below grade infrastructure is planned to remain. The Project development would not impact the existing high pressure gas lines that exist under Embarcadero West.

### 3.12.4 Communications

Both phone and cable/fiber optics service and facilities would be provided to the site through a joint trench system in the public right-of-way; however, communications service points of connection for individual parcels and the precise location of the joint trench has not yet been determined. The Project does not propose the construction of a cell tower, though cell sites could be included within the project envelope to increase cell phone coverage in the area.

## 3.13 Construction

### 3.13.1 Construction Activity and Schedule

#### Overall Construction Activities

This section summarizes the overall construction activities required to develop the proposed Project, as well as the timing and duration anticipated for these particular activities. (Section 3.6, *Development Phasing and Intensity*, briefly introduces development by phase, consistent with the information described here.)

In addition to the activities discussed in Section 3.12 above, construction activities associated with the proposed Project would include: demolition/removal of existing structures and infrastructure; earthmoving activities, such as excavation, trenching, grading, the export and import of fill – including those required for hazardous materials remediation and cleanup in the manner prescribed by regulatory agency-approved decision documents; installation of horizontal infrastructure, including construction of a cutoff wall under the ballpark, and modification and construction of stormwater and drainage facilities (outfalls/cofferdam); the implementation of geotechnical site work necessary to support future development which may include additional piles; and vertical development of various building types involving construction materials including reinforced concrete, wood, steel, and other materials (see footnote 11 in previous Section 3.6 of this chapter).

#### Overall Construction Phasing and Staging

The analysis in this Draft EIR conservatively assumes that construction activities would occur over seven years total. The analysis also assumes the proposed Project would be developed in two phases, though actually two or more phases or sub-phases could occur. These are conservative

I307-2

COMMENT

RESPONSE

I307-2-13 The analysis in the Draft EIR conservatively assumes that construction activities would take seven years total, although it would extend over eight years. The analysis also assumes the proposed Project would be developed in two phases, although two or more phases or sub-phases could actually occur. These are conservative assumptions because they mean the analysis considers more construction happening at one time than is likely to occur, and also more construction happening in the near term than is likely (Draft EIR pp. 3-54 and 3-55, and p. 4.2-43).

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:06:28 PM  
what is the recourse if the project takes more than seven years?

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I307-2-13 |

I307-2

COMMENT

RESPONSE

3. Project Description

assumptions because they mean the analysis considers more construction happening at one time than is likely to occur, and also more construction happening in the near term than is likely. Near-term construction activities do not reflect the benefits of technological advances, fuel-efficiency improvements, and building code updates likely to occur in the future.

The analysis in this Draft EIR also assumes that the buildings constructed in each phase of the construction program (i.e., Phase 1 or Buildout) would be occupied and fully operational as soon as construction of each phase is completed. This is a conservative estimate as occupancy and operation of each phase would likely ramp up over time, as construction of each phase is completed.

The Project sponsor plans to stage construction equipment in the Project area west of Market Street during Phase 1. Construction equipment for portions of Buildout construction may be staged on-site, and equipment for other portions may be staged off-site. Also, for the ballpark construction in particular, the Project sponsor proposes to conduct concrete placement and operate construction cranes for the installation of the precast ballpark structure during nighttime hours, which is analyzed in the relevant topics in Chapter 4 of this Draft EIR.

**Phase 1 (Generally East of Market Street)**

Phase 1 construction activity for the ballpark and the Phase 1 mixed-use development and hotel(s) would occur within four calendar years. Construction of the ballpark would overlap with concurrent construction of Phase 1 mixed-use development for approximately 24 months of the total duration. However, as noted above, the construction of Phase 1 may take longer.

**Remainder of Project Site – Buildout (Generally West of Market Street)**

For purposes of this Draft EIR, phasing of the balance of the Project site (Buildout) has conservatively been estimated to occur immediately following completion of Phase 1, with completion in four years. Site preparation (grading, utilities, remediation) would occur for nearly nine months, followed by three years of vertical construction. However, the timing of construction of the remaining site development would be dependent on market conditions, and is likely to take longer than four years total.

The Maritime Reservation Scenario affects the area of the proposed Project site proposed for construction after Phase 1 and development of permanent structures (i.e., Buildout) within the area identified under the Maritime Reservation Scenario (see Section 3.7, *Maritime Reservation Scenario*). As described previously, the Port could terminate or exercise its option to take back all or a portion of the Maritime Reservation Area from the Project sponsor at any time within the 10-year option term provided in the ENA. Despite this constraint on the timing of construction after Phase 1, this Draft EIR conservatively assumes that construction activities under the Maritime Reservation Scenario would be the same as the Project and occur over seven years total (within eight calendar years). This would only occur if the Port terminates its recapture option prior to the expiration of the 10-year term.

I307-2

COMMENT

RESPONSE

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I307-2-14

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:07:31 PM  
Presumes technology that has not been identified. Identify or eliminate statement.

I307-2-15

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:09:29 PM  
Quantify health and safety impacts to residents of adjacent historic residential building at 737 2nd due to continuous 24/7/365 construction.

Number 3 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:10:03 PM  
Quantify health and safety impacts to residents of adjacent historic residential building at 737 2nd due to continuous 24/7/365 construction.

Number 4 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:10:08 PM  
Quantify health and safety impacts to residents of adjacent historic residential building at 737 2nd due to continuous 24/7/365 construction.

I307-2-14 It is reasonable to presume technological advances in the future, as this EIR analyzes the most conservative scenario for the Project. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

I307-2-15 As explained on Draft EIR p. 4.2-11, all residences within 2,000 feet of the Project site were included in the health risk analysis, along with all residential areas in the West Oakland area. This includes the Phoenix Lofts at 737 2nd Street, which contains commercial Live-Work facilities. The maximum off-site health risk impacts were found to occur at Phoenix Lofts. Impact AIR-4 finds that the Maximally Exposed Individual Receptor (MEIR) is located at the Phoenix Lofts at 737 2nd street (Draft EIR pp. 4.2-102, 4.2-103, and 4.2-108). The same MEIR is identified in Impact AIR-2.CU (Draft EIR pp. 4.2-146 and 4.2-147). See also Draft EIR Appendix AIR.1 Figures 9A, 9B, 9C, and 9D for the off-site MEIR locations. The Phoenix Lofts at 737 2nd Street were also included as Noise Monitoring Location LT-3 as an off-site noise monitoring location in the noise analysis (Draft EIR p. 4.11-11), as discussed further in Section 4.11, *Noise and Vibration*. Additionally, the commenter is incorrect regarding the assumption of continuous 24/7/365 construction. See Mitigation Measure NOI-1a, Construction Days/Hours, which imposes restrictions concerning construction days and hours for the Project.

I307-2

COMMENT

RESPONSE

3. Project Description

**Demolition**

The proposed Project would demolish all existing structures on Howard Terminal and the remaining parts of the Project site, except for the existing Oakland Fire Station 2 at Clay and Water Streets,<sup>13</sup> the four existing shipping container cranes,<sup>14</sup> and the Peaker Power Plant structure.

Site demolition would involve the use of backhoes and excavators. Asphalt grinders would be used to take up and grind the asphalt for stockpiling and reuse. Demolition would take an estimated 3-4 months for the Phase 1 portion of the site, and demolition on the remainder the site would likely take a similar amount of time.

It is anticipated that demolition of the existing hardscape, concrete, paving, etc. currently located on-site would generate approximately 96,000 cubic yards of asphalt concrete and 96,000 cubic yards of crushed aggregate base. Additional debris would be generated through the on-site underground utility demolition as well as any off-site improvements (see *Grading/Soil Movement* below).

The Project intends to re-use all asphalt concrete and aggregate base demolition debris on-site per the current City standards. All existing underground utilities that are demolished (e.g., storm drain, sanitary sewer, electrical) would be hauled off-site to appropriately licensed facilities.

**Grading/Soil Movement**

Shallow groundwater exists throughout the Project site. Therefore, underground utility construction and demolition of existing underground utilities would likely require dewatering.

The proposed Project development would be graded to connect at-grade to Market Street, Martin Luther King Jr. Way, and Embarcadero West on the north. The maximum depth of excavation would likely be for utility construction and would be approximately 20 feet below finished grade. The Project would import fill to raise the elevation of portions of the site, and make other site improvements necessary to prepare the Project site for phased construction of the proposed Project.

**Site Remediation**

As introduced previously in this chapter (see Section 3.2.4, *Existing Wharf Conditions, Utilities, and Site Conditions*), the Project site has a history of handling hazardous and potentially hazardous materials due to past industrial uses. Although remediation of hazardous materials has largely been completed for the existing uses on the Project site, the level of remediation does not allow the types of uses planned for the Project. The Project would therefore require additional development-related environmental remediation and/or mitigation and site grading and modifications to existing land use controls. Required remediation and/or mitigation and site

<sup>13</sup> While the Project sponsor intends to retain Fire Station 2, the analysis in the Draft EIR discloses the impact of its demolition should this be required or desired in the future. (See Section 4.13, *Public Services*, for a discussion of fire services following demolition of the fire station, if demolition is pursued.)

<sup>14</sup> The Project sponsor intends to retain the cranes, but doing so may not be feasible. As a result, their demolition is studied as part of the Project.

I307-2

COMMENT

RESPONSE

I307-2-16 As discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Section 4.8.2, *Regulatory Setting*, numerous regulations cover the transport of hazardous materials from the federal level (e.g., U.S. Department of Transportation), state level (e.g., California Highway Patrol and Caltrans), and local (e.g., Unified Hazardous Waste and Hazardous Materials Management Regulatory Program). Under these and other regulations, hazardous materials and hazardous waste must be transported by transportation haulers licensed to transport the materials, and all loads must be secured to prevent spillage.

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:18:25 PM  
Provide description of program to protect existing west oakland residents from impacts of hazardous waste transport and site remediation impacts , especially due to transport of hazardous materials in adjacent areas.

I307-2-16 |

I307-2

COMMENT

RESPONSE

3. Project Description

grading could occur in a phased manner as the Project is built out over time (*Phased Approach*), or they could be completed for the entire Project site at once (*Sitewide Approach*). In either case, the remediation and/or mitigation would proceed according to a Remedial Action Workplan approved by DTSC. DTSC's approved Remedial Action Workplan would require implementation of the remediation plan and work safety measures. See Section 4.8, *Hazards and Hazardous Materials*, for a full discussion of hazardous materials conditions affecting the Project site and requirements the Project would implement to allow development of the Project site as proposed.

If the Project takes the *Phased Approach* to address development-related environmental issues and grading, targeted remediation and/or mitigation would occur in the area of the site that would develop in Phase 1, generally east of Market Street as shown in Figure 3-6, and those portions of the site would be raised to future grade. Phase 2 site remediation and/or cleanup would occur over the entire Phase 2 area or with a similar targeted approach that would remove the existing pavement cap over impacted zones identified in the Remedial Action Workplan. If the Project takes the *Sitewide Approach*, targeted remediation and/or mitigation and site grading would occur across the entirety of the Project site at once. In addition to the overall remediation approach, building-specific remediation and/or mitigation may also be required per the Remedial Action Workplan as approved by DTSC at the time of development.

Relevant to the Maritime Reservation Scenario (see Section 3.7 above), no environmental remediation and/or mitigation, or grading improvements would be conducted on any part of the Maritime Reservation Scenario area until expiration of the time specified in the ENA unless the Port terminates its recapture option at an earlier date.

In addition to the soil movement for general grading for development of the Project site (233,000 cubic yards), some contaminated soils would be removed from the site, and the Project would import clean overlying fill to replace existing contaminated soils to provide a protective barrier to prevent exposure to underlying contaminated materials. Conservatively estimated volumes total 200,000 cubic yards (100,000 cubic yards each, off- and on-haul), involving up to approximately 9,000 round trips for Phase 1 (a daily average of 48 round trips) and 9,000 round trips for Phase 2 (a daily average of 48 round trips).

#### Building Construction, Materials, and Methods

The preliminary geotechnical study conducted for the Project indicates that the site is generally suitable for potential development provided that several recommendations included in the study, along with other sound engineering practices, are properly incorporated into the design plans and specifications.

Although development plans for the Project would continue to be refined, the analysis is based on the types and locations of new structures proposed to be built and the foundation design for future buildings and facilities would account for the subsurface conditions. Also, a design-level geotechnical exploration and assessment would be required prior to finalization of development plans and issuance of permits for the ballpark and all other building.

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COMMENT

RESPONSE

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I307-2-17

Number 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:18:49 PM  
and adjacent resident

I307-2-18

Number 2 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:19:40 PM  
what streets would be used for material transport, and where would it be transported to?

Number 3 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:21:32 PM  
deferral of mitigation is not appropriate. provide design level geotechnical investigation, and standard building requirements are not appropriate mitigation measures, they would be required as part of project discretionary approval.

I307-2-17 This comment asks which streets would be used for material transport and where materials would be transported to but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the Project and EIR.

See Draft EIR Figure 4.15-20, which illustrates the truck routes serving the Project during construction and post-construction. Trucks would use the I-880 freeway on- and off-ramps, the 5th and 6th Street corridors, and Market Street to access the Project. Should Project-related trucks need to access the Seaport, they would use Market and Adeline Streets via 5th and 6th Streets.

As described in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, under *Approach to Analysis, Soil Management and Reconsolidation and Select Offsite Disposal*, p. 4.8-43, waste fill and soil would be sent to the Waste Management Altamont Landfill or the Clean Harbors Buttonwillow Landfill.

I307-2-18 The topics of deferral of mitigation measures and the reliance on future documents in the analysis are addressed in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I307-2

COMMENT

RESPONSE

3. Project Description

The Project sponsor proposes DDC (deep dynamic compaction) and DPC (direct power compaction) for site improvements prior to construction of deep foundations and surcharge, although Rapid Impact Compaction (RIC) may be used as well. Also, traditional construction equipment and tools such as cranes, excavators, and compactors would also be used. The ballpark itself would involve approximately 2,000 fourteen-inch square precast piles or similar foundation elements to support building loads. Site conditions and requirements for the proposed Project for geotechnical stability are discussed in Section 4.6, *Geology, Soils, and Paleontological Resources*, in Chapter 4 of this Draft EIR.

### 3.13.2 Construction Traffic and Circulation

The Project sponsor estimates approximately 35 large construction vehicles (those used for earth moving equipment) would be in operation at any given time during the demolition, site clearing, and soil import/placement operations during Phase 1, and approximately 40 large construction vehicles for development activity for Building 2.

### 3.13.3 Construction Employment

Phase 1 construction would require a peak employment of approximately 1,200 to 1,300 construction workers. For the remainder of the Project site, construction employment needs would vary based upon the size and characteristics of the particular block/parcel being constructed, but could be as many as 1,000 construction workers during peak construction period.

## 3.14 Proposed General Plan and Planning Code Amendments

As noted earlier, the Port and City, without waiving any of their respective authorities and jurisdiction over lands within the Port Area and consistent with Article VII of the Charter, have entered into a nonbinding MOU that describes a contemplated shared regulatory framework that, if ultimately approved, would, among other things, apply relevant provisions of the Oakland Planning Code, Article 17 of the Oakland Municipal Code, to the Project. Pursuant to that framework, it is anticipated that the City and the Port will closely consult and confer with one another regarding the content of the proposed General Plan amendment and zoning regulations that will govern future development of the proposed Project, both of which will be presented to the City Council for its discretionary review and approval. See Section 3.19.1, *Public Agency Approvals Required*, for more information.

### 3.14.1 Oakland General Plan Amendment

The Project Sponsor proposes a General Plan Amendment to redesignate the majority of the Project site that is currently designated "General Industrial and Transportation" to "Regional Commercial," a designation which is intended to maintain, support, and create areas of the City that serve as region-drawing centers of activity. A smaller area of the site (between Jefferson and Clay Streets south of Embarcadero West) that is currently within the Retail Dining Entertainment

I307-2

COMMENT

RESPONSE

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	Number	Author	Subject	Date
I307-2-19	Number 1	M HENDERSON	EIR COMMENT	3/19/2021 7:23:24 PM
	describe health and safety impacts to adjacent residents due to continuous pile driving. provide structural analysis of potential impacts to historic structure at 737 2nd street due to continuous pile driving.			
I307-2-20	Number 2	M HENDERSON	EIR COMMENT	3/19/2021 7:23:54 PM
	quantify noise impacts to adjacent sensitive receptors due to this work			
I307-2-21	Number 3	M HENDERSON	EIR COMMENT	3/19/2021 7:26:08 PM
	how does this meet enabling legislation requiring highly skilled, highly paid workers? Also, these are temporary positions, not long term employment opportunities. Provide analysis of the residence of these labor workers, many come from other areas such as Sacramento valley, commuting due to temporary nature of work. This is not consistent with project objectives.			
I307-2-22	Number 4	M HENDERSON	EIR COMMENT	3/19/2021 7:32:45 PM
	Is the City of Oakland an impartial reviewer of the Project? if not, then any permit or discretionary review is not impartial, and is an inappropriate action.			
	Number 5	M HENDERSON	EIR COMMENT	3/19/2021 7:33:13 PM
	Does not smell right			

I307-2-19 The potential health effects of significant and unavoidable construction noise impacts are addressed on Draft EIR pp. 4.11-41 and 4.11-42. Table 4.11-13 shows average daytime construction noise levels and Table 4.11-14 shows the maximum nighttime construction noise levels at each of the studied receptors. As shown, average daytime and maximum nighttime construction noise levels would not reach the point at which pain or hearing damage would occur. Therefore, Project construction would not result in adverse health effects related to pain and hearing loss.

Potential vibration impacts on the historic structure at 737 2nd Street are addressed in Draft EIR Section 4.4, *Cultural Resources*, p. 4.4-24. Construction in the vicinity of the Southern Pacific Railroad Industrial Landscape District (SPRR) API and the Pacific Gas and Electric Company Station C API (the SPRR API includes the structure at 737 2nd Street) would introduce new temporary sources of vibration associated with construction activities. Historic masonry structures can be particularly sensitive to ground vibrations resulting in material damage to the historic fabric of the structure. See Response to Comment I-307-3 for further discussion regarding 737 2nd Street, its status as a historic resource, and consideration of impacts as a result of the Project.

Mitigation Measure CUL-2, Vibration Analysis for Historic Structures, is identified to reduce the potential construction-related vibration impacts to address the potential for construction-related vibration impacts on historic resources, including the structure at 737 2nd Street. Specifically, prior to any vibratory construction within 150 feet of a historic resource, the Project sponsor shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes preconstruction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds and cannot be prepared in advance of information about the specific location and nature of equipment proposed for use during nearby construction activities.

I307-2

COMMENT

RESPONSE

- I307-2-20 Quantification of resultant noise levels at the nearest sensitive receptors from pile installation activities is provided in Table 4.11-15 on p. 4.11-37 of the Draft EIR.
- I307-2-21 This comment addresses text in Draft EIR Section 3.13.3 (p. 3-58) describing the characteristics of Project construction employment. As indicated on Draft EIR p. 1-5, in February 2021 Governor Gavin Newsom certified the Project pursuant to Public Resources Code Section 21168.6.7, including the requirement (CEQA Section 21168.6.7(d)(1)) that the Project create high-wage, highly skilled jobs that pay prevailing wages and living wages. The Draft EIR includes employment information salient to the evaluation of environmental impacts (e.g., transportation, air quality), including the information on construction-phase employment referenced in this comment and long-term (postconstruction) employment (see Draft EIR Section 3.6.4, p. 3-35). Draft EIR Table 4.12-8 (p. 4.12-17) presents a breakdown of long-term employment associated with the Project and the assumptions used to produce the estimates. Construction-related jobs generated by the Project would likely be filled by employees within the construction industry from the city of Oakland and the greater Bay Area region (see Draft EIR p. 4.12-14 for more information). The Project has been developed in accordance with the objectives described in Draft EIR Section 3.4 (beginning on p. 3-14).
- I307-2-22 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

I307-2

COMMENT

RESPONSE

3. Project Description

1 (RD&E-1) designation under the Estuary Policy Plan would be redesignated to Retail Dining Entertainment 2 (RD&E-2). The main difference between the two designations is that the RD&E-2 allows residential use whereas RD&E-1 does not. (See more detail in Section 4.10, *Land Use, Plans, and Policies*, in Chapter 4 of this Draft EIR.) No text change is proposed to the existing Regional Commercial designation in the General Plan.

### 3.14.2 New Waterfront Zoning District

The Project Sponsor proposes to develop a new site-specific “Waterfront Planned Development Zoning District” for the Project site, as authorized by and consistent with the proposed General Plan Amendment discussed above. The new zoning district would be adopted into the Oakland Planning Code, and the Oakland Zoning Map would be amended to apply the new District to the geographic area of the Project site, which is currently designated (IG), General Industrial Zone, and M-40, Heavy Industrial Zone. The new zoning regulations for the District would establish permitted and conditionally permitted land uses, high-level development standards and a process for administrative review of project phases and design review. See more detail and exhibits regarding the proposed General Plan Amendment and new zoning district in Section 4.10, *Land Use, Plans, and Policies*, in Chapter 4 of this Draft EIR.

### 3.15 Other Plan and Jurisdictional Amendments and Compliance

The Project sponsor is seeking amendments to regional plans prepared by BCDC and the Metropolitan Transportation Commission (MTC), and proposes a boundary settlement and exchange agreement between the Port of Oakland and the California State Lands Commission (CSLC) to accommodate the proposed Project. These amendments are briefly described below.

