

CHAPTER 6

Responses to Public Hearing Comments

6.0 Introduction

Public hearings to receive verbal comments on the Draft EIR were held at the City of Oakland Landmarks Preservation Advisory Board (LPAB) meeting held on Monday, March 22, 2021, and at the City of Oakland Planning Commission meeting held on Wednesday, April 21, 2021. This chapter includes a written transcript of the verbal comments received at the public hearings. Specific responses to the individual comments in each transcript are provided side-by-side with each letter, consistent with the procedural requirements of AB 734 (CEQA Section 21168.6.7).¹

As described in Chapter 3, *Roster of Commenters*, individual comments raised during the LPAB Public Hearing are identified with an “H-1” designation, and individual comments raised during the Planning Commission Public Hearing are identified with an “H2” designation.

The Planning Commission Transcript was separated into three parts due to the large size of the transcript: H2-1 (Part 1), H2-2 (Part 2), and H2-3 (Part 3). Specific comments within each transcript also are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., “H-1-3” for the third comment in LPAB Transcript, H-1; and “H2-2-4” for the fourth comment in Planning Commission Transcript Part 2, H2-2).

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the Draft EIR, these changes appear as part of the specific response and are consolidated in Chapter 7, *City-Initiated Updates and Errata to the Draft EIR*, where they are listed in the order that the revision would appear in the Draft EIR document. Some of the topics raised have been previously responded to in Chapter 5, *Responses to Individual Comments*, and some are addressed in consolidated responses in Chapter 4, *Consolidated Responses*, as referenced in the responses below.

¹ The transcripts of these public hearings are also included in Appendix PUB.

6.1 Landmarks Preservation Advisory Board Hearing

H-1 Landmarks Preservation Advisory Board Hearing

COMMENT

1

00:00:59 1

00:00:59 2

00:00:59 3

00:00:59 4

00:00:59 5

00:00:59 6

00:00:59 7

00:00:59 8

00:00:59 9

00:00:59 10

00:00:59 11

00:00:59 12

00:00:59 13

00:00:59 14

00:00:59 15

00:00:59 16

00:00:59 17

00:00:59 18

00:00:59 19

00:00:59 20

00:00:59 21

00:00:59 22

00:00:59 23

00:00:59 24

00:00:59 25

CITY OF OAKLAND

LANDMARKS PRESERVATION ADVISORY BOARD

---oOo---

Monday, March 22, 2021

Audio Transcription

Reported by: Connie J. Parchman, RPR, CRR, CSR 6137

JAN BROWN & ASSOCIATES

WORLDWIDE DEPOSITION & VIDEOGRAPHER SERVICES

701 Battery Street, 3rd Floor, San Francisco, CA 94111

(415)981-3498 or (800) 522-7096

2

00:00:59 1

00:00:59 2

00:00:59 3

00:00:59 4

00:00:59 5

00:00:59 6

00:00:59 7

00:00:59 8

00:00:59 9

00:00:59 10

00:00:59 11

00:00:59 12

00:00:59 13

00:00:59 14

00:00:59 15

00:00:59 16

00:00:59 17

00:00:59 18

00:00:59 19

00:00:59 20

00:00:59 21

00:00:59 22

00:00:59 23

00:00:59 24

00:00:59 25

ATTENDEES:

Vince Sugrue, Chair

Klara Komorous, Vice Chair

Benjamin Fu, Board Member

Tim Mollette-Parks, Board Member

Marcus Jonson, Board Member

Chris Andrews, Board Member

H-1

COMMENT

RESPONSE

H-1-1

An aerial gondola is analyzed in Chapter 5 of the Draft EIR as a variant that the Project sponsor may or may not include as part of the proposed Project. The gondola would extend from 10th Street to Jack London Square and would provide transportation to the ballpark and other uses in the vicinity. See Draft EIR p. 5-56 for a full description.

The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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.

3

00:00:59 1 **MARCH 22, 2021**

00:00:59 2 P R O C E E D I N G S

00:00:59 3 ---000---

00:00:59 4 (Board proceedings not transcribed pursuant to request;

00:00:59 5 transcription begins at video time of 27:18.)

08:33:44 6 ...

08:33:47 7 **CHAIR SUGRUE:** If we can move to the public

08:33:48 8 comment portion.