In 2019, the State approved Project-specific legislation, AB 1191, described in more detail in Section 4.10, *Land Use, Plans, and Policies*. AB 1191 specifically authorizes a trust exchange to resolve trust and boundary uncertainties, and authorizes the proposed ballpark and associated uses as a trust use if the CSLC makes certain findings. If approved, the trust exchange would be implemented in accordance with a Trust Exchange Agreement consistent with the requirements of AB 1191. Approval of the Trust Exchange would be a condition to the Port entering into a lease for the ballpark and any other lease or sale of a development parcel covered by the first phase of the trust exchange. Implementation of future phases of the trust exchange would be required as a condition to the Port entering into a lease and/or sale for any other development parcels covered by such future phase. A copy of AB 1191 is included for informational purposes in Appendix PRC, *Public Resources Code Section 21168.6.7 and AB 1191*, to this Draft EIR 

#### 3.15.1 Seaport Plan and Bay Plan

The San Francisco Bay Area Seaport Plan constitutes the maritime element of MTC’s Regional Transportation Plan and is incorporated by reference in BCDC’s San Francisco Bay Plan, which was first adopted in 1968, and provides policy direction for BCDC’s permit authority. The Project sponsor proposes to amend both the Seaport Plan and the Bay Plan to remove the port priority use

I307-2

COMMENT

RESPONSE

I307-2-23 Anticipated required permits and approvals anticipated, including approval of a Trust Settlement and Exchange Agreement addressing public trust issues affecting the Project site by the State Lands Commission, are listed in Draft EIR Table 3-4 (p. 3-66).

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Number: 1 Author: M HENDERSON Subject: EIR COMMENT Date: 3/19/2021 7:34:53 PM  
clarify that State Lands Commission approval is needed?

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I307-2-23 |

COMMENT

COMMENT

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

**4.1 Aesthetics, Shadow, and Wind**

This section describes the existing aesthetic, shadow, light, glare, and wind conditions of the Project site and its surroundings and analyzes how the adoption of the proposed Project may affect those conditions. This section also describes the environmental and regulatory setting relevant to aesthetics, shadow, light, glare, and wind issues in the Project vicinity. Potential impacts are discussed and evaluated, and appropriate mitigation measures as necessary. The analysis in this section is based on field surveys of the Project site, a review of visual simulations and shade/shadow simulations prepared by Bjarke Ingels Group (BIG), a review of a lighting study prepared by Horton Lees Brogden Design (HLB), and review of a Wind Technical Report prepared by Rowan Williams Davies & Irwin Inc. (RWDI) (see Appendix AES, *Aesthetics, Shadow and Wind Supporting Information*). The visual simulations were independently peer reviewed by Environmental Vision, the shade/shadow simulations and Wind Technical Report were independently peer reviewed by ESA, and the lighting study was independently peer reviewed by Lighting Design Alliance and ESA.

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

Under CEQA Section 21099(d), “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.”<sup>1</sup> Accordingly, aesthetics is no longer considered in determining if a project has the potential to result in significant environmental effects for projects that meet all three of the following criteria:

- The project is in a transit priority area.<sup>2</sup>
- The project is on an infill site.<sup>3</sup>
- The project is residential, mixed-use residential, or an employment center.<sup>4</sup>

The proposed Project meets all three of the above criteria because the Project (1) is in a transit priority area, and is situated 0.1 miles from the Oakland Jack London Square San Francisco Bay Ferry terminal and 0.15 miles from an Alameda–Contra Costa Transit District (AC Transit) stop at 2nd and Washington Streets, in which Lines 72, 72M, and 72R together have a frequency of service interval of 15 minutes or less during the a.m. and p.m. peak commute periods; (2) is on an

<sup>1</sup> CEQA Section 21099(d)(1).  
<sup>2</sup> CEQA Section 21099(a)(7) defines a “transit priority area” as an area within one-half mile of an existing or planned major transit stop. A “major transit stop” is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the a.m. and p.m. peak commute periods.  
<sup>3</sup> CEQA Section 21099(a)(4) defines an “infill site” as either (1) a lot within an urban area that was previously developed; or (2) a vacant site where at least 75 percent of the site perimeter adjoins (or is separated by only an improved public right-of-way from) parcels that are developed with qualified urban uses.  
<sup>4</sup> CEQA Section 21099(a)(1) defines an “employment center” as a project situated on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area.

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

setback not less than five feet from the property line, and must be no less than 10 feet above the ground (California Legislative Information, 2019).

**California Building Standards Code Title 24  
Parts 1 and 6 – Outdoor Lighting Zones**

In 2001, the California Legislature passed a bill requiring the California Energy Commission (CEC) to adopt energy-efficient standards for outdoor lighting for both the public and private sector. In November 2003, the CEC adopted changes to the Building Energy Efficiency Standards within Title 24. The standards specify outdoor lighting requirements for residential and non-residential development, and are on a three-year update and renewal cycle, along with the other parts of Title 24. The intent of these standards is to improve the quality of outdoor lighting and reduce the impacts of light pollution, light trespass and glare. The standards regulate lighting characteristics, such as maximum power and brightness, shielding, and use of sensor controls to turn lighting on and off. Different lighting standards have been established for four lighting zone classifications. Based on population figures in the 2000 Census, areas can be designated by this State specification system as LZ1 (dark), LZ2 (low), LZ3 (medium), or LZ4 (high). Lighting standards for dark and rural areas are stricter for example, to provide appropriate protection from new sources of light pollution and light trespass. According to the U.S. Census Bureau, the entire Project area is defined as an urban area and is therefore designated as LZ3 per the CEC classification standards (CEC, 2008).

**Part 11 – California Green Building Standards Code**

The 2016 California Building Standards Code, Part 11, provides requirements for lighting and control equipment and further addresses light trespass and glare. This section also regulates uplighting allowances for fixtures using the “BUG” Backlight Uplight Glare rating method.

**Local Plans, Ordinances, and Policies**

**City of Oakland General Plan**

**Land Use and Transportation Element (LUTE)**

The following City of Oakland General Plan Land Use and Transportation Element policies are relevant to the aesthetics, lighting, shadow, and wind impacts of the proposed Project:

**Policy W3.4: Preserving Views and Vistas.** Buildings and facilities should respect scenic viewsheds and enhance opportunities for visual access of the waterfront and its activities 

**Policy T6.2: Improving Streetscapes.** The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.

**Policy N1.5: Designing Commercial Development.** Commercial development should be designed in a manner that is sensitive to surrounding residential uses.

**Policy T6.5: Protecting Scenic Routes.** The City should protect and encourage enhancement of the distinctive character of scenic routes within the City, through prohibition of billboards, design review, and other means.

I307-3

COMMENT

RESPONSE

### Summary of Comments on Section 4.1, Aesthetics, Shadow, and Wind

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 6:26:48 PM  
Please address how buildings that are up to 600 feet high and block existing views and vistas that provide visual access of the waterfront to residents of 737 2nd street is not a significant impact. Please also document how this is not also a land use inconsistency, since this is in the General Plan. Please provide a visual analysis showing how the existing views of the waterfront will be altered by the project elements, and provide mitigation for such significant impacts, such as relocating, removing and reducing the height of all buildings that affect existing waterfront views.

I307-3-1

I307-3-1 The comment is made in reference to Policy W3.4 of the Oakland General Plan Land Use and Transportation Element, “Preserving Views and Vistas. Buildings and facilities should respect scenic viewsheds and enhance opportunities for visual access of the waterfront and its activities.” As stated on Draft EIR p. 4.1-39, the proposed Project “would become a visually prominent feature of the visual landscape that would result in the loss of open skyline when viewing the Project site from nearby areas. It would also partially affect scenic vistas of San Francisco Bay, the downtown Oakland skyline, and the Oakland Hills.” However, proposed Project would also enhance access to—and views of—the waterfront and historic resources in the Project vicinity by creation of waterfront open spaces on a site that is currently inaccessible to the public and by attracting new residents, employees, and visitors to the site and the neighborhood. In addition, the Project would provide new waterfront and elevated publicly accessible scenic viewpoints from which scenic resources and scenic vistas can be viewed.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

*Action OS-11.3.1: Expanded Private Role in Providing Public Art.* Study possible approaches to expanding the private sector's role in the city's public art program. Options should include development incentives (density bonuses) and an in-lieu fee based on square footage for major downtown development.

*Policy OS-11.4: Siting Public Art.* Site public art with sensitivity to its surroundings. Locate public art in a manner which does not reduce useable open space in City parks or impede recreational activities.

**Objective OS-12: Street Trees.** "Green" Oakland's residential neighborhoods and commercial areas with street trees.

*Policy OS-12.1: Street Tree Selection.* Incorporate a broad and varied range of tree species which is reflected on a city-maintained list of approved trees. Street tree selection should respond to the general environmental conditions at the planting site, including climate and micro-climate, soil types, topography, existing tree planting, maintenance of adequate distance between street trees and other features, the character of existing development, and the size and context of the tree planting at 

**Historic Preservation Element**

In March 1994, the Oakland City Council adopted the Historic Preservation Element of the Oakland General Plan (amended July 21, 1998). The following Historic Preservation Element goals address historic resources and visual resources:<sup>8</sup>

**Goal 1:** To use historic preservation to foster economic vitality and quality of life in Oakland by maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties; establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future; and preserving and encouraging a city of varied architectural styles and environmental character, and

**Goal 2:** To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

**Scenic Highways Element**

The Scenic Highways Element of the Oakland General Plan seeks to protect and enhance the distinctive character of scenic routes within the City. I-580 is identified as a designated scenic route in the Scenic Highways Element. I-980 is identified as a route that could be considered for possible future designation.

**Oakland Municipal Code**

The City and the Port are cooperating to establish a shared regulatory framework under which the City will, in its processing of the Project approvals and City building permits for the Project,

<sup>8</sup> See also Section 4.4, *Cultural and Tribal Cultural Resources*, for a more detailed discussion of the Historic Preservation Element.

I307-3

COMMENT

RESPONSE

I307-3-2 See Response to Comment I307-1-7.

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I307-3-2

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Number 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 6:48:58 PM  
provide documentation regarding the type and range of tree species and analysis by a professional that addresses how the limited tree canopy to be provided complies with enabling legislation regarding green low impact development and requirements for carbon sequestration. What percentage of the site will be planted with living vegetation, and what percentage of the site will have shaded canopy by trees? Please provide documentation regarding how this project complies with urban greening, ghg, AB 734, OSCAR and all the other regulations regarding no net energy impact described in section 4.7. What are the qualifications of the person who prepared the GHG and carbon sequestration analysis? Correct the inconsistencies between this chapter and section 4.7.

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4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

Assembly Bill (AB) 734, which is a requirement of the Project, requires that the design and implementation of the Project comply with these measures. AB 734 also requires that nighttime programming apply best management practice strategies to avoid and reduce potential collision hazards for migratory and resident birds to the extent feasible.

Refer to Section 4.3, *Biological Resources*, for a discussion of light and glare impacts and mitigation measures pertaining to bird safety.

**Oakland Outdoor Lighting Standards**

The City of Oakland Outdoor Lighting Standards is applicable to private development projects on public rights-of-way. As such, the requirements in the standard are assumed to apply to all new roadways constructed within the Project boundaries. Requirements include general glare, light trespass, and light pollution mitigation measures such as using full-cutoff luminaires wherever available and avoiding bare light sources (bulbs). In addition, the standard provides specific lighting equipment guides relevant to street and pedestrian light pole heights.

**Port of Oakland Exterior Lighting Policy**

The Port of Oakland requires Port tenants to comply with the Port's light trespass minimization measures to prevent potential light pollution that may be generated by development and to conserve energy. However, the City and the Port are cooperating to establish a shared regulatory framework under which the Project will be subject to the City of Oakland's Outdoor Lighting Standards described above.

**4.1.3 Significance Criteria**

The City of Oakland has established thresholds of significance for CEQA impacts that incorporate those in Appendix G of the State CEQA Guidelines (City of Oakland, 2016).

For informational purposes, this section describes potential impacts related to aesthetics, including light and glare, that could result from implementation of the proposed Project. As noted on page 4.1-1, CEQA Section 21099(d) states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The Project meets all three criteria; thus, this section does not consider aesthetics, including the aesthetic impacts of light and glare, in determining the significance of project impacts under CEQA, but a discussion of the criteria that relate to aesthetics, including light and glare is provided for informational purposes and to evaluate the merits of the Project. Accordingly, the following topics related to aesthetics are not considered as part of determining the Project's significance under CEQA, but are presented for informational purposes:

1. Have a substantial adverse effect on a public scenic vista (informational discussion; not subject to CEQA);<sup>9</sup>

<sup>9</sup> NOTE: Only impacts to scenic views enjoyed by members of the public generally (but not private views) are potentially significant.

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RESPONSE

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Number 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 6:52:11 PM  
Please clarify how this project complies with transit priority area definition simply because there is a bus stop nearby? What is the ridership of these lines? Provide documentation regarding use and ridership that justifies this excuse.

I307-3-3 |

I307-3-3 As explained on Draft EIR p. 4.1-1, accordance with CEQA Section 21099(d), added by Senate Bill 743 (2103), aesthetic impacts of a mixed-use project that includes residential uses and is on an infill site within a transit priority area “shall not be considered significant impacts on the environment.” As detailed on p. 4.1-1, the proposed Project meets the three criteria of CEQA Section 21099(d):

- The project is in a transit priority area.<sup>24</sup>
- The project is on an infill site.<sup>25</sup>
- The project is residential, mixed-use residential, or an employment center.<sup>26</sup>

The proposed Project meets the above criteria because the Project site:

- (1) is in a transit priority area because it is 0.1 miles from the Oakland Jack London Square San Francisco Bay Ferry terminal and 0.15 miles from an Alameda–Contra Costa Transit District stop at 2nd and Washington Streets, at which Lines 72, 72M, and 72R together have a frequency of service interval of 15 minutes or less during the a.m. and p.m. peak commute periods;
- (2) is on an infill site that has been previously developed within an urban area of Oakland; and
- (3) is a mixed-use project that includes residential uses.

Accordingly, aesthetics is not considered in identifying the Project’s significant environmental effects because it meets the applicable criteria in Section 21099(d). Thus, the EIR does not consider aesthetics in determining the significance of Project impacts under CEQA.

<sup>24</sup> CEQA Section 21099(a)(7) defines a “transit priority area” as an area within one-half mile of an existing or planned major transit stop. A “major transit stop” is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the a.m. and p.m. peak commute periods.

<sup>25</sup> CEQA Section 21099(a)(4) defines an “infill site” as either (1) a lot within an urban area that was previously developed; or (2) a vacant site where at least 75 percent of the site perimeter adjoins (or is separated by only an improved public right-of-way from) parcels that are developed with qualified urban uses.

<sup>26</sup> CEQA Section 21099(a)(1) defines an “employment center” as a project situated on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway (informational discussion; not subject to CEQA);<sup>1</sup>
3. Substantially degrade the existing visual character or quality of the site and its surroundings (informational discussion; not subject to CEQA);<sup>2</sup>
4. Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area (informational discussion; not subject to CEQA);

This section also describes potential CEQA impacts related to shade, shadow, and wind that could result from implementation of the proposed Project. The Project would have a significant adverse impact under CEQA related to shadow and wind if it would:

1. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resources Code Sections 25980–25986);
2. Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collector;<sup>3</sup>
3. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space;
4. Cast shadow on an historic resource, as defined by state CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of historical resources, or a historical resource survey form (DPR Form 523) with a rating of 1–<sup>4</sup>
5. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or
6. Create winds that exceed 36 mph for more than one hour during daylight hours during the year.<sup>5</sup>

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

<sup>10</sup> NOTE: The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., the Estuary, Lake Merritt, or San Francisco Bay); or (b) the project is located in Downtown. Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Estuary to the south and I-980/Brush Street to the west. The wind analysis must consider the project's contribution to wind impacts to on- and off-site public and private spaces, where applicable. Only impacts to public spaces (on- and off-site) and off-site private spaces are considered CEQA impacts. Although impacts to on-site private spaces are considered a planning-related non-CEQA issue, such potential impacts still must be analyzed.

I307-3

COMMENT

RESPONSE

I307-3-4 Please refer to the response to Comments 307-3-5 and O-57-25.

I307-3-5 The Draft EIR properly considers the baseline for its analysis to be the date of publication of the Notice of Preparation of a Draft EIR (NOP); for this Project, the NOP was issued on November 30, 2018, and this is therefore the date of the existing setting for the EIR. Because Project shadow falling on the 737 2nd Street building would not affect existing collectors on this building that are present under existing conditions (the date of publication of the NOP), this shadow would not result in a significant impact, and no mitigation is required.

Concerning effects on the 737 2nd Street building and the Southern Pacific Railroad Industrial Landscape District of which the building is a part, as explained in the response to Comment I-307-3, the building at 737 2nd Street is identified in Draft EIR Table 4.4-1, Age-Eligible Potential Architectural Resources in the Study Area, p. 4.4-11, as a contributor to the Southern Pacific Railroad Industrial Landscape Area of Primary Importance (API). The building is also included on Figure 4.4-1 – Historic Resources, p. 4.4-2. The 737 2nd Street building is not individually listed on the National, California or City of Oakland registers, nor does it have an OCHS rating of A or B. Therefore, it qualifies as a historic resource for the purposes of CEQA because of its status as a contributor to the Southern Pacific Railroad Industrial Landscape API (City of Oakland Historic Preservation Element Policy 3.8). Accordingly, it is the Southern Pacific Railroad Industrial Landscape API that is the historical resource to be evaluated. Impacts to any individual contributor are considered only as they may contribute to the material impairment of the district as a whole.

As explained in Draft EIR Impact CUL-2 (effects on the historic setting of the Southern Pacific Railroad Industrial Landscape API), Draft EIR p. 4.4-23, while the proposed Project would alter light and shadow and diminish the visual openness that characterizes the district, the Project would not adversely affect the district’s primary significance under California Register of Historical Resources Criterion 3 (Architecture), which is “unity of architectural style” and as a representation of “trackside industrial development in Oakland through the late 19th and early 20th centuries.” According to the City’s 1990 district survey form, the district is composed of buildings that “located here out of common dependence on the railroad and waterfront for materials and shipments, and in proximity to an ample labor force in West Oakland” (Oakland Cultural Heritage

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	Number	Author	Subject	Date
	Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 6:53:36 PM
	Document substantial adverse impacts to the historic structure at 737 2nd street, Phoenix Lofts.			
I307-3-4	Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 6:55:54 PM
	provide documentation of how the project does not substantially degrade the existing visual character, affect views, or create substantial glare to residents of 737 2nd street? What are the qualifications of the person who made this subjective interpretation?			
	Number 3	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 6:56:46 PM
	Please provide analysis and mitigation measure related to shadow cast on planned solar collectors at 737 2nd street.			
I307-3-5	Number 4	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:01:03 PM
	Please provide documentation regarding permanent shadow cast on 737 2nd street and adjacent railroad district, especially as it materially alters its historical significance of the structure and its relationship to the shoreline and Howard Terminal shipping.			
I307-3-6	Number 5	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:02:04 PM
	provide analysis of how the projects tall buildings will create wind that impacts residents of 737 2nd street			

I307-3

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Survey [OCHS], 1990).<sup>27</sup> The district’s period of significance dates from 1899 to 1923. And as noted in Comment I-311-2-2, the areas currently known as Howard Terminal was historically developed with gas storage tanks that were up to 10 stories in height. Thus, the district’s buildings were developed based on proximity to the railroad and in an area that contained structures that were much taller and with substantially more shadow, than is currently found on the Project site.

As explained on Draft EIR p. 4.4-24, “The proposed Project would not impact the architectural design of the grouping, nor would it alter the relationship of the contributing structures to each other or the railroad tracks. The scale and design of landscaping at intersections within the district (Market Street and the terminus of Brush Street) would allow views along the railroad tracks, maintaining the visual unity and character-defining perspectives within the district.... Therefore, the impact to setting resulting from an increase in mass, bulk, and density of the surrounding built environment would not ‘demolish or materially alter in an adverse manner those physical characteristics... that convey its historical significance and that justify inclusions in the or eligibility for, inclusion in’ the California register (CEQA Section 15064.5(b)(2)(A))” and, as a result, the effect would be less than significant.

As to specific effects related to shadow, as explained on Draft EIR p. 4.1-19 and summarized in the response to Comment O-57-24, a project would result in a significant impact if it would shadow an historic resource such that it would materially impair the historic significance of the resource by interfering with the characteristics that convey its historic importance and justify its listing on one or more registers of historical resources. As set forth on Draft EIR p. 4.4-13, the character-defining features of the Southern Pacific Railroad Industrial Landscape API include:

- Simplicity of design that includes stepped parapets and regular fenestration;
- Industrial character that includes flat roofs, multi-lite steel-sash windows, and brick and/or concrete construction;
- Large scale with buildings measuring full or half blocks in area;

<sup>27</sup> OCHS, 1990. *Historic Resources Inventory Form for the Southern Pacific Railroad Industrial Landscape District*, 1990.

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- Orientation to the railroad tracks;
- Concrete railroad track platforms; and
- Concentration of buildings with enough open space to allow for a long line of sight/highly visible as a grouping.

None of the foregoing is tied directly to direct sunlight and none would be adversely affected by the proposed Project. (Generally, a historical resource that is adversely affected by shadow is one that either includes important windows—such as church windows filled with stained glass—or one that has architectural features that are dependent on the interplay of light to highlight them. Neither is the case with the Southern Pacific Railroad Industrial Landscape API or any of its contributing buildings. While the Project would alter the area south of the district and thus eliminate it as an area of open space and also eliminate most views of the district from south of the railroad tracks, the above-noted character-defining features would remain intact, thus substantially maintaining the district’s integrity.

I307-3-6 As can be seen in Draft EIR Figure 4.1-31, p. 4.1-66, under Project Phase 1 conditions, winds would exceed the hazard criterion at 17 test points nearest the building at 737 2nd Street (points 48, 49, 50, 52, 53, 54, 58, 60, 61, 63, 66, 67, 68, 69, 73, 75, 76, and 77), for an aggregate total of 48 hours per year. The hazard criterion would be exceeded for more than 3 hours per year (0.1 percent of the time) at points 48 (six hours, or 0.2 percent of the time); 49 (9 hours; 0.3 percent of the time); 68 (five hours, or 0.2 percent of the time); 73 (6 hours, or 0.2 percent of the time); and 75 (also six hours, or 0.2 percent of the time).

The hazard criterion would be exceeded one hour per year at point 1, closest to 737 2nd Street. Point 1 is about 120 feet south of 737 2nd Street, while the other points are further distant; this distance would allow for winds that would accelerate along the facades and corners of Project towers to dissipate somewhat. Therefore, wind speeds can be expected to be somewhat lower than the wind speeds at the rear (south side) of the 737 2nd Street building, compared to those reported in the Project wind study (Appendix AES.2).

Moreover, as explained in Response to Comment I-96-6, the relatively large number of wind hazard exceedances that occur no more than three hours per year makes it likely that many such reported hazard exceedances could be

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reduced, or even eliminated, through careful building design and imposition of design modifications that could result from implementation of Mitigation Measure AES-1, although it is not possible to definitively reach this conclusion absent testing of specific building designs. For this reason, the Draft EIR determined that wind effects would be significant and unavoidable.

In the Full Buildout scenario (Draft EIR Figure 4.1-32, p. 4.1-67), winds would exceed the hazard criterion at incrementally fewer points near 737 2nd Street, compared to Phase 1 conditions: points 53, 54, 58, 60, 61, 63, 68, 72, 73, 77, 108, and 110, for an aggregate total of 19 hours per year; only at point 110 (5 hours; 0.2 percent of the time) would the hazard criterion be exceeded for more than three hours per year. As with Phase 1 conditions, it is likely that many such reported hazard exceedances could be reduced, or even eliminated, through careful building design and imposition of design modifications that could result from implementation of Mitigation Measure AES-1, although it is not possible to definitively reach this conclusion absent testing of specific building designs. For this reason, the Draft EIR determined that wind effects would be significant and unavoidable.

In the Cumulative scenario (Draft EIR Figure 4.1-39, p. 4.1-82), winds would exceed the hazard criterion at points 54, 61, 63, 68, 73, 77, 110, 112, 113, for an aggregate total of 18 hours per year; only at point 110 (six hours; 0.2 percent of the time) would the hazard criterion be exceeded for more than three hours per year. As with Phase 1 and Full Buildout conditions, it is likely that many such reported hazard exceedances could be reduced, or even eliminated, through careful building design and imposition of design modifications that could result from implementation of Mitigation Measure AES-1, although it is not possible to definitively reach this conclusion absent testing of specific building designs. For this reason, the Draft EIR determined that wind effects would be significant and unavoidable.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

quality in topic “c” pertains to public views in non-urbanized areas, whereas for projects in urbanized areas, Appendix G suggests that the analysis consider whether the project would conflict with applicable zoning and other regulations governing scenic quality.

**Approach to Analysis**

The analysis in this section is based on field surveys of the Project site and a review of visual simulations and shade/shadow simulations prepared by BIG, a lighting study prepared by HLB, as well as a Wind Technical Report prepared by RWDI (see Appendix AES). All of these studies were reviewed for accuracy by the EIR preparers. The methodology for analysis of impacts includes an assessment of both construction and operational impacts.

As described in Chapter 3, *Project Description*, for the purposes of this EIR and to be conservative and anticipate the maximum impacts possible during buildout, construction of Phase 1 is assumed to take 2.5 years and development of the remainder of the Project site, referred to as Buildout (or full buildout) could theoretically occur after 7 years; however, the timing of construction of the Project would be dependent on market conditions, and is likely to extend over a longer time frame.

**Visual Simulations**

The analysis in impacts AES-1 and AES-2, below, is aided by the visual simulations prepared by BIG, which document views of, through, and toward the Project site. Five visual simulations were prepared from five representative locations known as “key viewpoints.” These identified viewpoints are publicly accessible observation points from locations that can see or be seen from the Project site (Table 4.1-2 and Figure 4.1-9 in the Impacts discussion). Viewpoints were selected by the Oakland Planning Department in consultation with ESA and Environmental Vision to represent (1) typical views from common types of viewing areas, such as public sidewalks near residential areas with exposure to the Project, (2) specific high-sensitivity areas such as parks, scenic viewpoints, scenic resources, and historic resources whose context could be affected by development of the Project. The five viewpoints were selected to capture a representative sample of existing views of and from the Project site in terms of both sensitive viewing locations, such as public recreational uses, and publicly accessible views near the Project area.

The visual simulations were prepared based on a simple massing plan of the proposed Project and are not based on actual building designs because detailed building plans are not yet available. The building massing included in the simulations illustrates the maximum allowable building envelopes only, and actual building designs are likely to include features such as setbacks, modulation, and potential variation in the depths of façade planes, and would include fenestration (windows). Therefore, the visual simulations can be considered a conservative depiction of potential visual changes that would result from the Project.

The cumulative visual simulations incorporate a three-dimensional model of downtown Oakland based on potential buildout under the proposed Downtown Oakland Specific Plan, which is discussed in Section 4.0, *Introduction to the Environmental Analysis*. Also included in the cumulative model are two major projects located in the approved West Oakland Specific Plan area: the West Oakland Station project and 500 Kirkham Street, both of which are also discussed

Waterfront Ballpark District at Howard Terminal  
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4.1-20

ESA / D171044  
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I307-3

COMMENT

RESPONSE

I307-3-7 As explained on Draft EIR p. 4.1-20, the viewpoints selected for analysis are “publicly accessible observation points from locations that can see or be seen from the Project site ... [and] represent (1) typical views from common types of viewing areas, such as public sidewalks near residential areas with exposure to the Project; or (2) specific high-sensitivity areas such as parks, scenic viewpoints, scenic resources, and historic resources whose context could be affected by development of the Project. The five viewpoints were selected to capture a representative sample of existing views of and from the Project site in terms of both sensitive viewing locations, such as public recreational uses, and publicly accessible views near the Project area.”

Concerning the fact that individual Project buildings (other than the proposed ballpark) are not yet designed, as explained on Draft EIR p. 4.1-20, the “building massing included in the simulations illustrates the maximum allowable building envelopes only, and actual building designs are likely to include features such as setbacks, modulation, and potential variation in the depths of façade planes, and would include fenestration (windows). Therefore, the visual simulations can be considered a conservative depiction of potential visual changes that would result from the Project.”

Regarding the relationship between the parties who selected the viewpoints, as is the case with nearly all privately proposed projects in Oakland, the project sponsor is responsible for the cost of the EIR and its technical analyses, including paying the cost of consultant(s). However, as is always the case in Oakland, ESA (and other CEQA consultants and subconsultants) work at the direction of the Oakland Planning and Building Department. CEQA requires that a lead agency (here, the City of Oakland) “[i]ndependently review and analyze any report or declaration required by” CEQA (Public Resources Code Section 21082.1(c) and that a Draft EIR and Final EIR “reflect the independent judgment” and analysis of the agency (CEQA Guidelines Section 15084(e); Section 15090(a)(3).

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Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:04:05 PM
explain the selection process, the fiscal relationship of the three parties that selected the viewpoints, and the qualifications of these individuals. The City of Oakland is a partner in this project and not an impartial party.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:05:19 PM
Analyze the impacts related to residential areas with exposure to the project at 737 2nd street.			
Number 3	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:05:55 PM
What were the criteria for viewpoint selection and qualifications of such selectors?			
Number 4	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:07:06 PM
If the project has not been sufficiently defined, then impact analysis is not possible. Provide justification of and analysis of criteria used.			

I307-3-7

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

CIE standards are used for determining whether the proposed Project would have significant effects if the proposed Project were subject to an aesthetics analysis pursuant to CEQA.

Due to the variation in the surrounding land uses, quantitative thresholds were used to inform whether the proposed Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. The assessment in Impact AES-3 considers these quantitative results in addition to the sensitivity of the receptor locations.

**Shadow**

Shadow graphics were prepared by BIG based on the same model used in preparation of the visual simulations and peer reviewed by ES. The shadows were digitally “cast” using a CAD-based program and accounting for topography and existing buildings. As with the visual simulations, the model used in the shadow analysis was based on a simple massing plan of the proposed Project and not on actual building designs because detailed building plans are not yet available. The building massing included in the shadow model illustrates the maximum allowable building envelopes only, and actual building designs are likely to include features such as setbacks, modulation, and potentially variation in the depths of façade planes, all features that could reduce shadow cast by Project buildings. Therefore, the shadow analysis can be considered a conservative evaluation of potential shadow that would result from the Project.

**Wind**

Wind statistics from Oakland International Airport were combined with the wind tunnel data to predict the frequency of wind speeds at the Project site and in its vicinity. The wind tunnel test was conducted using a 1:300 (1 inch = 25 feet) scale model of the proposed Project and surrounding buildings within an approximately 1,500-foot radius of the Project site, which is sufficient to encompass buildings on the site as well as nearby buildings that could affect winds on and near the site. The study area extends west approximately to Linden Street, north to Second Street, and east to Washington Street. The test area also extends south into the Estuary.

As described above for both the visual simulations and shadow analysis, the wind tunnel model was based on a simple massing plan of the proposed Project and not on actual building designs because detailed building plans are not yet available. The building massing included in the wind tunnel model illustrates the maximum allowable building envelopes only, and actual building designs are likely to include features such as setbacks, modulation, and potentially variation in the depths of façade planes, all features that would reduce pedestrian-level wind speeds. Therefore, the wind tunnel analysis can be considered a conservative evaluation of potential changes in wind speeds that would result from the Project.

Wind tunnel tests were conducted for the Project site and vicinity using the following scenarios:

- Existing
- Existing + Phase I
- Existing + Phase I + Full Buildout
- Existing + Phase I + Full Buildout + Variants

I307-3

COMMENT

RESPONSE

I307-3-8 ESA has prepared numerous shadow analyses for projects around the Bay Area, and ESA staff are skilled in calculating and verifying shadow length and coverage by time of day and year.

Regarding the impartiality of the analysis, as is the case with nearly all privately proposed projects in Oakland, the project sponsor is responsible for the cost of the EIR and its technical analyses, including paying the cost of consultant(s). However, as is always the case in Oakland, ESA (and other CEQA consultants) work at the direction of the Oakland Planning and Building Department. CEQA requires that a lead agency (here, the City of Oakland) “[i]ndependently review and analyze any report or declaration required by” CEQA (Public Resources Code Section 21082.1(c) and that a Draft EIR and Final EIR “reflect the independent judgment” and analysis of the agency (CEQA Guidelines Section 15084(e); Section 15090(a)(3)).

Page: 22

Number 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 7:08:42 PM  
What are the qualifications of ESA to peer review this analysis, and what is the fiscal relationship of ESA to ensure that this is impartial analysis?

I307-3-8 |

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

- Existing + Phase 1 + Maritime Reservation Scenario Buildout
- Existing + Phase 1 + Full Buildout + Cumulative

The scale model, which was equipped with permanently mounted wind speed sensors, was placed inside an atmospheric boundary layer wind tunnel. The model had 169 at-grade wind speed sensors (also known as wind sensor test points) in publicly accessible public spaces to measure mean and gust wind speeds at an equivalent full-scale height of approximately 5 feet above ground.<sup>13</sup> An additional 10 test points were located on the proposed ballpark roof, which may be a privately owned publicly accessible open space. For each scenario, wind speeds were measured and compared with item “j” in the City of Oakland’s significance criteria in Section 4.1.3 above.

**Topics Considered and Determined to Have No Impact**

The Project was determined to have no impact on the following topic based on the proposed Project characteristics and its geographical location. Therefore, this topic is not addressed further in this document for the following reasons:

- *Criterion 5: Landscaping, that would now, or in the future, cast substantial shadows on existing solar collectors (in conflict with California Public Resources Code Sections 25980-25986).* The nearest solar collectors are at 101 Myrtle Street and 333 Clay Street, approximately 100 and 650 feet from the proposed Project, respectively. The proposed Project’s street trees could grow up to 100 feet tall, but the maximum shadows from these trees would not reach solar panels located on the roof of these buildings (15- to 45-foot roof height) and thus would not cast shadow on these collectors. The proposed Project would have no impact with respect to this topic.

**4.1.4 Impacts of the Project**

As described under Section 4.1.3, *Significance Criteria*, above, the proposed Project is located on an infill site within a transit priority area. Therefore, pursuant to CEQA Section 21099(d), aesthetics, light, and glare are not used to determine the significance of Project impacts under CEQA and the discussion in AES-1 and AES-2 are included below for informational purposes.

**Scenic Vistas and Scenic Resources**

**Impact AES-1: The Project would not have a substantial adverse effect on a public scenic vista or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a State or locally designated scenic highway. (Criteria 1 and 2) (Less than Significant, but not a CEQA Consideration)**

**Construction Impacts**

**Phase 1 and Buildout – Construction**

I-580 is a State Scenic Highway from the San Leandro city limits to State Highway 24 in Oakland. The Project site is approximately two miles from the nearest point along I-580 and from I-80. Due to this distance, and because of intervening development and vegetation, construction of the proposed Project would not substantially interfere with views of scenic resources for

<sup>13</sup> The existing scenario had 149 wind test points; 20 sensors were added to evaluate the effects of Phase 1 development, and two sensors were removed for Full Buildout to accommodate the building on Block 20.

I307-3

COMMENT

RESPONSE

I307-3-9 Please see the response to Comment I-307-3-3. Transit ridership is not a consideration under CEQA Section 20199.

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I307-3-9 |

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 7:10:26 PM  
Document how this qualifies as a Transit Priority area, and provide statistics regarding ridership.

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I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

motorists on I-580. Therefore, the proposed Project would not adversely affect designated State Scenic Highways. The analysis below pertains to scenic vistas more generally and discusses whether construction of the proposed Project would have a substantial adverse effect on a scenic vista. As stated above under the heading "Visual Resources," the City of Oakland General Plan OSCAR Element strives to protect long-range views of San Francisco, Mount Tamalpais, and Lake Merritt. In addition, the OSCAR Element includes objectives to enhance underutilized visual resources, including the waterfront, creeks, San Leandro Bay, and architecturally significant buildings or landmarks, and major thoroughfares (City of Oakland, 1996).

For the purposes of this analysis, Figures 4.1-1 to 4.1-6 presented in Section 4.1.1, *Environmental Setting*, include some of the elements described in the OSCAR Element as comprising a scenic vista in the General Plan. Figure 4.1-1 includes views of historic resources (the USS *Potomac* and the *Lightship Relief*), Figure 4.1-2 shows fleeting views of the Oakland Hills, Figure 4.1-3 shows views of the Estuary, Figure 4.1-4 shows how the existing container cranes dominate the visual character of the Project site given the lack of other substantial development on the site. Figure 4.1-5 shows long-range views of Oakland from the San Francisco Bay Ferry in the Estuary, while Figure 4.1-6 shows long-range views from the Mountain View Cemetery.

During construction, staging areas for grading, excavation, and storage of construction equipment, as well as temporary structures and off-site vehicles hauling construction materials to or from the Project site, could be visible from public vantage points. In addition, construction would involve materials storage areas and storage associated with construction debris piles, which could become a public nuisance if not properly shielded. Exposed trenches, roadway bedding (soil and gravel), and spoils/debris piles would be visible, at least for limited periods, during construction of the utility infrastructure improvements.

Construction elements may be visible to area residents, employees, and visitors during construction of the Project. The visual changes resulting from construction activities, especially in urban environments, are a common and generally accepted feature of the urban environment. While construction activities and equipment would be visible and noticeable, they would not substantially block views of historic resources such as the USS *Potomac* and *Lightship Relief* from nearby publicly accessible vantage points. They would not obstruct views of the Oakland Hills or downtown Oakland skyline from sidewalks adjacent to the Project site. For these reasons, construction impacts of the proposed Project would not substantially affect existing scenic views.

**Operational Impacts**

As described above in *Approach to Analysis*, the operational impacts analysis below is aided by the visual simulations prepared by BIG, which document views of, through, and toward the Project site. The locations of the five visual simulations are described in **Table 4.1-2** and shown in **Figure 4.1-10**.

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4.1-24

ESA / D171044  
February 2021

I307-3

COMMENT

RESPONSE

I307-3-10 The validity of the statement that “The visual changes resulting from construction activities, especially in urban environments, are a common and generally accepted feature of the urban environment” is evident by the presence of ongoing high-rise and mixed-use development throughout downtown Oakland, elsewhere in the City, and throughout the San Francisco Bay Area.

Regarding 737 2nd Street, please refer to the response to Comments 307-3-5 and O-57-25.

Page: 24

Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:11:24 PM
This is an opinion, and should be removed.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:17:10 PM
provide documentation of who regards this as a "generally accepted feature"			
Number 3	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:12:53 PM
Views of 737 2nd Street, a historic resource, would be blocked from publicly accessible spaces as a result of project implementation. Provide analysis and mitigation.			

I307-3-10

I307-3

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-11**  
Visual Simulation for Key Viewpoint 1 (Existing and Phase 1)  
Westward View Across Project Site from the Intersection of Water Street and Clay Street



I307-3

COMMENT

RESPONSE

I307-3-11 Please refer to the response to Response I-307-3-7. Regarding the colors used in the simulations, they were selected to deliberately overemphasize the proposed Project's building massing to avoid underplaying potential visual effects. As shown in the legend on the simulations, different colors were used to depict the two Project scenarios, Project variant, and cumulative development.

Page: 27

Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 7:20:29 PM  
Provide a realistic color and shadow representation of the proposed structures, not a "transparent blue" color that blends with the sky. Other project figures indicated the buildings would be white, not transparent.

I307-3-11 |

I307-3

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-12**  
Visual Simulation for Key Viewpoint 1 (Existing and Full Buildout)  
Westward View Across Project Site from the Intersection of Water Street and Clay Street



I307-3

COMMENT

RESPONSE

I307-3-12 Please refer to the response to Response I-307-3-11.

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I307-3-12 |

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Number: 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:21:32 PM
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see previous comment, building color to be shown.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

existing cranes are visible in the background on the left side of the view; however, under both Phase 1 and Buildout conditions, the existing cranes are conservatively assumed to be removed.<sup>14</sup> With implementation of Phase 1 of the proposed Project, this view would be in the direction of the principal "Athletics Way" entrance to the Project site, which is anticipated to be a heavily trafficked pedestrian corridor leading to a major public plaza at the Project site, particularly on game days. This view is considered a scenic vista for the purposes of this analysis because of the close, unobstructed view of the two historic vessels in the foreground. The view also demonstrates how the existing container cranes dominate the Project site, which has little else in the way of large-scale development and which is visible behind the historic vessels. From this viewpoint, the Project site generally affords views of an open skyline. With implementation of Phase 1 and after full buildout, views of these vessels would remain unobstructed from this vantage point, but the open skyline would be obstructed by the proposed Project. The ballpark and surrounding buildings would become a prominent feature in the background of this view, but the introduction of these features would not obstruct or obscure views of the historic vessels or the Estuary from this vantage point. Therefore, the proposed Project would not adversely affect views of these scenic resources from this location.

Key Viewpoint 2 (Figures 4.1-13 and 4.1-14)

The view in **Figure 4.1-13** (existing conditions and Phase 1) and **Figure 4.1-14** (existing conditions and full buildout) are the same as that in Figure 4.1-8, looking toward the Project site from Martin Luther King Jr. Way. Close-range views include one- to two-story industrial/commercial buildings with masonry and stucco facades on both sides of the street, and available in mid-range views are glimpses of three out of the four cranes on the Project site. Views of the three cranes are obscured by intersecting overhead power lines, utility poles, and street lights. This viewpoint is important because of the visibility of the cranes, which are available to southbound travelers on Martin Luther King Jr. Way for over a mile from the Project site, from approximately the Uptown neighborhood. As shown in Figure 4.1-14, the full buildout buildings would not be visible from behind Phase 1 buildings from this vantage point. From this vantage point, after implementation of Phase 1 and full buildout, the existing cranes would be replaced as a prominent feature comprising mid-range views with the ballpark and adjacent Phase 1 and full buildout buildings.<sup>15</sup> With implementation of Phase 1 and full buildout, a viewer, who may currently use this mid-range view of cranes at the Project site to orient themselves within Oakland, would now be able to orient themselves with the ballpark and adjacent proposed buildings.

<sup>14</sup> As explained in Chapter 3, *Project Description*, the Project sponsor intends to retain the existing container cranes on site, and therefore the Phase 1 and full Buildout simulations in Figures 4.1-11 and 4.1-12 depict two relocated existing cranes at the far left, behind the USS *Potomac*. However, as stated in the Project Description, retention of the cranes may not be feasible. Therefore, this analysis assumes that the cranes are removed. Therefore, assuming the cranes are not retained, the cranes visible in Figures 4.1-11 and 4.1-12 under with-Project conditions would be absent from this view, resulting in open sky behind the USS *Potomac*.