08:34:23 9 **CLERK VOLLMAN:** Okay. So the first speaker I

08:34:24 10 see is, again, with the number ending in 1961.

08:34:30 11 I'm going to go ahead and allow you to talk.

08:34:32 12 Go ahead and unmute yourself and begin speaking.

08:34:42 13 **MS. DAVIS:** Hello. My name's Melanie Davis.

08:34:44 14 Can you hear me?

08:34:46 15 **CLERK VOLLMAN:** Yes.

08:34:48 16 **MS. DAVIS:** Okay. On the gondola, was that in

08:34:52 17 the EIR?

H-1-1 08:34:54 18 And how much would that cost?

08:35:00 19 And is that just for transportation from Tenth

08:35:04 20 to the ballpark?

08:35:06 21 Thank you.

08:35:11 22 **CLERK VOLLMAN:** Thank you.

08:35:17 23 Next speaker is Naomi Schiff. We'll go ahead

08:35:21 24 and allow you to talk. Go ahead and unmute yourself.

08:35:26 25 **MS. SCHIFF:** Hello. I actually request a

H-1

COMMENT

RESPONSE

4

08:35:29 1 little bit longer. This is a pretty -- it's a thousand
 08:35:32 2 page EIR and I don't think two minutes is adequate, but I
 08:35:38 3 will begin anyway.

H-1-2 08:35:42 4 We have sent you a letter, I hope that you
 08:35:44 5 received it, from Oakland Heritage Alliance.
 08:35:48 6 And we have spoken with the A's about the
 08:35:52 7 Peaker Plant and have a couple of remarks. Mostly we
 08:35:56 8 think the mitigation package is too weak and request that
 H-1-3 08:36:02 9 you add mitigation or recommend adding a mitigation,
 08:36:06 10 which is a contribution to the facade improvement fund to
 08:36:09 11 be used in the impacted areas of the West Waterfront ASI.
 08:36:14 12 And also that the design of the new stadium
 08:36:17 13 really requires a consulting historical architect to make
 08:36:21 14 sure that it is compatible, the new stadium is compatible
 H-1-4 08:36:27 15 with the old buildings around it. We really don't want
 08:36:30 16 to have a violation of the Secretary of Interior
 08:36:34 17 standards with regard to context.
 08:36:37 18 Second, the gondola. The gondola is a large
 08:36:43 19 intrusion into the fabric of Historic Oakland, which is
 08:36:46 20 not on the site of the stadium property proposed by the
 08:36:52 21 developer. We think it's a terrible idea, at this route
 H-1-5 08:36:59 22 at least, on Washington Street.
 08:37:02 23 It would be an enormous impact on the only
 08:37:06 24 thing that's left from the redevelopment era demolition
 08:37:11 25 of downtown Oakland, our old Oakland area.

H-1-2 Three letters regarding the Project have been received from Oakland Heritage Alliance. The first letter is dated March 21, 2021 and is addressed to the Members of the Landmarks Preservation Advisory Board, Peterson Vollmann, and Betty Marvin. It contains a copy of an earlier letter dated January 7, 2019, that is addressed to Peterson Vollmann and the City of Oakland Bureau of Planning & Zoning Division. A second letter is dated April 21, 2021, and is addressed to the City of Oakland Planning Commissioners, Planning Staff, and Consultants. A third letter is dated April 27, 2021, and is addressed to ESA Associates and Peterson Vollmann and the City of Oakland Bureau of Planning. All three letters were received via electronic transmission.

Points raised in the March 21, 2021, letter are addressed in Responses to Comments O-9-1 through O-9-5. Points raised in the April 21, 2021, letter are addressed in Responses to Comments O-19-1 through O-19-4. Points raised in the April 27, 2021, letter are addressed in Responses to Comments O-40-1 through O-40-7.

H-1-3 The comment recommends additional mitigation for the Peaker Plant Variant in the form of a contribution to the City of Oakland's Façade Improvement fund. These funds would be earmarked for application within the West Waterfront Area of Secondary Importance (ASI).

The Draft EIR concludes that impacts on the Peaker Plant as a result of implementation of the Peaker Plant Variant, including removal of portions of the west wing of the building (see Chapter 2, *Updates to the Project*), would result in a significant and unavoidable impact on historic resources. Mitigation Measure CUL-6a: HABS Documentation (Level II) and Mitigation Measure CUL-6b: Secretary of the Interior's Standards Compliance Analysis are included, but the impact remains significant and unavoidable.

Requiring payment to the City of Oakland Façade Improvement Program would not be effective in mitigating the impact. Additional mitigation in the form of payment to the Façade Improvement fund would not lessen impacts and has been reserved for projects that demolish historic resources either in their entirety or almost entirely.

The City of Oakland Façade Improvement Program is intended to support investment for commercial retail buildings with storefront businesses. Building owners in specified geographic areas may apply for matching grants

H-1

COMMENT

RESPONSE

for façade improvements. Contributions to this fund have been required as mitigation for projects where historic resources would be removed or substantially demolished, such as the GE Site Remediation and Redevelopment Project between 54th and 57th Avenues near San Leandro Boulevard. In this way, the impact resulting from the loss of a historic resource is partially mitigated through financial contributions that can be applied to other historic resources nearby. It serves to help maintain the historic character of a neighborhood but does not mitigate the significant impact resulting from demolition to a less-than-significant level.

In the case of the Peaker Plant Variant, the majority of the building would remain intact and would be rehabilitated according to the Secretary of the Interior's Standards if the variant is implemented. This includes retaining the primary building mass along the Embarcadero and portions of the west wing. As such, it does not follow the established precedent that contribution to the Façade Improvement Program would be appropriate or effective mitigation for this impact.

Please note that demolition of Crane X-422 would qualify for implementation of new mitigation that would include contributions to the fund. See Mitigation Measure CUL-3d: Façade Improvement Fund Contribution, which has been added to Impact CUL-4.

H-1-4

The Draft EIR analyzes impacts on and provides mitigation measures for two historic resources located on the Project site (Crane X-422 and the Peaker Plant [601 Embarcadero]) and three resources located immediately adjacent to but outside of the Project site (the USS *Potomac* and the Lightship *Relief* and the Southern Pacific Railroad [SPRR] Industrial Landscape Area of Primary Importance [API] [SPRR API]).

The baseline Project includes retention of the crane as a non-operational feature of a proposed public park. The baseline Project design also includes landscape improvements along the south (rear) edge of the 601 Embarcadero parcel, but no direct modifications to the building. As such, design review for compatibility with the Secretary of the Interior's Standards for the Project is not required under the City of Oakland Planning Code (Oakland Planning Code Section 17.136).

H-1

COMMENT

RESPONSE

Impacts on the character-defining features of the SPRR API are presented on Draft EIR pp. 4.4-23 through 4.4-24. The analysis concludes that new construction in the vicinity of the district would not adversely alter the district's character-defining features unless improvements (such as the vehicular grade separation discussed in Draft EIR Chapter 6) would obscure views through the district from along the railroad tracks, or otherwise diminish the ability to see the grouping of buildings relative to each other and to the railroad tracks. Because the analysis concludes that the impacts on historic resources as a result of new construction on the Project site would be less than significant, no mitigation related to design of the new ballpark is required.

However, additional Project-specific design standards and guidelines are included as part of the Planned Unit Development (PUD) application. These standards and guidelines are under development and would be used for Project-specific design review. In addition, separate design review would be required for Project elements that are not part of the PUD. This would include both the Peaker Plant and Aerial Gondola Variants, which would be subject to further design review under Oakland Planning Code Section 17.136.

Additionally, because 601 Embarcadero has an "A" rating on by the Oakland Cultural Heritage Survey (OCHS), specific modifications to the building would be subject to review by the Landmarks Preservation Advisory Board as part of the Regular Design Review procedure. Implementation of the Peaker Plant Variant would also require compliance with Mitigation Measure CUL-6b: Peaker Power Plant—Secretary of the Interior's Standards Compliance Analysis. However, compliance with the Secretary of the Interior's Standards is limited to modifications to the historic resource and is not required for the Project as a whole. The compliance of the Project as a whole would be determined relative to the Project-specific design standards submitted as part of the PUD application and discussed above.