<sup>15</sup> Because the Project sponsor intends to retain the existing container cranes on site, the Phase 1 and full buildout simulations in Figures 4.1-13 and 4.1-14 depict one relocated existing crane at the far left of the images. However, as noted previously, this EIR conservatively assumes that the cranes would be removed.

I307-3

COMMENT

RESPONSE

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 7:23:28 PM  
the project would obstruct views of the historic cranes and the historic waterfront by residents of 737 2nd street.

I307-3-13 |

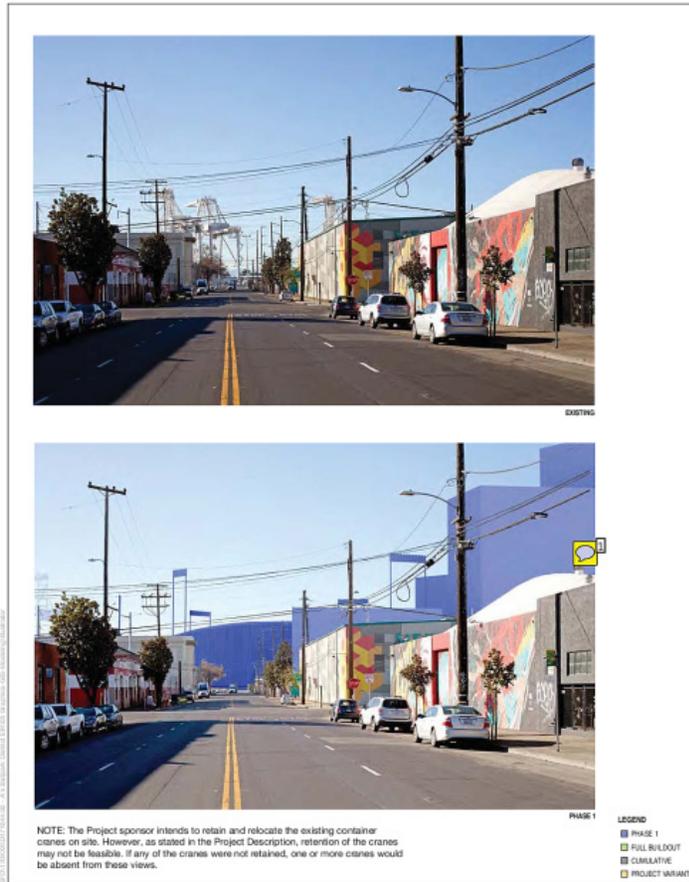
I307-3-13 Views of the existing container cranes are discussed in the Draft EIR on pp. 4.1-29 and 4.1-32. However, as explained on Draft EIR p. 4.1-1 and reiterated numerous times herein, in accordance with CEQA Section 21099(d), added by Senate Bill 743 (2103), aesthetic impacts of a mixed-use project that includes residential uses and is on an infill site within a transit priority area “shall not be considered significant impacts on the environment.” Accordingly, aesthetics is not considered in identifying the Project’s significant environmental effects because it meets the applicable criteria in Section 21099(d). Thus, the EIR does not consider aesthetics, including the aesthetic impacts of light and glare in determining the significance of Project impacts under CEQA. Nevertheless, the Draft EIR includes information about aesthetics for informational purposes.

Please also refer to the response to Comment O-57-25.

I307-3

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-13**  
Visual Simulation for Key Viewpoint 2 (Existing and Phase 1)  
Southwest View toward Project Site from Martin Luther King Jr. Way



I307-3

COMMENT

RESPONSE

I307-3-14 Please refer to the response to Comment I-307-3-11.

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I307-3-14 |

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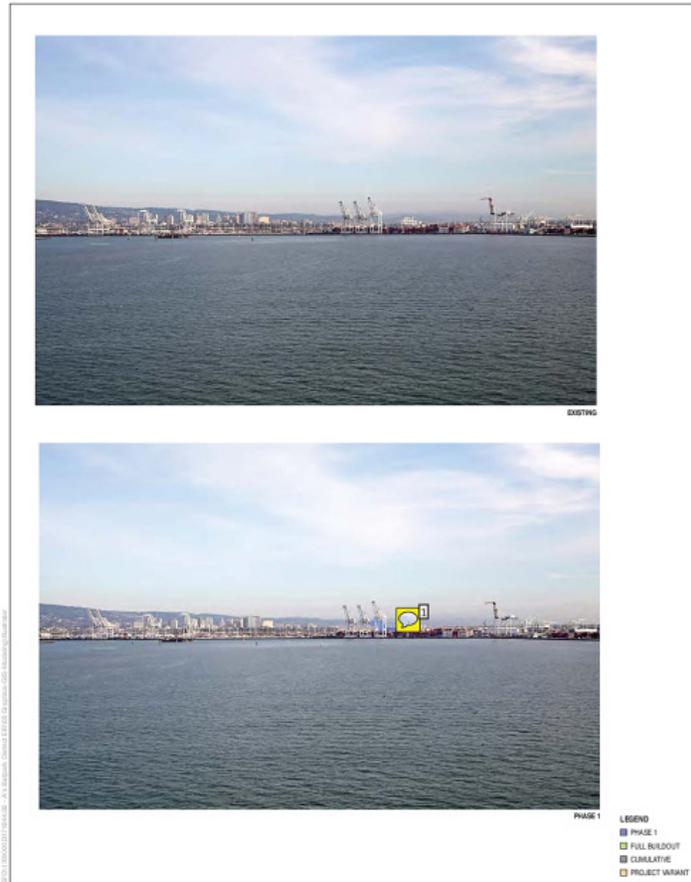
Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 7:24:35 PM  
provide a realistic representation of what these structures would look like. they are not purple.

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I307-3

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-15**  
Visual Simulation for Key Viewpoint 3 (Existing and Phase 1)  
Southeast View toward Project Site from the San Francisco-Oakland Bay Bridge



I307-3

COMMENT

RESPONSE

I307-3-15 Please refer to the response to Comment I-307-3-11.

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I307-3-15 |

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Number: 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:25:58 PM
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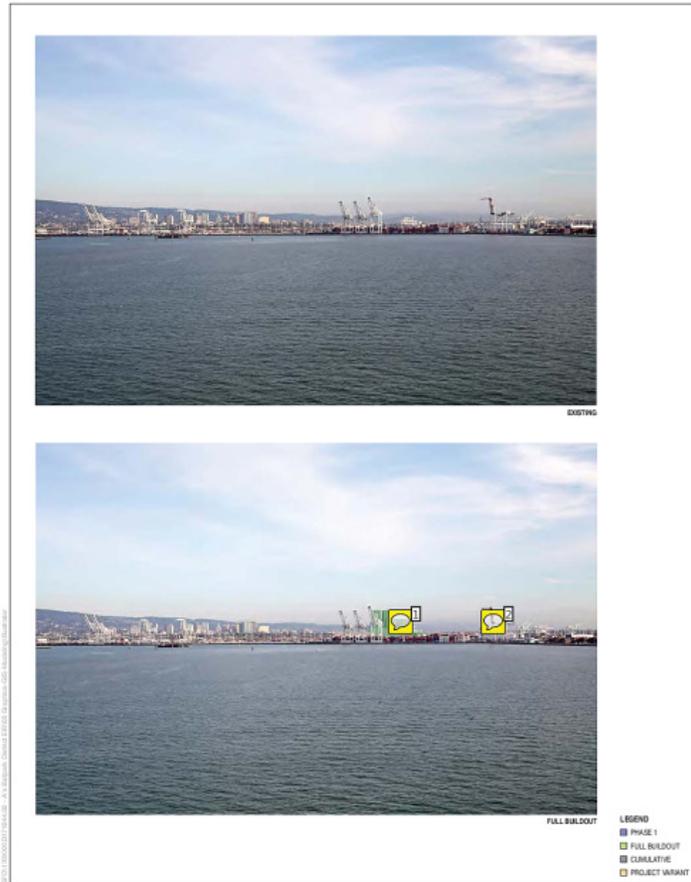
---

use a realistic representation of building color

I307-3

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-16**  
Visual Simulation for Key Viewpoint 3 (Existing and Full Buildout)  
Southeast View toward Project Site from the San Francisco-Oakland Bay Bridge



I307-3

COMMENT

RESPONSE

I307-3-16 The tallest existing building in Oakland is the Ordway Building, part of the Kaiser Center complex, which is approximately 400 feet in height. In May 2021, the Oakland Planning Commission approved a building at 415 20<sup>th</sup> Street that, if built, will be about 620 feet tall. As stated on Draft EIR p. 4.1-3, “the Project site contains four large container cranes, which can rise to a height of more than 200 feet if operational.”

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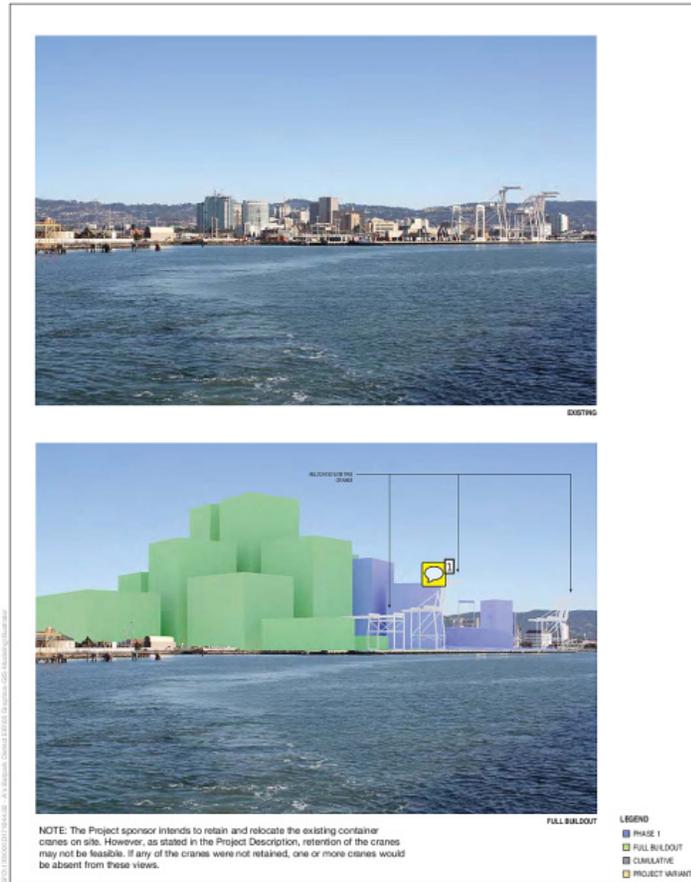
Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:26:51 PM
what is the height of the tallest building in oakland? how much taller is this?			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:27:22 PM
what is the height of these existing cranes?			

I307-3-16

I307-3

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-20**

Visual Simulation for Key Viewpoint 5 (Existing and Full Buildout)  
Northeast View toward Project Site from the San Francisco Bay Ferry on the Oakland Estuary



I307-3

## COMMENT

## RESPONSE

I307-3-17 As stated in the response to Comment I-307-3-16, the container cranes are up to 200 feet in height. (Their height is variable during their operation, as they articulate up and down.) The comment refers to Figure 4-1-16, in which the cranes in the foreground appear to be the same height as Project buildings in the background. This is due to the perspective provided by the viewpoint and the distance between the foreground cranes and background buildings. From Viewpoint 3, on the Bay Bridge incline section, the cranes in the foreground are about 8,000 feet away from the observer, while the Project site is more than 20,000 feet distant.

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 7:30:31 PM  
document the height of the existing cranes. in the previous illustrations, the cranes were the same height as the 600 foot structure or taller.  
Please correct this misinformation, and use a color consistent with other project figures, which show them as white.

I307-3-17 |

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

remaining portion of the Oakland Hills would remain in sight.<sup>16</sup> Furthermore, long-range panoramic views of the Oakland Hills would still be available from this vantage point and elsewhere along the San Francisco Bay Ferry route. While the Oakland General Plan does include views of the downtown Oakland skyline as an important visual resource, the General Plan does not identify specific locations in which views of the downtown Oakland skyline should be protected.

A large portion of the Alameda shoreline opposite the proposed Project is not publicly accessible. For this reason, this view is primarily only available to the public while traveling on the San Francisco Bay Ferry or private watercraft in the Estuary, which, would continue to provide views of the downtown Oakland skyline from elsewhere along the ferry route or the Estuary, even with Project buildout. Overall, the Phase 1 and full buildout buildings would substantially change this view and would substantially obstruct views of visual resources such as the downtown Oakland skyline and the Oakland Hills from this viewpoint. However, these resources would continue to be visible from other nearby locations, including on the Estuary east and west of the Project site.

*Overall Impact to Scenic Vistas and Resources*

The Phase 1 and full buildout buildings would become a visually prominent feature of the visual landscape that would result in the loss of open skyline when viewing the Project site from nearby areas. It would also partially affect scenic vistas of San Francisco Bay, the downtown Oakland skyline, and the Oakland Hills. However, the proposed Project would generally be consistent with Oakland General Plan Policies OS-10.1 and OS-10.3, which strive to protect and enhance existing scenic views, because the proposed Project would enhance access to—and views of—the waterfront and historic resources in the Project vicinity. In addition, the proposed Project would provide new waterfront and elevated publicly accessible scenic viewpoints from which scenic resources and scenic vistas can be viewed. These benefits of the Project are further described in Chapter 3, *Project Description*, and under the heading, *Land Use Character*, below. Therefore, operation of the proposed Project would have a less-than-significant-impact on scenic resources and scenic vistas if the proposed Project was subject to a review of aesthetics under CEQA.

**Mitigation:** None required.

**Visual Character and Quality**

**Impact AES-2: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (Criterion 3) (Less than Significant, but not a CEQA Consideration)**

**Construction Impacts**

**Phase 1 and Buildout – Construction**

The Project site visual character is primarily industrial, but the visual character of the surrounding area varies widely depending on the direction from the site and is not particularly cohesive.

<sup>16</sup> Because the Project sponsor intends to retain the existing container cranes on site, the Phase 1 and full buildout simulations in Figures 4.1-19 and 4.1-20 depict relocated existing cranes along the Estuary. As noted previously, however, this EIR conservatively assumes that the cranes would be removed.

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COMMENT

RESPONSE

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Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:33:25 PM
generally is not substantial evidence. provide documentation of this assertion.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:32:56 PM
this statement is incorrect. it would block access to views of the shoreline by 2nd street residents, and would block views of historic railroad district buildings from the shoreline.			
Number 3	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:34:43 PM
provide substantial evidence, not an opinion. what are the qualifications of the person who wrote this? what is the fiscal relationship and impartiality of the writer?			
Number 4	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:36:54 PM
provide documentaion for this statement.			

I307-3-18

I307-3-19

I307-3-18 Please refer to the response to Comment I-307-3-1 concerning changes in scenic views. As set forth in the Draft EIR’s significance criteria for Aesthetics (p. 4.1-18), the Project would have to have “a substantial adverse effect on a public scenic vista,” among other criteria, in order to have a significant impact, were the Project not subject to CEQA Section 21099(d), which precludes the proposed Project from the possibility of having significant aesthetic impacts. Typically, changes in or obstruction of views from a single private structure would not rise to the level of significance under CEQA.

Regarding the impartiality of the analysis, as is the case with nearly all privately proposed projects in Oakland, the project sponsor is responsible for the cost of the EIR and its technical analyses, including paying the cost of consultant(s). CEQA plainly contemplates that a consultant retained by the project applicant can prepare any or all of the materials that inform the decision making process. (Pub. Resources Code, § 21082.1; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1397; *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 764-765 [recognizing that courts have repeatedly rejected the contention that a report prepared by applicant’s expert should be disregarded as presumptively tainted].) However, as is always the case in Oakland, ESA (and other CEQA consultants) work at the direction of the Oakland Planning and Building Department. CEQA requires that a lead agency (here, the City of Oakland) “[i]ndependently review and analyze any report or declaration required by” CEQA (Public Resources Code Section 21082.1(c) and that a Draft EIR and Final EIR “reflect the independent judgment” and analysis of the agency (CEQA Guidelines Section 15084(e); Section 15090(a)(3).

I307-3-19 The comment refers to a statement on Draft EIR p. 4.1-39 reading, “The Project site visual character is primarily industrial, but the visual character of the surrounding area varies widely depending on the direction from the site and is not particularly cohesive.” The statement is based on observation by ESA staff, not other documentation. As with all things aesthetic, there is a certain amount of subjectivity involved in the evaluation of the visual character and quality of a site or area.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

visual quality of the surrounding areas to the south and east is somewhat high, as described above, but the Project site and surrounding areas to the north and west have relatively low visual quality.

Phase 1 and buildout construction activities, which are described above under the heading, "Approach to Analysis," and under Impact AES-1, are a common and generally accepted feature of the urban environment. Construction activities would differ from the existing visual character of the Project site, which is characterized by vehicle and container storage and heavy industrial activities. The site, which is not currently publicly accessible, would continue to be closed to the public during construction of Phase 1. Between Phase 1 and buildout, portions of the site would be publicly accessible, but by the time Phase 1 is complete, portions of the Project site would have already been transitioned from a site characterized by industrial uses and container storage activities to a mixed-use urban environment. The proposed Project's construction impacts to visual character and quality would be temporary and would not substantially degrade the existing visual character of the site and its surrounding.

**Operational Impacts**  
Phase 1 and Buildout Operations

Changes in the visual character or quality of a site are typically perceived subjectively and reactions vary by individual. The City's General Plan provides guidance that reflects the diverse nature of the built environment in Oakland and the complex nature of urban design in the community. Policies such as T6.2 and OS-9.3 reflects Oakland's desire to improve the visual quality of streetscapes and major entrances to City neighborhoods.

*Land Use Character*

Operation of Phase 1 of the proposed Project would include a 130-foot-tall ballpark, six buildings with maximum heights between 100 and 350 feet tall, and landscape improvements such as street trees, furniture, and public art. Operation at full buildout would include the aforementioned components in addition to buildings on up to 11 other development blocks at the Project site between 50 and 600 feet tall. The proposed Project would be designed to prioritize safety and comfort for pedestrians and bicyclists, which would serve to create a diverse, walkable neighborhood. Consistent with the mixed-use, flex designation in the specific plan, building footprints under the proposed Project would be medium to large and the urban form would be medium to high intensity.

As discussed above, the visual quality of the Project site and areas to the west and north is considered low due to the low degree of building and street grid continuity, and because of the high number of surface parking lots, outdoor container storage yards, and industrial equipment and activities. To the east and to the south, the visual quality is high, mainly because of its excellent views of—and proximity to—the Estuary and the two historic vessels immediately to the east of the Project site, and because of the Project site's connectivity to Jack London Square.

The proposed Project would include a Waterfront Park that would extend along the Estuary and provide wide view corridors to the Estuary and the Bay. The proposed Project would also include a series of varied open spaces intended to serve as an extension of the waterfront toward the site's interior, linking the new neighborhood to the waterfront. The "Athletics Way" pedestrian

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Number	Author	Subject	Date
I307-3-20	M Henderson	Sticky Note	4/6/2021 7:41:23 PM
How are you qualified to make this generalization? Phoenix Lofts is north of the site, as well as the rest of the railroad district that was analyzed in the historic resources section, and was characterized as having significant resource value. What criteria were used to make this remark? What are the qualifications of the report preparer? Provide a market analysis of the value of this property and how it may be negatively affected by such a generalization.			
I307-3-20	M Henderson	Sticky Note	4/6/2021 7:41:59 PM
Provide documentation and statistics backing up this generalization.			
I307-3-20	M Henderson	Sticky Note	4/6/2021 7:44:55 PM
There is a difference between shipping and truck/rail transport at an elevation of 40 feet or less and construction activities which cast shade, create noise, stir up pollutants and create vibration at elevations over 600 feet. 24/7/365 for a period of seven years or more. A seven year buildout is not a temporary impact. Please correct this statement and provide mitigation to be incorporated into the project.			
I307-3-21	M Henderson	Sticky Note	4/6/2021 7:49:27 PM
Document the percentage of parking lots, outdoor storage yards and other assertions in this statement. How does street grid continuity affect visual quality? The Phoenix Lofts have excellent views of the shoreline which will be destroyed by this project. Provide the qualifications of the report preparer and document the assertions.			

I307-3-20 This comment refers to the sentence in the Draft EIR that follows the sentence noted in Comment I-307-3-19; it reads, “The visual quality of the surrounding areas to the south and east is somewhat high, as described above, but the Project site and surrounding areas to the north and west have relatively low visual quality.” This statement is supported by the Draft EIR’s description of the existing visual character of the Project site area. For example, on Draft EIR p. 4.1-7, the Draft EIR states, “Due to the low degree of building and street grid continuity, and because of the high number of surface parking lots, outdoor container storage yards, and industrial equipment and activity, the visual quality in this area is considered low.”

As noted by the commenter, Draft EIR Section 4.4, Cultural and Tribal Cultural Resources, recognizes the historic significance of the Southern Pacific Industrial Landscape District Area of Primary Importance, which “consists of four extant contributing structures and is significant as an example of the industrial manufacturing and processing history that defined the Oakland waterfront in the first half of the 20th century.” Section 4.4 further notes that the district’s four extant buildings “represent what once was a much larger grouping of structures oriented more toward the railroad tracks than to the city street grid.” This statement supports the statement that is the subject of the comment in that as explained on Draft EIR p. 4.1-39 and discussed in the response to Comment I-307-3-19,

An analysis of a building’s market value is not relevant to the description of visual quality and character.