H-1-5

Comments regarding the merits of the 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H-1

COMMENT

RESPONSE

The commenter disapproves of the Aerial Gondola Variant, and more specifically, disapproves of the selection of Washington Street as a proposed location for the route of travel. The route along Washington Street would place gondola operations within and above the Old Oakland API and above the West Waterfront ASI, which includes 201 Washington Street/509 2nd Street (Fat Lady Restaurant, constructed circa 1875) and above a portion of the Lower Broadway ASI that includes 480 3rd Street (Western Pacific Railroad Depot, constructed in 1909). This area also includes Interstate 880 (I-880), the construction of which resulted in the demolition of several blocks of late 19th- and early-20th-century commercial buildings that were located between the Old Oakland API and the West Waterfront ASI. The comment further notes that alternate methods to facilitate travel between the 12th Street BART Station and the Project site may have lesser impacts on historic resources.

For the purposes of CEQA, construction and operation of the Aerial Gondola Variant were analyzed to determine whether the Project would “cause a substantial adverse change in the significance” of the resources (State CEQA Guidelines Section 15064.5[b]). The analysis concluded that this threshold was met for construction of the Convention Center Station within the Old Oakland API. Construction and operation of the Aerial Gondola would result in a significant and unavoidable impact on the historic resource even with applied mitigation for additional design review of the station. For the West Waterfront ASI, the analysis concluded that this threshold was not met; there would be a less-than-significant impact on historical resources, including individual resources, located either within the West Waterfront ASI or outside of the ASI, but adjacent to the path of travel of the gondola.

If implemented, the Aerial Gondola Variant would augment existing public transportation options between the 12th Street BART station and the Project site. These include bus and train transit from nearby stops, as well as pedestrian and bicycle transportation as described in Draft EIR Chapter 5 (pp. 5-132 and 5-133).

As noted in the description of the Aerial Gondola Variant (Draft EIR p. 5-56), the gondola may or may not be included in the proposed Project. Its status as part of the Project is dependent on several factors, including its proposed location. If a different location were chosen for the Aerial Gondola Variant, with a final design and/or site information that substantially differs from what

H-1

COMMENT

RESPONSE

is considered in the Draft EIR, appropriate additional environmental analysis would be conducted as necessary in accordance with CEQA.

The comment suggests that alternative locations for the Aerial Gondola Variant should have been analyzed; however, that is not required under CEQA. An EIR is not required to consider alternatives to a component of a project, only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.)

H-1

COMMENT

RESPONSE

H-1-6 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.

		5
	08:37:16	1
	08:37:21	2
	08:37:25	3
	08:37:31	4
	08:37:34	5
	08:37:37	6
H-1-5	08:37:41	7
	08:37:45	8
	08:37:47	9
	08:37:50	10
	08:37:54	11
	08:37:57	12
	08:38:02	13
	08:38:07	14
	08:38:11	15
	08:38:14	16
	08:38:17	17
	08:38:21	18
	08:38:27	19
	08:38:34	20
	08:38:35	21
	08:38:40	22
	08:38:42	23
H-1-6	08:38:47	24
	08:38:50	25

H-1

COMMENT

RESPONSE

H-1-7

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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

			6
	08:38:56	1	month.
	08:39:03	2	If I've learned anything in the 16 years that
	08:39:05	3	I've been in this neighborhood, I've learned that we have
H-1-6	08:39:08	4	really serious concerns on all fronts: Environmental,
	08:39:11	5	commercial, residential, everything. It's all -- it's
	08:39:16	6	all valid. The Port. It's a very complicated problem
	08:39:20	7	out here.
	08:39:22	8	And it's been 16 years since it's even looked
	08:39:29	9	like it starts to get unraveled. And the one thing I
	08:39:31	10	have seen from the Athletics and their teams is a
	08:39:35	11	willingness to actually attempt to try and solve almost
	08:39:37	12	all of those concerns at one time with this project.
	08:39:39	13	And I just hope that this Board sort of
	08:39:42	14	recognizes them for that. And knows that there are some
H-1-7	08:39:45	15	of us here in the neighborhood that really appreciate
	08:39:49	16	that they're even trying and hoping that anybody with any
	08:39:53	17	concerns about this project -- which I have plenty of my
	08:39:56	18	own -- just recognizes that the A's aren't trying to push
	08:40:00	19	any of them aside. They're actually trying to, it seems
	08:40:03	20	like, they're trying to -- they're trying to solve them.
	08:40:06	21	And so, that's my schpiel.
	08:40:13	22	CHAIR SUGRUE: Thank you, Adam.
	08:40:19	23	CLERK VOLLMAN: Okay. Our next speaker is Mark
	08:40:22	24	Jacob. We'll go ahead and allow you to talk. Go ahead
	08:40:25	25	and unmute yourself.