The Draft EIR fully documents the changes in visual quality and character that would occur if the Project were implemented, including with several visual simulations.

Please also refer to the response to Comment I-307-19.

I307-3-21 Please see the response to Comment I-307-19. It is not necessary to count particular land uses to make an evaluation of the overall visual quality and character of an area.

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COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

promenade, pathway, and retail street would establish the identity and character of the public realm, and would be designed such that it would connect pedestrians to the pedestrian-oriented mixed-use district along Water Street toward Jack London Square.

The scale and intensity of development at the Project site would substantially alter the visual character of the area. Introducing buildings ranging from 50 and 600 feet tall would change the visual character from primarily industrial container storage to an intensely developed mixed-use civic and sports-related neighborhood. The ballpark would give the area an entertainment-oriented character and would serve to activate the neighborhood on game days. The rooftop park at the ballpark would provide views of downtown Oakland, Jack London Square, and the Estuary. The rooftop park would be publicly accessible on non-event days. On game days, the public would be required to have a game or event ticket to access the rooftop park.

Overall, the proposed Project would create mid- to high-rise buildings which would serve to substantially intensify the urban form. However, because the existing visual setting is diverse and relatively non cohesive, the Project would not introduce a new visual element that is inconsistent with established cohesive visual patterns. In general, visual character and quality is subjective and the degree of change perceived by observers varies. For example, some observers could be more keenly aware of any increase in building height or overall density, and these observers could find these changes substantially disruptive. On the other hand, it is likely that some observers would not consider the changes to the visual setting to be substantial, while still others would see a benefit in certain alterations of the built environment (such as the streetscape improvements proposed as part of the proposed Project, for instance).

Despite the substantial change in visual character due to implementation of the proposed Project, the Project would be generally consistent with the City's policies regarding visual character and quality. The proposed Project would be consistent with Oakland General Plan policies OS-9.3, OS-11, OS-11.2, and T6, which reflect the City's desire to improve the visual quality of streetscapes, improve major entrances to City neighborhoods, and to create, maintain, and enhance civic open spaces. As previously discussed in the *Regulatory Setting*, the City and the Port are cooperating to establish a shared regulatory framework under which the City will, in consultation with the Port, apply all relevant provisions of the Oakland Planning Code, Title 17 of the Oakland Municipal Code. The Project, which includes applicable design review criteria to which the Project will conform. For these reasons, the overall impact of proposed Project related to visual character would not be adverse. This impact would be less than significant if the proposed Project was subject to a review of aesthetics under CEQA.

**Mitigation:** None required.

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I307-3-22	Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:50:18 PM
	What does activate mean? More crime? More traffic?			
I307-3-23	Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:51:04 PM
	The rooftop park should not be counted as public space if in fact it is not publicly accessible.			
	Number 3	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:52:22 PM
	provide definition of mid rise and high rise. What buildings within two miles of the project are this height? Correct statement would be that these are all high rise in an area with none.			
I307-3-24	Number 4	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:55:26 PM
	Provide substantial evidence documenting that introducing massive buildings that are ten times taller than anything in the area are not a new visual element. What are the qualifications of the preparer who made this statement? This statement lacks credibility.			
	Number 5	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:57:31 PM
	Please remove this opinion unless you have completed a survey or have other documentation to support this assertion. What objective criteria were used as a basis for this statement?			
I307-3-25	Number 6	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 7:58:44 PM
	List all General Plan policies that this is inconsistent with, including those related to scenic character of historic resources.			
I307-3-26	Number 7	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 8:00:07 PM
	Document the fiscal relationship between the Port, City of Oakland, developer and EIR consultant. Provide documentation of impartiality regarding project approvals, consistency with adopted City Plans, and other regulatory approvals.			
I307-3-27	Number 8	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 8:02:15 PM
	Provide evidence supporting this assertion, there are numerous generalizations and incorrect statements in this section. Did you complete any outreach, market surveys or other community engagement to support the opinions stated? If so, provide documentation of such outreach and community project support.			

I307-3-22 The comment refers to a statement on Draft EIR p. 4.1-41 reading, “The ballpark would give the area an entertainment-oriented character and would serve to activate the neighborhood on game days.” The word “activate” in this sense simply means to bring more people to the area. In the context of visual quality and character, the implication is that the overall level of activity in the neighborhood would increase.

I307-3-23 As discussed in the Draft EIR, the Rooftop Park would be open to the public on non-event days (Draft EIR p. 3-28).

I307-3-24 The comment refers to the following paragraph on Draft EIR p. 4.1-41:

Overall, the proposed Project would create mid- to high-rise buildings, which would serve to substantially intensify the urban form. However, because the existing visual setting is diverse and relatively non cohesive, the Project would not introduce a new visual element that is inconsistent with established cohesive visual patterns. In general, visual character and quality is subjective and the degree of change perceived by observers varies. For example, some observers could be more keenly aware of any increase in building height or overall density, and these observers could find these changes substantially disruptive. On the other hand, it is likely that some observers would not consider the changes to the visual setting to be substantial, while still others would see a benefit in certain alterations of the built environment (such as the streetscape improvements proposed as part of the proposed Project, for instance).

The comment essentially validates the Draft EIR’s conclusion that “some observers would not consider the changes to the visual setting to be substantial, while still others would see a benefit in certain alterations of the built environment....”

I307-3-25 Many projects are not entirely consistent with every policy in a jurisdiction’s General Plan. In considering whether to approve a project, it is the job of decision-makers to determine whether, on balance, the proposed Project supports to General Plan goals, objectives, and policies. As described on page 4.1-41 of the Draft EIR, the proposed Project would be consistent with Oakland General Plan policies OS-9.3, OS-11, OS-11.2, and T-6.2 related to visual character and quality. The Project’s staff report for the Planning Commission will contain a full evaluation of General Plan compliance.

I307-3

COMMENT

RESPONSE

- I307-3-26 The City of Oakland's practice is to require project applicants to bear the cost for the City's review of development applications. This Project is no different, and the Project sponsor is providing funding for review by City staff and for consultants working at the City's direction. CEQA plainly contemplates that a consultant retained by the project applicant can prepare any or all of the materials that inform the decision making process. (Pub. Resources Code, § 21082.1; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1397; *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 764-765 [recognizing that courts have repeatedly rejected the contention that a report prepared by applicant's expert should be disregarded as presumptively tainted].) As the CEQA lead agency, the City is responsible for the adequacy of its environmental documents and consults with responsible agencies such as the Port of Oakland. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
  
- I307-3-27 The comment refers to the overall conclusion on Draft EIR p. 4.1-41 that "the overall impact of proposed Project related to visual character would not be adverse, and this impact would be less than significant if the proposed Project was subject to a review of aesthetics under CEQA." The documentation is provided throughout the analysis of Impact AES-2 concerning Project effects on the existing visual character or quality of the site and its surroundings. Regardless, as explained on Draft EIR p. 4.1-1, CEQA Section 21099(d) precludes a finding that aesthetic impacts of the proposed project would be significant.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

### Light and Glare

**Impact AES-3: The Project would create a new source of substantial light or glare which could substantially and adversely affect day or nighttime views in the area. (Criterion 4) (Significant and Unavoidable, but not a CEQA Consideration)**

Due to the sensitivity of surrounding uses, including use of the nearby turning basin by vessels (considered in Section 4.10, *Land Use, Plans, and Policies*), a quantitative analysis was prepared by HLB Lighting Design (2020) (Appendix AES). Lighting Design Alliance, subconsultant to ESA, conducted a technical peer review to support ESA's assessment of whether the proposed Project's light trespass (spill light), glare, and contribution to light pollution would significantly affect day or nighttime views in the area. The analysis below is based on the Lighting Masterplan information contained in Sections 3.7 and 3.8 of the HLB Report, and considers whether the proposed Project would have adverse light trespass (spill light), glare, and contribution to light pollution when compared to industry standards. The analysis also takes into consideration the sensitivity of the receptor locations when considering whether effects to receptors would be substantial. Refer to Section 4.10, *Land Use, Plans, and Policies*, for an analysis of light and glare as it pertains to potential conflicts with safe navigation of vessels in the Estuary. Refer to Section 4.3, *Biological Resources*, for impacts and mitigation measures related to light and glare impacts on birds.

### Construction Impacts

#### Phase 1 and Buildout – Construction

Existing light sources at the Project site are primarily high-mast poles within the Project site, and shorter pole-mounted flood lights at some locations around the perimeter of the Project site directed inward. The Project sponsor proposes to conduct the great majority of its Phase 1 and buildout construction activities during daytime hours from 7:00 a.m. to 7:00 p.m. However, some activities would require nighttime construction work. Specifically, the Project sponsor proposes to use cranes to install the precast concrete elements of the ballpark between 6:00 p.m. and 2:00 a.m. or later; and also proposes large-scale concrete pours—which typically must occur over multiple hours of unbroken activity for concrete to cure properly—at least in part during nighttime hours. Construction lighting for these activities may add to the existing ambient light levels that are currently characteristic of the Project site and immediate Project vicinity. Nighttime lighting sources during construction would consist of floodlights that would be focused on the work area to minimize light trespass. Most construction floodlights would likely be mounted at or below the height of existing pole-mounted lights at Howard Terminal and would be aimed down toward ground level at work being undertaken on the Project site. However, it is possible that some light from construction floodlights could be spill off the site, which could cause annoyance to light-sensitive uses off-site. While the proposed Project's lighting effects are not environmental impacts pursuant to CEQA Section 21099(d) (see explanation on p. 4.1-1), the Project sponsor could choose to implement Improvement Measure AES-1, or the City could impose this requirement as a condition of approval, to reduce the potential for construction light to be directed off-site.

Waterfront Ballpark District at Howard Terminal  
Draft Environmental Impact Report

4.1-42

ESA / D171044  
February 2021

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COMMENT

RESPONSE

Page: 42

Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 8:03:32 PM  
As a subconsultant to the EIR preparer, how is this an impartial peer review? what changes were made to the analysis as a result of this review?

I307-3-28 |

I307-3-28 Regarding the impartiality of the analysis, as is the case with nearly all privately proposed projects in Oakland, the project sponsor is responsible for the cost of the EIR and its technical analyses, including paying the cost of consultant(s) and subconsultants. CEQA plainly contemplates that a consultant retained by the project applicant can prepare any or all of the materials that inform the decision making process. (Pub. Resources Code, § 21082.1; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1397; *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 764-765 [recognizing that courts have repeatedly rejected the contention that a report prepared by applicant’s expert should be disregarded as presumptively tainted].) However, as is always the case in Oakland, ESA (and other CEQA consultants), as well as its subconsultants, work at the direction of the Oakland Planning and Building Department. CEQA requires that a lead agency (here, the City of Oakland) “[i]ndependently review and analyze any report or declaration required by” CEQA (Public Resources Code Section 21082.1(c) and that a Draft EIR and Final EIR “reflect the independent judgment” and analysis of the agency (CEQA Guidelines Section 15084(e); Section 15090(a)(3).

ESA and its subconsultant provided comments and questions to the Project lighting consultant, which incorporated revisions in its final report.

I307-3

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

**Improvement Measure AES-1: Construction Lighting Design Features.**

During construction, light sources associated with proposed Project construction shall be shielded and/or aimed so that no direct beam illumination is directed/aimed outside of the Project Site boundary to the extent feasible. However, construction lighting shall not be so limited as to compromise the safety of construction workers.

**Operational Impacts**

**Phase 1 and Buildout Operations**

Operation of Phase 1 and buildout of the proposed Project would utilize LED technology and would be optimized based on the following conditions: useful life, cost, energy efficiency, and to minimize opportunities for vandalism. The proposed Project would include a variety of lighting techniques and illuminated signage that would create a high degree of visibility during and between events.

**Ballpark Lighting**

Illumination design for the inside of the ballpark would be based on requirements for spectators, game play, Major League Baseball standards, and television broadcast requirements.

Based on Major League Baseball design standards, targeted field light levels are as follows:

- Infield: 250 fc (approximately 2,690 lux);
- Midfield: 225 fc (approximately 2,421 lux); and
- Outfield: 200 fc (approximately 2,153 lux).

Field lighting for the ballpark would consist of four pole-mounted lighting clusters located outside of the ballpark behind the first and third base lines, along with two additional outfield pole-mounted light stands.

**Digital Signage**

The proposed Project ballpark would have a double-sided, fully digital video scoreboard that would be pole-mounted behind the center field fence. Because the scoreboard would be in direct view from some highway driving positions, it would be required to comply with the California Vehicle Code. Additionally, two LED digital ribbon boards displaying text and graphics would be located between seating levels and would wrap around the inside of the ballpark.

**Exterior Lighting**

Exterior lighting would be provided to illuminate different areas of the Project site and surrounding plazas, and would include street lighting, sidewalk lighting, building perimeter lighting, emergency lighting, and outdoor security lighting along walkways, driveways, and plaza areas. Vertical walls of the ballpark would be visibly lit in most directions, both from the outside as well as from the inside where transparent surfaces would permit light from inside to be visible to outside observers. All exterior lighting is expected to use LED sources and would be designed to meet the standards set forth by California, Oakland, including, Title 24 Parts 6, 11 and Article 1, the California Building Code, the California Vehicle Code, the City of Oakland Outdoor Lighting Standards, the City of Oakland bird safety measures, and Illuminating

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COMMENT

RESPONSE

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 8:06:19 PM  
Document impacts to residents of 737 2nd street, which is the nearest residential structure. What is the length and duration of construction?  
Include mitigation restricting night construction and length of construction process (not seven years or beyond).

I307-3-29

I307-3-29 Concerning 737 2nd Street, as explained in the response to Comment O-36-11, this building is not considered a residential use under either the Oakland Planning Code or Oakland Building Code. However, the building at 737 2nd Street (Phoenix Lofts) contains commercial Live-Work facilities and thus can be presumed to have people living in these units.

As to the construction schedule, while the Draft EIR assumes that construction would extend over a seven-year period, lighting conditions would not be static during this time, as construction would occur at different locations over time. Therefore, the potential for construction lighting to be adjacent or near enough to a particular receptor to create noticeable lighting would exist over a lesser period of time.

Regarding mitigation for night lighting during construction, the Draft EIR identifies Improvement Measure AES-1, Construction Lighting Design Feature, that could reduce the impact of construction lighting. However, as explained in the response to Comment I-307-2-7, no mitigation is required for light and glare impacts because the proposed Project's aesthetics impacts are not considered environmental impacts for the purposes of CEQA. Accordingly, the Draft EIR identified improvement measures to that could reduce Project light and glare; these improvement measures may be adopted by the Project sponsor or required by the City as conditions of approval but are not required to reduce the severity of or avoid a significant impact. Please refer also to the responses to Comments O-36-11 and O-57-13.

I307-4 Andrew Peters (Part 5)

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

Engineering Society (IES) Standards for light trespass in Lighting Zone 3 and the CIE Guide on Limitation of the Effects of Obtrusive Light.

**Streetscape Lighting**

Exterior lighting design for the streetscapes throughout the Project site would take into account vehicular and pedestrian safety and would be designed to meet California, City of Oakland, Port of Oakland, and IES recommended standards. Lighting at sidewalks would be at a pedestrian scale to encourage and facilitate nighttime use of public areas. Project lighting would be designed to be consistent with Title 24 (Outdoor Lighting Zones), Oakland General Plan Policy T6.2 (Improving Streetscapes), which includes lighting as a means to improve the visual quality of streetscapes, and the City of Oakland's Outdoor Lighting Standards enforced by the Oakland Public Works Agency.

**Spill Light (Light Trespass)**

Spill light, also referred to as light trespass, refers to the amount of light measured from adjacent or distant locations, and is typically either annoying or unwanted. Spill light was measured at 16 representative locations in order to quantify the difference in illuminance, or spill light at a receiving location, between existing conditions, Phase 1, and at full buildout of the proposed Project. The 16 light receptor locations are shown in **Figure 4.1-21**.

As shown in **Table 4.1-3** below, five of the receptor locations would experience less additional nighttime spill light from the directional ballpark lighting that would be focused on the field than they do from existing nighttime lighting at Howard Terminal, which consists of flood lighting that currently casts substantial nighttime light off the site. The other nine receptor locations currently experience spill light from other sources that would remain in addition to spill light from the Project. Consistent with City of Oakland and Port requirements, Phase 1 and buildout operations would include light shielding features designed to minimize light trespass and light pollution, including architecturally integrated lighting elements intended to focus light downward. Other measures to minimize light trespass would include low-mounted lighting sources, full cut-off for surface parking lighting, and potentially spreading sports lighting along the interior edge of the ballpark roof to reduce the visibility of the lighting source from a distance.<sup>17</sup>

Despite the minimal increase in spill light across many receptor locations, there are individual receptors that would experience spill light that would exceed CIE standards. In particular, receptor locations 1 and 7A would exceed the pre-curfew standard of 25 lux during night games or on non-game nights. Typically, the overlap of pre-curfew hours and night games (for most office and retail uses, etc.) would be approximately one to two hours in duration. During post-curfew hours, receptor locations 1, 1A, 2A, 4, 5A, 6A, 7, and 7A would exceed the standard of 5 lux on game or non-game nights. Each of these receptor locations except 5A also exceed the CIE threshold for post-curfew hours under existing conditions.

<sup>17</sup> Full cut-off luminaires are light sources that have no direct uplight (no light emitted above horizontal).

I307-4

COMMENT

RESPONSE

I307-4-1 Receptors used in the lighting analysis were selected based on the sensitivity of land uses in the Project vicinity. Concerning 737 2nd Street, as explained in the response to Comment O-36-11, this building is not considered a residential use under either the Oakland Planning Code or Oakland Building Code. However, the building at 737 2nd Street (Phoenix Lofts) contains commercial Live-Work facilities and thus can be presumed to have people living in these units. However, as explained in the response to Comment I-307-2-7, no mitigation is required for light and glare impacts because the proposed Project's aesthetics impacts are not considered environmental impacts for the purposes of CEQA. Accordingly, the Draft EIR identified improvement measures to that could reduce Project light and glare; these improvement measures may be adopted by the Project sponsor or required by the City as conditions of approval but are not required to reduce the severity of or avoid a significant impact. Please refer also to the responses to Comments O-36-11 and O-57-13.

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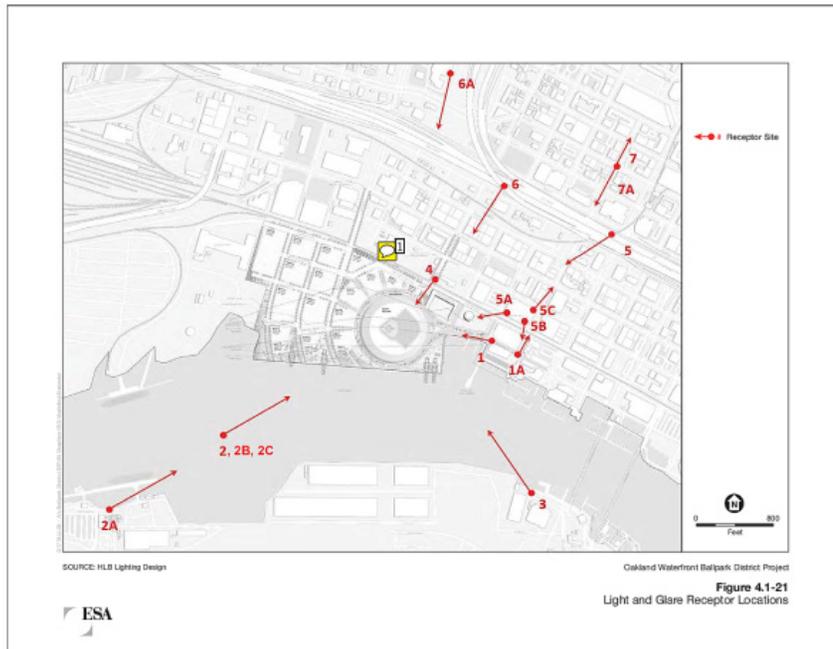
Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 8:07:40 PM  
Document how the receptor locations were selected and provide analysis of impacts to residents of 737 second street, the nearest residential use.

I307-4-1 |

I307-4

COMMENT

RESPONSE



I307-4

COMMENT

RESPONSE

I307-4-2 Please refer to the responses to Comments I-307-4-1 and O-36-11.

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I307-4-2 |

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 8:09:35 PM  
document light impacts to residents of 737 2nd street and explain why this area was not analyzed. Provide analysis, including light impacts from new high rise buildings.

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

For informational, non-CEQA purposes, to evaluate the increase in spill light at these receptor locations that exceeds CIE standards, this assessment considers typical uses at these receptor locations and their relative sensitivity to light. Light-sensitive uses are those where light could potentially interfere with certain functions, including vision, sleep, privacy, and general enjoyment of the natural nighttime vicinity. Residential uses are considered light-sensitive because they are typically occupied during the overnight hours, and are occupied by persons who have expectations of privacy and the ability to generally sleep undisturbed by obtrusive lighting. Land uses in the vicinity of receptor locations 1, 1A, 4, 5A, and 6A are a mix of single- and multi-story mixed-use office/retail buildings, a multi-story parking garage, single-story commercial buildings, and industrial uses. No residential uses are proximate to these receptors and thus these locations are not considered sensitive to light. Receptor locations 7 and 7A are adjacent to mixed-use residential buildings; however, these receptor locations substantially exceed the CIE thresholds for post-curfew hours under existing conditions, and additional light as a result of the Project would not be substantial. Therefore, the increase in spill light at these locations would not adversely affect nighttime views in the area.

Glare

Glare is caused by direct light from sources, and light reflections from pavement, vehicles, and building materials, such as reflective glass and polished surfaces. Glare can be caused by reflections during either daytime or nighttime hours, and the amount of glare depends on the intensity and direction of sunlight or sources of artificial light at night. Glare can potentially create hazards or nuisances to motorists, pedestrians, and other viewers. The ballpark alone would not create substantial source of daytime glare because the façade has been designed without reflective materials and field lighting would not be employed during daytime hours. However, adjacent buildings under Phase 1 and buildout could create substantial new sources of daytime glare.

The potential for substantial new daytime glare from the Phase 1 and buildout building facades would be minimized through implementation of Mitigation Measure BIO-1b, Bird Collision Reduction Measures, as described in Section 4.3, *Biological Resources*, which would reduce the amount of reflective glass and polished surfaces on proposed buildings.

At night, the potential exists for nighttime glare from artificial sources of light, including the Phase 1 development and ballpark, as well as buildout development, to affect nearby light sensitive uses. Glare emanating from the Project was modeled for each of the receptor locations. The CIE standard for glare, also referred to as luminance, from building facades and signage is 25 and 1,000 candela per square meter (cd/m<sup>2</sup>) in Environmental Zone E4, respectively. As shown in **Tables 4.1-4 and 4.1-5** below, Phase 1 and buildout under the proposed Project receptor locations 1 (Water Street at Clay Street), 3 (Alameda Dock), 5 (I-880 Westbound), and 5A (2nd Street at Washington Street), would experience views of façade lighting exceeding the CIE standard for glare. The glare effects would result from pole lighting around the ballpark.

I307-4

COMMENT

RESPONSE

I307-4-3 Please refer to the responses to Comments I-307-4-1 and O-36-11.

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I307-4-3 |

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/6/2021 8:10:56 PM  
Why was analysis of 737 2nd street, a mixed use residential project, excluded? These are the residents most impacted, and provide such analysis.  
The EIR is incomplete.

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

**TABLE 4.1-5**  
**GLARE FROM BALLPARK SIGNAGE AT ADJACENT AND NEARBY RECEPTOR LOCATIONS (cd/m<sup>2</sup>)**

Receptor Location	Measured Existing Maximum Glare	During Night Game	
		Phase 1	Buildout
1 – Water Street at Clay Street (Facing Ballpark)	220	<b>3,500</b>	<b>3,500</b>
1A – Water Street at Washington Street	1,300	n/a	n/a
2 – Inner Harbor Turning Basin (elevation 190 feet above water)	56	n/a	n/a
2A – Turning Basin Line-of-Sight	100	n/a	n/a
2B – Inner Harbor Turning Basin (elevation 64 feet above water)	n/a	n/a	n/a
2C – Inner Harbor Turning Basin (elevation 25 feet above water)	n/a	n/a	n/a
3 – Alameda Dock	40	<b>3,500</b>	<b>3,500</b>
4 – Martin Luther King Way (MLK) at Embarcadero Way	1,100	n/a	n/a
5 – I-880 Westbound	n/a	n/a	n/a
5A – 2nd Street at Washington Street (Facing Ballpark)	56	n/a	n/a
5B – 2nd Street at Washington Street (Facing Jack London Ferry Terminal)	160	n/a	n/a
5C – 2nd Street at Washington Street (Facing Convention Center Station)	10	n/a	n/a
6 – I-980 Ramp to Eastbound I-880	n/a	n/a	n/a
6A – 7th Street at Bush Street	74	n/a	n/a
7 – 8th Street at Washington Street (Facing Convention Center Station)	5,000	n/a	n/a
7A – 8th Street at Washington Street (Facing Tower)	2,700	n/a	n/a

NOTES:  
The CIE standard for glare from signage, also referred to as luminance, is 1,000 candela per square meter (cd/m<sup>2</sup>). Values expressed in this table are additive to existing glare conditions. Ballpark signage would be operated only during games and therefore this analysis is only for pre-curfew night game conditions. Values in bold-face represent an exceedance of the applicable standard.  
n/a – No substantial glare from ballpark signage would be generated at receptor under Project conditions due to lack of line of sight between signage and receptor. Also, no existing measurements were taken at Receptor 2 due to lack of access.  
SOURCE: HLB, 2020

The proposed Project would include illuminated signage. Nighttime glare under the proposed project at the following receptor locations would be above CIE standards for signage after Phase 1 and at full buildout when looking toward the ballpark: 1 (Water Street at Clay Street) and 3 (Alameda Dock). In particular, receptor location 3 (Alameda Dock) is in the vicinity of a senior housing development.

Non-game and post-curfew hours would not result in any exceedances of the CIE standard at receptor locations under the proposed Project. However, nighttime glare during games would result in exceedances at the locations listed above primarily because of direct views of the proposed scoreboard, ribbon boards, light stands, and ballpark interior lighting, or from reflections on adjacent Phase 1 buildings. This would be a potentially significant impact due to the several residences in the vicinity of receptor location 3 that would experience nighttime glare above the CIE standard mainly due to views of ballpark signage and lighting.

I307-4

COMMENT

RESPONSE

I307-4-4 Please refer to the responses to Comments I-307-4-1 and O-36-11.

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I307-4-4

Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/6/2021 8:12:11 PM
The EIR is incomplete and did not evaluate glare impacts as the sensitive receptor mixed use residential building at 737 2nd street.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 9:18:14 AM
Provide analysis of light and glare impacts to sensitive receptors at 737 2nd street. Provide documentation why and how receptor locations were selected, and provide a complete analysis of project impacts.			

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

Light and Glare Effects on Maritime Pilots

Light and glare effects on maritime activity are discussed in Section 4.10, *Land Use, Plans, and Policies*.

Pyrotechnic Events

The proposed Project would include pyrotechnic events (fireworks). There would be approximately seven fireworks shows a year, each lasting approximately 15 minutes in duration. The fireworks would likely be set off from a barge located in the Estuary outside of the Inner Harbor Turning Basin, and would be subject to permitting requirements. Typical fireworks rise to a height of 300-600 feet before exploding, though smaller shells may explode at lower elevations. Additionally, some smaller scale fireworks would be launched from the ballpark itself, reaching an approximately height of 0-300 feet.

These events would have the potential to increase ambient nighttime lighting levels at the Project site and in the vicinity. Lighting from these events would result in potentially significant lighting and glare impacts to nearby receptors with a line of sight to the lighting sources, albeit on a temporary and short-term basis. These events would be noticeable from long distance due to the anticipated height above roofline. While some observers would no doubt be disturbed by occasional pyrotechnic displays, these events would be temporary and intermittent in nature, and thus would have no substantial impact.

Summary of Overall Light and Glare Impacts

For the reasons discussed above, lighting and glare associated with the proposed Project could substantially increase nighttime light and glare in the Project area. However, the proposed Project would comply with applicable Title 24 lighting power allowances; it would be consistent with Oakland General Plan Policy T6.2 (Improving Streetscapes) and the City of Oakland's Outdoor Lighting Standards, which would require exterior lighting fixtures to be adequately shielded to prevent unnecessary glare onto adjacent properties.

Nighttime glare measured at four receptor locations shown in Table 4.1-5, including receptor locations 1, 3, 5, and 5A, would be above CIE standards for sign lighting brightness for Phase 1 and buildout during night games. Additionally, nighttime glare measured at two receptor sites, receptor locations 1 and 3 would be above CIE standards for façade lighting for Phase 1 and buildout during night games for the proposed Project due light reflected from the infield sport lighting off the roof of the ballpark and onto the adjacent facades.

These potentially significant impacts would be reduced through consistency with Oakland General Plan Policy T6.2 (Improving Streetscapes) the City of Oakland's Outdoor Lighting Standards; however, it cannot be determined with certainty that nighttime glare would be below CIE standards at the locations of nearby sensitive receptors. Implementation of **Improvement Measure AES-2** would further reduce general nighttime light and glare, as described below.

I307-4

COMMENT

RESPONSE

I307-4-5 Please refer to the responses to Comments I-307-4-1 and O-36-11.

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Number	Author	Subject	Date
Number 1	M Henderson	Sticky Note	4/7/2021 9:19:28 AM
What is the documentation of this statement? Provide analysis of impacts to residents of 737 2nd Street.			
Number 2	M Henderson	Sticky Note	4/7/2021 9:20:21 AM
Document how this complies with no net energy increase per AB 734 and LEED.			
Number 3	M Henderson	Sticky Note	4/7/2021 9:21:16 AM
Document why and how receptors were selected, and provide impact analysis related to residents of 737 2nd street.			
Number 4	M Henderson	Sticky Note	4/7/2021 9:22:24 AM
Explain how ballpark lighting and fireworks is consistent with or even related to streetscape policies.			

I307-4-5

Concerning energy use of Project lighting, as stated in the text referenced by the commenter, the Project would comply with the state and City building codes for lighting. As stated on Draft EIR p. 3-50, the Project would achieve a LEED Gold standard or GreenPoint equivalent for residential uses (as well as achieve a 20 percent vehicle trip reduction; these sustainability features are required by AB 734.

I307-4

COMMENT

RESPONSE

**Improvement Measure AES-2: Design Lighting Features to Minimize Light Pollution.**

Prior to obtaining the final building permit for the ballpark, to minimize the effects of light pollution on nighttime views, and to prevent unnecessary glare onto adjacent areas, the following measures would be implemented:

- **Field Lighting:** To the extent permitted by and compatible with MLB requirements, standards or professional baseball standards, all field lighting shall be a correlated color temperature of 5700K, a minimum color rendering index of 80, and field lighting may include accessories such as visors or shields to minimize spill light;
- **Architectural Lighting:** minimize areas of non-signage architectural façade lighting (not signage) on buildings above 50 feet; use warm color temperature LED sources to minimize blue light emissions; integrate lighting elements into architecture wherever possible to minimize direct view of light sources; and rely to the extent possible on low mounting-height luminaires to reduce the visibility of the luminaire from a distance;
- **House Lighting:** lighting of the stands, or “house” lighting, shall be fully shielded so that house lighting limits or avoids uplighting and should be CIE-correlated color temperature of 5700K;
- **Digital Signage:** two key digital signage locations are the double-sided digital scoreboard in centerfield and the digital ribbon boards within the ballpark. While all signage will comply with the California Vehicle Code requirements for brightness where they are within the field of view for freeway drivers, digital signage applications such as wayfinding or advertising that are not within the ballpark itself and associated with the function of the ballpark shall include the following measures:
  - all digital signage, including static and dynamic signage, should be provided with dimming capabilities and the associated control infrastructure to dim the sign brightness at night;
  - all digital signage should include glare control measures to minimize off-axis brightness and upward directed and wasted light;
  - the brightness of all digital signage should be verified after installation through photometric measurements to comply with the following limitations: the greater of the amount required by MLB standards or no greater than 1,000 cd/m<sup>2</sup> when set to all pixels at bright white, and no greater than 8.0 lux vertical at the property line created by any single digital sign.

The Project sponsor shall demonstrate to the satisfaction of the City and the Port that its lighting design achieves the desired lighting results, or is necessary to meet market demand expectations of an MLB ballpark with respect to field lighting, architectural lighting, house lighting, and digital signage as described in the Lighting Technical Report (HLB Lighting Design, 2020). In addition, if the ballpark orientation or design of light stands changes such that light and glare levels in the shipping channel or Inner Harbor Turning Basin would be substantially different than analyzed in the Lighting Technical Report, the Project sponsor shall be required to assess the changes in a supplemental Lighting Technical Report subject to review and approval by the City and the Port.

I307-4

COMMENT

RESPONSE

I307-4-6 Please refer to the responses to Comments I-307-4-1 and O-36-11.

I307-4-7 As noted in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the City is the agency with jurisdiction over all mitigation measures with the exception of Mitigation Measure TRANS-3a, and will monitor implementation of the measures in compliance with CEQA requirements. The City is a public agency with responsibilities under the law and all of its actions are subject to public scrutiny.

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Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 9:27:33 AM
This should be a project requirement, not an optional consideration at time of construction.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 9:26:34 AM
Market demand essentially voids these requirements. What mitigation measures are guaranteed to reduce light and glare impacts to sensitive receptors, including the residents of 737 2nd street that face the project?			
Number 3	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 9:24:52 AM
Provide documentation that the Port, City and EIR consultant are independent and impartial parties to oversee this mitigation measure.			

I307-4-6

I307-4-7

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

The construction and operation improvement measures could reduce this impact, but it cannot be stated with certainty that it could be reduced to a less-than-significant level. Therefore, this impact would be conservatively determined to be significant and unavoidable if the proposed Project's aesthetics impacts were subject to CEQA.

While no mitigation is required for light and glare impacts because the proposed Project's aesthetics impacts are not considered environmental impacts for the purposes of CEQA, the Project sponsor may agree to implement Improvement Measures AES-1 and AES-2 as part of the Project, or City decision makers may impose Improvement Measures AES-1 and AES-2 as a condition of Project approval.

**Significance after Mitigation:** Significant and Unavoidable, but not a CEQA consideration.

**Shadow**

**Impact AES-4:** The Project would not cast shadow that substantially impairs a nearby use reliant on sunlight, including the following functions: a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; the beneficial use of any public or quasi-public open space; a historic resource; or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be inadequate light related to appropriate uses. (Criteria 6, 7, 8, and 9) (*Less than Significant*)

**Construction Impacts**

Phase 1 and Buildout – Construction

During construction, temporary structures such as cranes could be tall enough to cast shadow on nearby solar panels, open spaces, and historic resources; however, this shadow would be temporary and not substantial due to the slender and lattice-like frame of cranes. In addition, shadows from cranes are a common feature of the Seaport, including the Project site. Because interim construction impacts would be temporary and less noticeable than shadow impacts from operation of the proposed Project, the operational analysis below represents the most conservative analysis of shadow impacts.

**Operational Impacts**

Phase 1 and Buildout Operations

There are no buildings using passive solar heat collection or solar collectors for hot water heating in the vicinity of the Project site, therefore, these topics are not discussed further. The analysis below discusses whether shadow from operation of the proposed Project would substantially impair the function of photovoltaic solar collectors, hereafter referred to as solar panels, the function of open spaces, the significance of historical resources, or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be inadequate light related to appropriate uses.

I307-4

COMMENT

RESPONSE

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I307-4-8

Number 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:29:31 AM  
What is the assurance that such measures will be implemented?

Number 2 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:31:19 AM  
737 2nd Street is in the process of installing PV solar collectors for water and energy use. This is a significant impact.

I307-4-9

Number 3 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:32:01 AM  
Document significant impacts as a result of permanent building construction to residents of 737 2nd street.

Number 4 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:33:08 AM  
define temporary, since a 7 or more year buildout is anticipated, with construction to occur 24/7/365, night and day. This is not temporary.

Number 5 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:36:20 AM  
Currently, but is anticipated prior to the project obtaining building permits. In addition this is an historic resource that would be impacted by permanent shade.

I307-4-8 If the commenter is asking about the measures to address non-CEQA impacts related to aesthetics (including light and glare), these are identified as "Improvement Measures" that would be required as a condition of Project approval. The City would monitor these measures' implementation by the Project sponsor either by including these measures in the Mitigation Monitoring and Reporting Program that is proposed for adoption by the City Council, or additional monitoring measures for non-CEQA Conditions of Approval that would be imposed on any project approval.

I307-4-9 As stated in the response to Comment I-307-3-5, the Draft EIR properly considers the baseline for its analysis to be the date of publication of the Notice of Preparation of a Draft EIR (NOP); for this Project, the NOP was issued on November 30, 2018, and this is therefore the date of the existing setting for the EIR. Because Project shadow falling on the 737 2nd Street building would not affect existing collectors on this building that are present under existing conditions (the date of publication of the NOP), this shadow would not result in a significant impact, and no mitigation is required.

Regarding shadow effects during Project construction, the salient issue is that any given building would cast somewhat less shadow before it is substantially complete. Therefore, shadow effects during most of the construction period would necessarily be less substantial than those described for Phase 1 completion and Full Buildout of the Project. Shadow effects from construction on any specific portion of the Project site would be temporary and would also be changeable as individual buildings take shape and construction cranes are moved around the site.

Regarding the historical status of 737 2nd Street, please refer to the response to Comment I307-3-5.

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

*Solar Panels*

In general, solar panels collect the most energy from the sun when the sun's rays strike the Earth's surface at 90 degrees (directly overhead). The time of day when solar panels collect the most energy from the sun is typically noon, however, this time varies depending on the sun's position in the sky, clouds, and other atmospheric conditions. Solar panels generally collect energy from the sun for up to four hours before and after noon. Due to daylight savings, this period is approximately 8 a.m. to 4 p.m. during the late fall and most of the winter and 9:00 a.m. to 5:00 p.m. for the remainder of the year (Solar Power Authority, 2019). As shown in **Figures 4.1-22 to 4.1-29**, Phase 1 and buildout operations of the proposed Project would cast shadows on the solar panels on the roofs of the following building 

- 101 Myrtle Street (approximately 100 feet north of the Project site);
- 655 Third Street (approximately 400 feet north of the Project site);
- 333 Clay Street (approximately 650 feet north of the Project site);
- 161 Adeline Street (approximately 900 feet northwest of the Project site);
- 336 Adeline Street (approximately 1,100 feet northwest of the Project site); and
- 1221 Third Street (approximately 1,200 feet northwest of the Project site).

With implementation of Phase 1, 101 Myrtle Street would be shaded in the late fall and early winter (i.e., around the winter solstice) only, for a period of up to about two hours, between about 9:00 and 11:00 a.m. By noon, shadow would recede from these buildings entirely. Around 3:00 p.m., shadow would be cast on 655 Third Street until sunset. After full buildout, solar panels on the roof of 101 Myrtle Street and 655 Third Street would receive shadow around the fall and spring equinox. On the winter solstice, shadow would completely cover the solar panels on 101 Myrtle Street, and 655 Third Street for most of the day, from shortly after 9:00 a.m. until almost 4:00 p.m. In addition, after full buildout, shadow would be cast on 161 Adeline Street and 1221 Third Street in the morning in winter, but would recede from the building around 11:00 a.m. through the end of the day.

Solar panels on buildings at 101 Myrtle Street and 655 Third Street would be shaded throughout the day on the winter solstice. While this additional shading during the winter would reduce the ability of solar panels at this address to collect sun power, the reduced amount of energy able to be produced at this address would not substantially impair the function of the building. This is because the solar equipment consists of photovoltaic solar panels used to generate electricity (as opposed to heat or hot water) and any loss in energy can be made up for with additional power drawn from the local provider, PG&E, with no impairment to the functionality of the building. In addition, the massing model used as the basis of this analysis is generally a conservative methodology because it does not account for specific building design elements, such as articulation in massing or setbacks, as these are unknown at this time. Therefore, because shadow cast on nearby solar panels would not substantially impair the function of that building, the proposed Project's impacts on solar panels would be less than significant.

Waterfront Ballpark District at Howard Terminal  
Draft Environmental Impact Report

4.1-53

ESA / D171044  
February 2021

I307-4

COMMENT

RESPONSE

I307-4-10 Please refer to the response to Comment I-307-4-9. The installation of solar collectors at 737 2nd Street would not be precluded by the Project, although the Project result in less direct sunlight falling on this building than under existing conditions. As stated in the response to Comment O-57-24, direct sunlight would continue to reach the 737 2nd Street building during the morning hours except around the winter solstice in December, when direct sunlight would be available during only during parts of the early morning. Because Project shadow falling on the 737 2nd Street building would not affect existing collectors on this building that are present under existing conditions (the date of publication of the Notice of Preparation, on November 30, 2018), this shadow would not result in a significant impact, and no mitigation is required.

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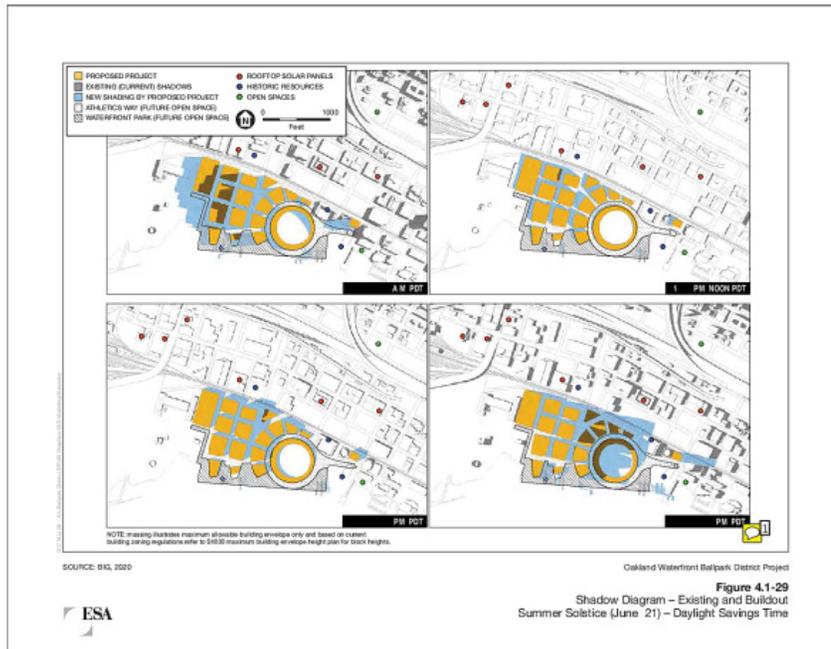
Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:38:12 AM  
Provide analysis of shadows cast on proposed solar panels at 737 2nd street, and confirm whether this installation would be precluded by the project.

I307-4-10 |

I307-4

COMMENT

RESPONSE



I307-4

COMMENT

RESPONSE

I307-4-11 Consistent with CEQA Guidelines Section 15126.6(d), alternatives have been analyzed in the Draft EIR in less detail than the proposed Project, and Chapter 6, *Alternatives*, of the Draft EIR contains sufficient information to understand how the impacts of the Reduced Project Alternative would compare to those of the proposed Project. As stated on Draft EIR p. 6-42, shading would be less than with the proposed Project. Also, consistent with the City's adopted significance thresholds (see Draft EIR p. 4.1-19), shading is considered a potentially significant impact requiring mitigation if the shading would substantially impair a nearby use relying on solar heat/collectors, and no such uses have been identified near the Project site.

Page: 61

Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:43:15 AM  
Provide a shadow analysis for the reduced height alternative, and provide an implementable mitigation measure to ensure that residents of 737 2nd street are not permanently affected by permanent shadow to public and private spaces within the Phoenix Lofts

I307-4-11 |

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

*Public or Quasi-Public Open Spaces*

The nearest public park owned and managed by the Oakland Department of Parks, Recreation, and Youth Development is Jefferson Square Park, located across I-880 approximately 0.3 miles from the Project site. As shown in Figures 4.1-22 to 4.1-29, Phase 1 and buildout operations of the proposed Project would not cast shadow on this park during any time of the year.

The nearest public open space near the Project site is a path extending from the entrance to the Lightship *Relief* vessel toward Jack London Square (100 feet from the east edge of the Project site), and a lawn and waiting area for the San Francisco Bay Ferry, located 300 feet from the east edge of the Project site. This area is commonly used for sitting, reading, eating, or waiting for the ferry. As shown in Figures 4.1-22 to 4.1-29, Project shadow would not reach this open area at any point in the year. The proposed Project would have no impact with respect to existing public or quasi-public open space.

*Future Quasi-Public Open Spaces*

The proposed Project would include a network of publicly accessible open spaces that would extend the pedestrian and bicycle network from West Oakland to the waterfront. The proposed Project would have three primary, large-scale open spaces for the Project site: Athletics Way (Water Street Extension), the Ballpark Rooftop Park, and the Waterfront Park.

Because these future, publicly accessible open spaces do not yet exist, any new shadow cast on these spaces would not constitute an impact under CEQA (i.e., the Project cannot affect an expectation of future sunlight on an open space when that open space does not currently exist). Therefore, the paragraph below is presented for informational purposes.

As shown in Figures 4.1-22 to 4.1-29, shadow from Phase 1 and buildout of the proposed Project would primarily be cast in the westerly, northerly, and easterly directions, and would not cover more than a minor portion of these spaces at any point during the year. Users of these spaces would benefit from substantial sunlight throughout the year. Since these future spaces would be publicly accessible with implementation of the proposed Project and would enjoy substantial sunlight throughout the year, this would constitute a less-than-significant impact.

*Historic Resources*

As discussed in Section 4.4, *Cultural and Tribal Cultural Resources*, the following historic resources are located on or near the Project site:

- Two historic vessels (USS *Potomac* and Lightship *Relief*);
- Southern Pacific Railroad Industrial Landscape Area of Primary Importance; and
- Peaker Power Plant (also known as the PG&E Substation C) on the Project site.

The City has received studies with differing conclusions on the historic significance of one of the Port of Oakland cargo cranes, Crane X-422, on the Project site. If the lead agency determines that the crane is historic, it also has the potential to be shaded by the proposed Project.

I307-4

COMMENT

RESPONSE

Page: 62

Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 9:45:09 AM  
The rooftop common area at 737 2nd street is a quasi-public space, and the structure receives light to common areas through skylights and light wells. Please explain the impacts to these areas, as well as address potential safety issues associated with the permanent shadow cast by the proposed project.

I307-4-12

I307-4-12 Shadow on individual, non-publicly accessible buildings—including the rooftop open space, light wells, and skylights at 737 2nd Street—is not a relevant concern under CEQA, absent specific circumstances noted on Draft EIR p. 4.1-19 (shading of existing solar installations or of a historical resource such that the historical significance of the resource would be lost). Because those circumstances do not apply in the case of 737 2nd Street, shadow effects related to that building would be less than significant. Shadow falling on a privately owned building’s on-site open space that is for the benefit of building residents (and guests) is not a relevant consideration under CEQA; as explained on Draft EIR p. 4.1-19, the City of Oakland considers shadow effects to be significant if they would “substantially impair” the beneficial use of any public or quasi-public park, lawn, garden, or open space”; that is, if shadow would adversely affect open spaces open to the public.

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

In terms of historic resources, the City of Oakland's CEQA thresholds of significance with respect to shadow state that a significant impact would occur if a project were to shade designated historic resources such that the new shadow would materially impair the resource's historic significance. While access to light is not typically an important characteristic of most historic buildings, it may be such a characteristic of, for example, historic places of worship where the light, specifically the light through stained glass windows, conveys or helps to convey the historical significance of the resource. Blockage of that light at certain times of day that coincide with designated times of worship could materially impair the resource's historic significance and lead to a significance impact.

None of the historic resources mentioned above requires access to direct sunlight as a defining characteristic of its historical significance. While Phase 1 and buildout of the proposed Project would cast new shadow on these historic resources at different times of the year, none of these resources contain light-sensitive features that, if shaded, would materially impair the resource's historic significance.

*Consistency with General Plan and Uniform Building Code*

There are no policies in the General Plan related to the provision of shadow or adequate sunlight with which the proposed Project could conflict. Also, all proposed buildings with the Project would be required to meet the Building Code. Therefore, the proposed Project would not have any conflicts with the General Plan related to the provision of adequate light related to appropriate uses.

Therefore, the proposed Project's impact with respect to shadow is less than significant.

**Mitigation:** None required.

**Wind**

**Impact AES-5: The Project would create winds that exceed 36 mph for more than one hour during daylight hours during the year. (Criterion 10) (Significant and Unavoidable with Mitigation)**

As described above under Approach to Analysis, a wind assessment (see Appendix AES) was completed because the Project includes buildings 100 feet or greater (measured to the roof) and is located adjacent to a substantial water body (the Estuary).

**Construction Impacts**

**Phase 1 and Buildout – Construction**

As with shadow, temporary structures such as cranes could result in minor effects on pedestrian-level winds. Wind effects during construction could differ from Phase 1 conditions or at full buildout. The wind assessment prepared for the proposed Project provides quantitative results for wind conditions after completion of Phase 1 and then after full buildout, but does not provide quantitative results during interim stages of development, and as a practical matter, it cannot provide such information given the number of possible construction scenarios and schedules for

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RESPONSE

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Number	Author	Subject	Date
Number 1	M Henderson	Sticky Note	4/7/2021 9:48:40 AM
Discuss blockage of light to the light wells and skylights that serve the common areas of 737 2nd street, within the railroad historic area. Also discuss the relationship of shadow to the visual and spatial context of this historic resource as describe in Section 4.4.			
Number 2	M Henderson	Sticky Note	4/7/2021 9:52:03 AM
Discuss light wells and skylights and material impacts as a result of permanent shadow cast on these resources. Provide documentation that such shadow will not create mold, retain moisture or otherwise contribute to physical deterioration of the 100+ year old materials including concrete, metal, windows and other structural elements that would be affected by increased moisture due to shading.			
Number 3	M Henderson	Sticky Note	4/7/2021 9:53:54 AM
Provide analysis of impacts to residents of 737 2nd Street, and include appropriate mitigation measures, including relocating buildings, reducing building height, and repairing and replacing any structural elements harmed by project construction.			
Number 4	M Henderson	Sticky Note	4/7/2021 9:54:49 AM
Define temporary in this context, since the buildout is over 7 years and indeterminate.			

I307-4-13

I307-4-14

I307-4-13 Concerning shadow on light wells and skylights at 737 2nd Street, please refer to the response to Comment I-307-4-12. Regarding the historic status of 737 2nd Street, please refer to the response to Comment I-307-3-5.

Concerning the potential for mold or other deterioration, as explained in the response to Comment O-57-24, direct sunlight would continue to reach the 737 2nd Street building during the morning hours except around the winter solstice in December, when direct sunlight would be available during only during parts of the early morning. Therefore, the building would continue to receive direct sunlight during at least part of the day year-round, and it would be speculative to assume that the conditions noted by the commenter would arise.

I307-4-14 The comment refers to anticipated wind conditions during Project construction. While the Draft EIR assumes that construction would extend over a seven-year period, conditions would not be static during this time, as construction would occur at different locations over time. Additionally, a single building under construction would change in structural form and massing as construction proceeds.

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COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

development of each building. The quantitative analysis of wind impacts of the proposed Project wind is based on the anticipated permanent development of the Phase 1 and full buildout scenarios, described below. However, construction-period effects are also discussed qualitatively below. To provide appropriate context, the construction analysis follows the quantitative Project analysis.

**Operational Impacts**

The results of the wind assessment, performed to generally define the pedestrian wind environment that currently exists, and would exist with implementation of Phase 1 and Buildout, on sidewalks and open spaces around the Project site, are discussed below.

Table 4.1-6, Summary of Project Wind Test Results, presents the wind tunnel test results, while Figures 4.1-30 to 4.1-32 present the test point locations and indicate the locations of test points that would exceed the 36 mph average wind speed threshold for more than one hour per year.

TABLE 4.1-6  
SUMMARY OF PROJECT WIND TEST RESULTS

Scenario	Wind Hazard <sup>a</sup>			
	Average Wind Speed (mph)	Total Hours Exceeding Criterion	Hours Change	Total Exceedances
Existing Conditions	27 mph	0 hours	—	0 / 149
Phase 1	31 mph	151 hours	151	46 / 169 <sup>b</sup>
Full Buildout	32 mph	103 hours	103	48 / 167 <sup>c</sup>
Maritime Reservation Scenario	33 mph	131 hours	131	54 / 167

NOTES:  
a. Wind hazard = a test point location would exceed the wind hazard criterion if wind speeds exceed 36 mph for at least 1 hour per year, during daylight hours.  
b. Twenty test points (33-34, 38-55) were added to test the wind effects of Phase 1 development.  
c. Test points (152-153) were not analyzed for the full buildout scenario because these test points are located within the footprint of Block 20.

SOURCE: RWI, 2020 (Appendix AES)

**Phase 1 and Buildout**

As shown in Table 4.1-6, there were no test point locations at which wind speeds exceed the hazard criterion of 36 mph for at least one hour per year under existing conditions. However, implementation of Phase 1 and full buildout would result in 46 and 48 test locations exceeding this criterion, respectively. The 46 test point exceedances under Phase 1 would generally be concentrated at the base and corners of the Phase 1 buildings, and at these locations, would result in exceedances of the hazard criterion for 151 hours during daylight hours annually.

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Number	Author	Subject	Date
Number 1	M Henderson	Sticky Note	4/7/2021 10:03:30 AM
The wind analysis appears to document only wind conditions at ground level. What is the impact to residents of 737 2nd Street at rooftop patios and in the common areas of this project due to proposed building height and layout? This is a reasonably foreseeable impact, and must be identified. An implementable mitigation measure must be identified. Deferral of mitigation as is suggested is not an appropriate CEQA response.			
Number 2	M Henderson	Sticky Note	4/7/2021 10:04:24 AM
Document the foreseeable wind impacts to rooftop open spaces at 737 2nd street.			

I307-4-15

I307-4-15 As explained on Draft EIR p. 4.1-12, “A building that stands alone or is much taller than the surrounding buildings can intercept and redirect winds that might otherwise flow overhead and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence.” In general, it can be expected that an off-site location that is elevated above ground level, such as the rooftop of 737 2nd Street, would be subject to somewhat lesser winds than a location at ground level because winds would be accelerated by nearby tall buildings to a somewhat lesser degree. Additionally, the distance between 737 2nd Street and the Project site would dissipate somewhat in the space between the two locations. In general, wind test points that are selected are those that are or would be publicly accessible.

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4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

At full buildout, the 46 exceedances under Phase 1 would increase to 48, and the locations of exceedances would be dispersed across the Project site. Compared to Phase 1 conditions, under buildout, the wind hazard exceedances would generally move west toward the direction of prevailing winds due to increased shelter that would be provided to buildings farther downwind. The 48 locations would exceed the hazard criterion for a total of 103 hours per year, which would represent 48 fewer hazard exceedance hours compared to Phase 1 conditions, but would represent a degradation (103 more hours of hazard exceedance) from existing conditions.

As explained above in the Approach to Analysis, the model that was tested in the wind tunnel was based on a simple massing plan of the proposed Project and not on actual building designs because detailed building plans have not yet been developed. In particular, the model includes generally rectilinear building forms (except for the proposed ballpark) without setbacks, podiums, or building articulation that would reduce pedestrian-level wind speeds. Therefore, the analysis presents a conservative evaluation of potential Project wind effects and likely overstates the changes in wind speeds that would result from the Project. Nevertheless, based on the foregoing, the operational wind impact of the proposed Project would be significant. Implementation of Mitigation Measure AES-1, which would require wind-tunnel testing of individual building designs during Project development and design revisions to reduce pedestrian-level wind speeds, would reduce the severity of Project wind effects. Mitigation Measure AES-1 would ensure that at full buildout the number of hazardous wind locations or annual hours exceeding the wind hazard criterion are eliminated or reduced to the extent feasible, and that wind hazard exceedances that do result from the Project are minimized. Many exceedances of the wind hazard criterion could be eliminated through design measures that would change the shape of the building or the height of its street wall (e.g., through introduction of a tower set back on a podium), and/or a combination of street furniture and landscaping that would protect pedestrian walkways and building entrances. However, although including articulation in building designs and adding landscaping and street furniture can reduce wind speeds and eliminate wind hazards in specific locations, it cannot be stated with certainty at this stage of Project design that all wind hazards identified in the wind tunnel test would be eliminated. As a result, even with the implementation of Mitigation Measure AES-1, this operational impact of the proposed Project would be significant and unavoidable with mitigation.

Wind effects during interim conditions could differ from Phase 1 conditions or at full buildout. The wind assessment prepared for the proposed Project focuses on effects of completion of Phase 1 and buildout. A qualitative discussion of wind effects during construction and the phased buildout is provided below.

Based on the City of Oakland's CEQA thresholds, buildings over 100 feet located next to a body of water have the potential to redirect or alter wind speeds. As such, any individual building constructed that is over 100 feet tall could substantially increase wind speeds and could potentially create interim wind-hazard impacts. These interim wind-hazard impacts could occur during partial buildout and may or may not occur at full buildout because winds redirected by one building can interact with winds redirected by another building. In addition, the building configurations tested in the wind tunnel do not include design measures and landscape features, such as podium setbacks, terraces, architectural canopies or screens, vertical or horizontal fins, chamfered corners, and other

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RESPONSE

I307-4-16 Regarding wind speeds above ground level, see Response to Comment I307-4-15. Concerning the timing of mitigation, see Response to Comment O-29-74.

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I307-4-16

Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 10:05:38 AM
Modeling should document wind speeds above pedestrian level and impacts to adjacent residents.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 10:07:03 AM
This analysis should not be deferred to a future unknown time. Provide analysis of wind effects above ground level, or reduce and relocated buildings to mitigate this condition.			

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COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

articulations to the building façade, as well as ground-level fences or screens, shrubs and trees, and/or street furniture, which could offer protection from hazardous winds.

Wind speeds were tested in the wind tunnel for existing conditions, Phase 1, full buildout, and for the Maritime Reservation Scenarios only. However, during partial buildout, wind hazards could occur at public locations not identified in the wind assessment, and wind effects at identified wind-hazard locations could be greater or lesser in severity or duration than shown by the assessment. During the rather lengthy construction period, a particular building configuration resulting from development of one or more individual structures could result in localized wind conditions that would be different than those reported for the Project at completion of Phase 1 or at full buildout. It is possible that such individual building(s) could cause the wind hazard criterion to be exceeded, perhaps for one or more years. However, once surrounding buildings have been completed, and they provide effective wind shelter as reported in the Project wind tunnel test, these temporary impacts could potentially cease or change. Depending upon the circumstances and the actual phasing of the construction, these temporary impacts could continue at various locations until the full buildout is completed. Therefore, this EIR conservatively considers such an occurrence to be a potentially significant and unavoidable wind impact with mitigation, as is the case for the proposed Project (both Phase 1 and buildout). Furthermore, if the proposed Project were not to be completed in the time period anticipated, a partial buildout situation could occur for an extended period, resulting in different wind characteristics than those tested in the wind tunnel. This, too, could result in one or more new exceedances of the wind hazard criterion and thus a significant and unavoidable wind impact with mitigation.

Implementation of Mitigation Measure AES-1 would reduce the severity of wind impacts under partial buildout conditions. However, as with Phase 1 and buildout, it cannot be stated with certainty whether Mitigation Measure AES-1 would reduce impacts to a less-than-significant level. As a result, the impact of the proposed Project related to interim hazardous wind conditions would be significant and unavoidable with mitigation.

**Mitigation Measure AES-1: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height.**

With the goal of preventing to the extent feasible a net increase in the number of hazardous wind exceedance locations, compared to existing conditions, prior to obtaining a building permit for any building within the Project site proposed to be at least 100 feet in height, the Project sponsor (including any subsequent developer) shall undertake a wind analysis for such proposed building.

The wind analysis shall be conducted by a qualified wind consultant. The consultant shall conduct an analysis of the proposed building using a model that represents the proposed building in the context of then-existing conditions, as well as in the context of the proposed Project as a whole (the buildout scenario tested in the EIR, as may be modified from time to time by the Project sponsor to reflect actual building designs known at the time). The testing shall include test points deemed appropriate by the consultant and agreed upon by the Oakland Department of Planning & Building to determine the wind performance of the building, such as building entrances and sidewalks, and the consultant's report shall be submitted to the Oakland Department of Planning & Building. If the wind consultant demonstrates to the satisfaction of the Oakland Department of

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RESPONSE

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Number	Author	Subject	Date
Number 1	M Henderson	Sticky Note	4/7/2021 10:11:56 AM
The project currently proposes most if not all buildings to be higher than 100 feet. as such, deferral of this analysis is inappropriate, and this mitigation measure is incorrect. Provide the correct mitigation measure, which is that all building shall be less than 100 feet tall, and some buildings should be eliminated or relocated to ensure that hazardous wind conditions do not occur.			
Number 2	M Henderson	Sticky Note	4/7/2021 10:14:23 AM
Document the relationship between consultants and the City and developer that guarantees that this is an impartial analysis. Provide the criteria for determining test points. "deemed appropriate" is not a measurable or documented location.			

I307-4-17

I307-4-17 Concerning the alleged deferral of mitigation, see Response to Comment O-29-74. Concerning the relationship between the wind consultant, the City, and the Project sponsor, while the Project sponsor is responsible for implementation of mitigation measures, including paying the cost of consultant(s), CEQA requires that a lead agency (here, the City of Oakland) “[i]ndependently review and analyze any report or declaration required by” CEQA (Public Resources Code Section 21082.1(c)) and that a Draft EIR and Final EIR “reflect the independent judgment” and analysis of the agency (CEQA Guidelines Section 15084(e) and Section 15090(a)(3)). Also see Consolidated Response 4.1, *Formulation, Effectiveness and Enforceability of Mitigation Measures*.

Points included in subsequent wind testing required by Mitigation Measure AES-1, Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height, would be selected by the wind consultant using its independent professional judgment and would be reviewed and approved, with additions and/or revisions, if necessary, by the City.

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COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

Planning & Building that the modified design would not create a net increase in hazardous wind hours or locations under partial buildout or buildout conditions, compared to then-existing conditions, no further review would be required.

If the wind analysis determines that the building's design would increase the hours of wind hazard or the number of test points subject to hazardous winds, compared to then-existing conditions, the wind consultant shall notify the City and the Project sponsor. The Project sponsor shall work with the wind consultant to identify feasible mitigation strategies, including design changes (e.g., setbacks, rounded/chamfered building corners, or stepped facades), to eliminate or reduce wind hazards to the maximum feasible extent without unduly restricting development potential. Wind reduction strategies could also include features such as landscaping and/or installation of canopies along building frontages, and the like.

**Significance after Mitigation:** Significant and Unavoidable. Since it cannot be stated with certainty that no such localized wind hazard exceedances would result, the impact could be significant with development of Phase 1, with buildout, and/or during the interim period, even with mitigation. Therefore, this impact would be considered significant and unavoidable with mitigation.

#### Maritime Reservation Scenario

Under the Maritime Reservation Scenario, up to approximately ten acres of the proposed Project site would not be developed. The reconfigured Project site boundary would change and the Project site area would become smaller. The analysis below compares the differences between the Maritime Reservation Scenario and full buildout of the proposed Project. Visual simulations and shadow diagrams for the Maritime Reservation Scenario are included in Appendix AES.

Like the proposed Project, the Maritime Reservation Scenario would qualify under Public Resources Code Section 21099(d) as an infill project for which aesthetic issues are not "impacts" within the meaning of CEQA. These topics are therefore addressed for information purposes.

#### Non-CEQA Topics

##### Scenic Vistas and Scenic Resources

Under the Maritime Reservation Scenario, impacts to scenic vistas and resources would be similar to under full buildout. Similar to the proposed Project, buildings under the Maritime Reservation Scenario would become visually prominent features of the visual landscape that would result in the loss of open skyline when viewing the Project site from nearby areas. It would also partially affect scenic vistas of San Francisco Bay, the downtown Oakland skyline, and the Oakland Hills. Because the Maritime Reservation Scenario would provide new waterfront and elevated publicly accessible scenic viewpoints from which scenic resources and scenic vistas can be viewed, like the proposed Project, the Maritime Reservation Scenario would also have a less-than-significant impact on scenic resources and scenic vistas if the proposed Project were subject to a review of aesthetics under CEQA.

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COMMENT

RESPONSE

I307-4-18 Wind testing was not conducted at specific locations on the roof of 737 2nd Street. The City could require that one or more points at this location be included in subsequent wind testing required by Mitigation Measure AES-1, Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height. In general, wind test points that are selected are those that are or would be publicly accessible.

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Number	Author	Subject	Date
1	M Henderson	Sticky Note	4/7/2021 10:18:44 AM

What is the baseline condition of wind conditions at the rooftop open space at 737 2nd street? what is the criteria for exceedance, and what specific wind reduction strategies are proposed to mitigate this impact? Landscaping and canopies are not effective mitigation measures for 600 + ft tall buildings. Provide a mitigation measure that includes building height reduction and relocation of buildings that exacerbate wind impacts.

I307-4-18

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

**Visual Character and Quality**

Impacts from the Maritime Reservation Scenario would generally be the same as impacts from full buildout of the proposed Project. To accommodate the same development program on a smaller site, the Maritime Reservation Scenario would result in a slight increase in development intensity and density on certain Project blocks. The changes to the intensity and density of development at the Project site would result in generally the same changes to the visual character and quality of the site. Moreover, the visual character of the Project site would change from primarily industrial container storage to an intensely developed mixed-use civic and sports-related neighborhood, as would be the case under the Project. Like the proposed Project, the ballpark under the Maritime Reservation Scenario would give the area an entertainment-oriented character and would serve to activate the neighborhood on game days. While the removal of one or more of the four container shipping cranes may be noticeable to some observers, it is likely that many observers would not consider the changes to the visual setting between the proposed Project and the Maritime Reservation Scenario to be substantial. Therefore, the Maritime Reservation Scenario would result in generally the same less-than-significant impacts to visual character and quality if the proposed Project were subject to a review of aesthetics under CEQA.

**Light and Glare**

Light and glare impacts from the Maritime Reservation Scenario would generally be the same as impacts from full buildout of the proposed Project. Buildings would be required to comply with Title 24 standards, and Improvement Measure AES-1, which would result in shielded light fixtures during construction, would likewise apply to the Maritime Reservation Scenario. The Maritime Reservation Scenario would also be subject to the Oakland Outdoor Lighting Standards, which would require exterior lighting fixtures to be adequately shielded to prevent unnecessary glare onto adjacent properties. While compliance with these policies would reduce light and glare effects from the Maritime Reservation Scenario, the ballpark scoreboard and ribbon lights would be the same under the Maritime Reservation Scenario, which are the primary contributors to glare impacts to nearby receptors. Therefore, the light and glare impact from the Maritime Reservation Scenario would have the same significant and unavoidable impacts as the proposed Project if the proposed Project's aesthetics impacts were considered impacts under CEQA.

**CEQA Topics**

**Shadow**

The Maritime Reservation Scenario would result in the same less-than-significant impacts as the proposed Project with regard to shadow. As shown in **Figure 4.1-33**, the Maritime Reservation Scenario would not cast shadow on existing parks during any time of the year. Similar to the proposed Project, the Maritime Reservation Scenario would cast shadow on solar panels across the UPRR tracks from the Project site; however, like the proposed Project, shadow cast by the Maritime Reservation Scenario would not substantially impair the function of that building.

I307-4

COMMENT

RESPONSE

I307-4-19 Please refer to the responses to Comments I-307-4-1 and O-36-11.

Concerning the structural integrity of the 737 2nd Street building, this comment is in reference to the Draft EIR's analysis of light and glare from the potential Maritime Reserve Scenario, and no link connection to structural impacts is made clear by the commenter. Therefore, no response is possible.

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 10:20:05 AM  
see previous discussion, please frame the impact analysis to include impacts related to residents and structural integrity of 737 2nd street.

I307-4-19 |

I307-4

COMMENT

RESPONSE



SOURCE: Environmental Vision, 2020

Oakland Waterfront Ballpark District Project

**Figure 4.1-34**  
Visual Simulation for Key Viewpoint 1 (Existing and Cumulative)  
Westward View Across Project Site from the Intersection of Water Street and Clay Street



I307-4

COMMENT

RESPONSE

I307-4-20 Please refer to the response to Comment I-307-3-11.

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I307-4-20 |

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Number: 1	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 10:21:29 AM
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Use realistic color and form representation.

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

**Cumulative Impact and Project Contribution**

Visual Resources, Scenic Vistas, and Visual Quality and Character (Not a CEQA Consideration)

Development of cumulative projects as described in the Downtown Oakland Specific Plan and West Oakland Specific Plan would bring increased development intensity on key sites near I-880 and near the waterfront. Cumulative projects could affect the same visual resources and scenic vistas analyzed above for the proposed Project, and one or more cumulative projects could obstruct scenic vistas from various public vantage points, depending on the height, massing, and density of future development in the area. However, development under the cumulative projects scenario could serve to enhance individual visual resources and scenic vistas described in the Oakland General Plan. For instance, expanding the downtown Oakland skyline through development of projects at the height and scale outlined in the Downtown Oakland Specific Plan could expand views of this visual resource from some locations nearby, enhancing the status of downtown and its skyline as a visual resource, and increased waterfront access could improve views of the Estuary and the Bay.

At the same time, a greater number of tall buildings would further obstruct views of the Oakland Hills and/or San Francisco Bay from some locations. Development of these cumulative projects would change the visual character and quality of the surrounding area by increasing the development intensity on individual sites by building more mid- to high-rise buildings. However, because development of cumulative projects listed above would be subject to design review to ensure their consistency with the General Plan, the cumulative impact would be consistent with the City's long-term vision for this area, and this impact would not necessarily be adverse.

Moreover, the Project site's distance from the majority of downtown—on the opposite side of the I-880 freeway—would limit any contribution that the Project might make to cumulative visual changes. Therefore, the cumulative impact with respect to aesthetics would be less than significant if the proposed Project were subject to an aesthetics analysis under CEQA.

**Light and Glare (Not a CEQA Consideration)**

Development of cumulative projects would increase the overall amount of light in the area because the intensity and density of development is anticipated to increase near I-880 and the waterfront. Cumulative projects would be required to implement City of Oakland Standard Condition of Approval (SCA) #19, Lighting Plan, which would require exterior lighting fixtures to be adequately shielded to prevent unnecessary glare onto adjacent properties. In addition, Oakland SCA #29, Bird Collision Reduction Measures (applied to this Project through Mitigation Measure BIO-1b), would apply to cumulative projects which would reduce the amount of reflective glass and polished surfaces on cumulative projects. As discussed under Impact AES-3, lighting and glare associated with the proposed Project could substantially increase nighttime light and glare in the Project area. Improvement Measures AES-1 and AES-2 could reduce this impact, but it cannot be stated with certainty that it could be reduced to a less-than-significant level, and the Project's impact would be conservatively determined to be cumulatively considerable, and significant and unavoidable if the proposed Project's aesthetics impacts were subject to CEQA.

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 10:24:49 AM  
Provide documentation for this assertion. Provide specific analysis of impacts to the historic character of the the railroad historic district and Phoenix Lofts. The cumulative impact is significant if the area and structure is dwarfed by adjacent structures.

I307-4-21

I307-4-21 The comment refers to a statement in the Draft EIR’s analysis of cumulative impacts on visual resources, scenic vistas, and visual quality and character (Draft EIR p. 4.1-79) stating that because cumulative projects “would be subject to design review to ensure their consistency with the General Plan, the cumulative impact would be consistent with the City’s long-term vision for this area, and this impact would not necessarily be adverse.” Impacts on the historic character of the Southern Pacific Industrial Landscape District Area of Primary Importance are evaluated in Draft EIR Section 4.4, Cultural and Tribal Cultural Resources.

Please refer also to the response to Comment I-307-3.

I307-4

COMMENT

RESPONSE

4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

Shadow

There are reasonably foreseeable projects in the Downtown Oakland Specific Plan and West Oakland Specific Plan that could conceivably combine with shadow effects of the proposed Project. The Downtown Oakland Specific Plan conservatively assumed that new shadow as a result of specific plan implementation would have a significant and unavoidable impact because it could not be known with certainty that development under the specific plan would not impair the function of a building using passive solar collection; impair the beneficial use of a public or quasi-public park, lawn, garden, or open space; shadows on an historic resource, or otherwise result in inadequate provision of light. However, the West Oakland Specific Plan identified no significant impacts related to shade and shadow, thus requiring no mitigation measures or SCAs. Because the Downtown Oakland Specific Plan conservatively assumed that new shadow as a result of the plan would have a significant and unavoidable impact, and because the Project site is located in close proximity to the Downtown Oakland Specific Plan area, proposed Project shadow could combine with shadow from development under the Downtown Oakland Specific Plan.

However, as stated in the project-level analysis in Impact AES-4, Project shadow would not reach publicly accessible parks or open areas at any point in the year. In addition, historic resources that could receive shadow from the proposed Project, in combination with cumulative projects, are not particularly light-sensitive or light-dependent. Therefore, the proposed Project would not contribute to a significant cumulative impact related to shadow on public parks or open spaces. Additionally, the proposed Project would not impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors, and thus would not contribute to a significant cumulative impact related to building solar facilities. Moreover, increased shadow on historic resources would not substantially impair the resource's historic significance such that it would no longer be eligible for listing on a national, State, or local register of historic places. Therefore, the proposed Project's contribution to cumulative shadow impacts would be less than significant.

Wind

The wind assessment (see Appendix AES) modeled development of cumulative projects within a 1,500-foot radius of the Project site. As shown in Table 4.1-7 below, development under the cumulative scenario would slightly improve wind conditions when compared to the proposed Project scenario. There would be 48 locations that would exceed the wind hazard criterion of 36 mph for at least one hour of the year. These 48 locations would exceed the hazard criterion for 109 hours annually, representing a potentially significant cumulative impact. As described in Impact AES-6 above and shown in Table 4.1-7 below, Phase 1 of the proposed Project would result in 46 test locations exceeding the hazard criterion, and full buildout of the proposed Project would result in 48 test locations exceeding the hazard criterion. Moreover, Phase 1 and full buildout of the proposed Project would exceed the 36 mph threshold for a total of 151 and 103 hours, respectively.

I307-4

COMMENT

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Number	Author	Subject	Date
Number 1	M Henderson	Sticky Note	4/7/2021 10:27:53 AM
Provide evidence that this is not a cumulative impact to quasi public open space at the rooftop of 737 2nd street.			
Number 2	M Henderson	Sticky Note	4/7/2021 10:27:09 AM
Correct this statement, see previous comments. The Historic Phoenix lofts are dependent on light wells and skylights to provide internal lighting and there are potential structural issues associated with moisture from permanent shadow.			
Number 3	M Henderson	Sticky Note	4/7/2021 10:29:45 AM
The wind analysis is inadequate as it does not address rooftop level impacts to adjacent residences. What is the cumulative impact and hazard created by project when considered in relation to buildout of adjacent areas?			

I307-4-22

I307-4-23

I307-4-22 Concerning the rooftop open space at 737 2nd Street, please refer to the response to Comment I-307-4-12. Shadow, including cumulative shadow impacts, on individual, non-publicly accessible buildings is not a relevant concern under CEQA, absent specific circumstances noted on Draft EIR p. 4.1-19 (shading of existing solar installations or of a historical resource such that the historical significance of the resource would be lost). Because those circumstances do not apply in the case of 737 2nd Street, cumulative shadow effects related to that building would be less than significant. Refer also to the response to Comment I-307-3-5.

I307-4-23 See Response to Comment I307-4-18.

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4. Environmental Setting, Impacts, and Mitigation Measures  
4.1 Aesthetics, Shadow, and Wind

**TABLE 4.1-7  
SUMMARY OF CUMULATIVE WIND TEST RESULTS**

Scenario	Wind Hazard <sup>a</sup>			
	Average Wind Speed (mph)	Total Hours Exceeding Criterion	Hours Change	Total Exceedances
Existing Conditions	27 mph	0 hrs	—	0 / 149
Phase 1	31 mph	151 hrs	151	46 / 169 <sup>b</sup>
Full Buildout	32 mph	103 hrs	103	48 / 167 <sup>c</sup>
Cumulative (Full Buildout) <sup>d</sup>	32 mph	109 hrs	109	48 / 167

NOTES:  
a Wind hazard = a test point location would exceed the wind hazard criterion if wind speeds exceed 36 mph for at least 1 hour per year, during daylight hours.  
b Twenty test points (33-34, 38-55) were added to test the wind effects of Phase 1 development.  
c Test points (152-153) were not analyzed for the full buildout scenario because these test points are located within the footprint of Block 20.  
d Cumulative Maritime Reservation Scenario (Full Buildout) conditions not modeled separately and discussed in the analysis below under Maritime Reservation Scenario – Cumulative.

As shown in **Figure 4.1-39**, there would be a substantial number of exceedances of the wind hazard criterion under the cumulative scenario, which are in the immediate vicinity of proposed Project buildings. Thus, the proposed Project’s contribution to this significant cumulative impact would be considerable. While implementation of Mitigation Measure AES-1, described above, would reduce this impact to the extent feasible, there is no practical way to guarantee that all wind hazards on Project sidewalks and open spaces would be eliminated without changing the basic character of these open spaces. As a result, even with the implementation of Mitigation Measure AES-1, this cumulative impact would be significant and unavoidable with mitigation.

**Conclusion**

While the aesthetics cumulative impact would be less than significant, the proposed Project’s contribution to a significant cumulative light and glare impacts would be considerable if the proposed Project were subject to an aesthetics analysis under CEQA. While the Project’s shadow cumulative impact would be less than significant, the proposed Project’s contribution to a significant cumulative wind impact would be considerable.

While aesthetics, light, and glare impacts are not considered environmental impacts pursuant to CEQA (see analysis on pp. 4.1-1 and 4.1-2), the proposed Project would have a cumulatively considerable contribution to a significant cumulative impact related to wind. Therefore, the overall impact of the proposed Project would be significant and unavoidable with mitigation.

**Mitigation Measure AES-1: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height.** (see Impact AES-5)

**Significance after Mitigation:** Significant and Unavoidable.

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RESPONSE

I307-4-24 As explained in the response to Comment I-307-2-7, no mitigation is required for light and glare impacts because the proposed Project's aesthetics impacts are not considered environmental impacts for the purposes of CEQA. Therefore, the proposed Project cannot contribute considerably to effects related to visual resources, scenic vistas, visual quality, or light and glare. With respect to shadow, the Draft EIR explains on p. 4.1-80:

Project shadow would not reach publicly accessible parks or open areas at any point in the year. In addition, historic resources that could receive shadow from the proposed Project, in combination with cumulative projects, are not particularly light-sensitive or light-dependent. Therefore, the proposed Project would not contribute to a significant cumulative impact related to shadow on public parks or open spaces. Additionally, the proposed Project would not impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors, and thus would not contribute to a significant cumulative impact related to building solar facilities. Moreover, increased shadow on historic resources would not substantially impair the resource's historic significance such that it would no longer be eligible for listing on a national, State, or local register of historic places. Therefore, the proposed Project's contribution to cumulative shadow impacts would be less than significant.

As noted above, cumulative wind impacts *would* be significant.

I307-4-25 The comment expresses disagreement with the Draft EIR's conclusion that the Project's contribution to a significant cumulative wind impact would be considerable, and that cumulative wind impacts would therefore be significant and unavoidable. The Draft EIR properly reaches this conclusion based on similar justifications as were relied upon in identifying the Project-specific wind impact as significant and unavoidable, as well as the fact that the proposed Project, due to its size, would have a greater proportional impact on pedestrian winds than would nearby cumulative development.

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Number 1	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 10:30:33 AM
This statement is incorrect. Provide documentation of this assertion.			
Number 2	Author: M Henderson	Subject: Sticky Note	Date: 4/7/2021 10:31:03 AM
This statement is incorrect. Provide documentation of this assertion.			

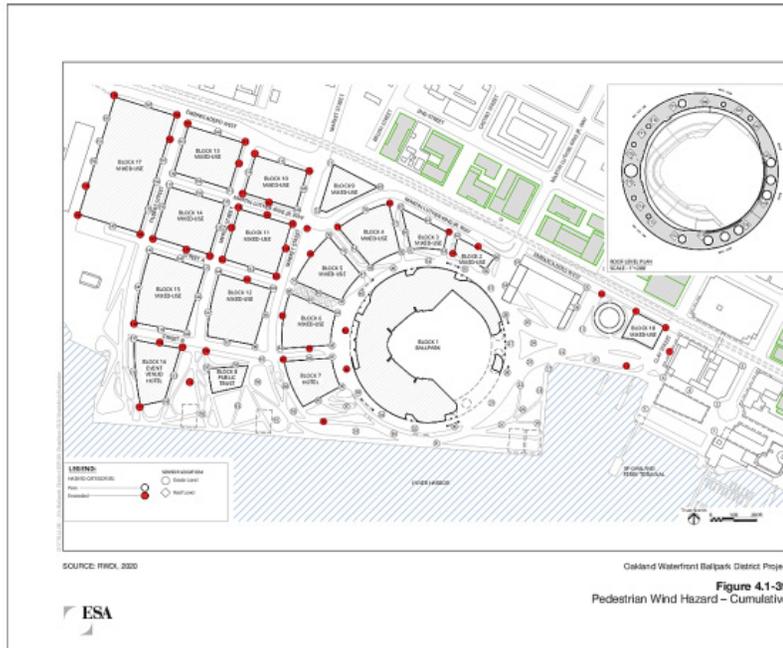
I307-4-24 |

I307-4-25 |

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COMMENT

COMMENT



#### Maritime Reservation Scenario – Cumulative

Under the Maritime Reservation Scenario, up to approximately 10 acres of the proposed Project site would not be developed. The reconfigured Project site boundary would change and the Project site area would become smaller. However, all cumulative site conditions relative to aesthetics, light, and glare would remain the same as described for the proposed Project. Therefore, the cumulative impacts and analysis for the Maritime Reservation Scenario would be the same as those discussed above for the proposed Project.

To accommodate the same development program on a smaller site, the Maritime Reservation Scenario would result in a slight increase in development intensity and density on certain Project blocks. The Maritime Reservation Scenario would result in the same less-than-significant impacts as the proposed Project with regard to shadow, and cumulative shadow impacts under the Maritime Reservation Scenario would be the same as those described for the Project above.

Although not separately modeled, it is expected that the cumulative developments to the northeast of the site would have a similar influence on the wind conditions under the Maritime Reservation Scenario as with the proposed Project due to the same maximum building heights as the proposed Project and because the Maritime Reservation Scenario would have the same development program as the Project in the area of the Project site closest to cumulative development. Therefore, cumulative wind impacts under the Maritime Reservation Scenario would also implement Mitigation Measure AES-1, however, like the proposed Project, there is no practical way to guarantee that all wind hazards on Project sidewalks and open spaces would be eliminated without changing the basic character of these open spaces. Therefore, even with the implementation of Mitigation Measure AES-1, the cumulative impact under the Maritime Reservation Scenario would similarly be significant and unavoidable with mitigation.

While aesthetics, light, and glare impacts are not considered environmental impacts pursuant to CEQA (see analysis on pp. 4.1-1 and 4.1-2), the proposed Project with the Maritime Reservation Scenario would have a cumulatively considerable contribution to a significant cumulative impact related to wind. Therefore, the overall impact of the proposed Project under the Maritime Reservation Scenario would continue to be significant and unavoidable with mitigation.

#### 4.1.6 References – Aesthetics, Shadow and Wind

- California Energy Commission (CEC), 2008. *Determination of Outdoor Lighting Zones and Adopted Local Outdoor Lighting Ordinances*. [https://www.energy.ca.gov/title24/2008standards/outdoor\\_lighting/](https://www.energy.ca.gov/title24/2008standards/outdoor_lighting/), accessed February 19, 2019.
- California Legislative Information, 2019. *Chapter 12. Solar Shade Control [25980-25986]*, accessed February 19, 2019.
- City of Oakland, 2016. *City of Oakland CEQA Thresholds of Significance Guidelines*, October 17, 2016.
- City of Oakland, 1996. *Open Space, Conservation, and Recreation Element (OSCAR) Element of the General Plan*, adopted June 11, 1996.

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COMMENT

RESPONSE

I307-4-26 As depicted in Draft EIR Figure 4.1-39 (p. 4.1-82), the cumulative wind scenario does indeed include development both east and west of 737 2nd Street. This cumulative development is depicted in green outline on the figure.

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Number: 1 Author: M Henderson Subject: Sticky Note Date: 4/7/2021 10:34:04 AM  
Provide documentation and separate modeling to support the assertions contained in this document, specifically since the cumulative impact analysis did not consider potential buildout of lands east and west of 737 2nd street currently occupied by utilities, but projected to be developed.

I307-4-26