H-1

COMMENT

RESPONSE

H-1-8

The comment asserts that the Draft EIR understates the significant, unavoidable impacts on historical resources for the site. The Project site encompasses portions of one previously identified historic resource (Pacific Gas and Electric Company [PG&E] Station C API, including the Peaker Power Plant) and one newly identified potential historic resource (Crane X-422). All other historic resources included in the Draft EIR are located outside of but immediately adjacent to the Project site and are within the Project study area.

As part of the analysis, four other buildings and/or structures that meet CEQA’s 45-year age threshold requirement were evaluated to determine whether additional historic resources may be present on the site. These included 50 Market Street (former PG&E Gas Load Center/Substation B), Crane X-415, Crane X-416, and Crane X-417. None were found eligible for the California Register of Historical Resources or as City of Oakland Landmarks (see Draft EIR Appendix CUL.1). The Howard Terminal site is historically associated with the Grove Street Terminal. All buildings and structures associated with the Grove Street Terminal have been demolished. The current Howard Terminal dates to 1982 and does not meet the age threshold requirement; therefore, it was not evaluated to determine whether it qualified as a historic resource. Draft EIR Section 4.4, *Cultural and Tribal Cultural Resources*, summarizes these findings. A more in-depth presentation of the analysis can be found in Draft EIR Appendix CUL.1.

The baseline Project design includes retention of Crane X-422 and no direct alterations to the Peaker Plant. Landscaping improvements are proposed along the south façade of the building to create a border with the pedestrian promenade and entrance to the ballpark. Crane X-422 would be fixed in place and serve as a non-operational structure within a public park. As a result, the Project would not result in significant impacts on historic resources located on the site and no further mitigation is required by CEQA. Impacts on historic resources on the site may occur, should future study conclude that it is not feasible to safely retain Crane X-422 on-site or if the Peaker Plant Variant is implemented. Those specific situations are analyzed and presented with a range of mitigation measures to reduce impacts. Demolition of Crane X-422 would remain a significant and unavoidable impact, as would removal of a portion of the west wing of the Peaker Plant (see Chapter 2, *Updates to the Project*).

7

	08:40:28	1	MR. JACOB: Good afternoon. Mike Jacob with
	08:40:30	2	pacific Merchant Shipping Association.
	08:40:33	3	We have a number of concerns with the EIR. But
	08:40:34	4	limiting these comments just to the topic at hand, we
H-1-8	08:40:40	5	feel that the draft EIR significantly understates the
	08:40:44	6	significant, unavoidable impact on historical cultural
	08:40:47	7	resources for the site, fails to address appropriate
	08:40:50	8	mitigation, or truly address superiority of Alternative
H-1-9	08:40:55	9	2, which is the coliseum site that would avoid of all of
	08:40:58	10	the impacts, the current site location.
	08:41:00	11	The draft EIR fails to sufficiently assess the
H-1-10	08:41:03	12	impacts of the project, including its nature, density and
	08:41:06	13	massing.
	08:41:06	14	It would negatively affect direct historic
	08:41:09	15	resources in the vicinity of the project, including the
	08:41:13	16	Southern Pacific Railroad corridor, USS Potomac and the
	08:41:17	17	Lightship Relief.
	08:41:19	18	But also in the proposed * Maker District, just
	08:41:22	19	next to the project site, that includes three national
H-1-11	08:41:26	20	register of historic places and listed properties. In
	08:41:29	21	addition, five areas of secondary interests are located
	08:41:31	22	nearby.
	08:41:34	23	These are obviously important because of the
	08:41:36	24	if-then proposition included in the draft Downtown
	08:41:39	25	Oakland Specific Plan that says if the ballpark is built,

H-1

COMMENT	RESPONSE
H-1-9	See Consolidated Response 4.10, <i>Alternative 2: The Off-Site (Coliseum Area) Alternative</i> .
H-1-10	This comment was made in the context of impacts on historical resources, at a hearing before the City of Oakland Landmark Preservation Advisory Board. The Draft EIR fully discloses impacts on historic resources in Section 4.4, <i>Cultural and Tribal Cultural Resources</i> . With respect to aesthetic impacts, Draft EIR Section 4.1, <i>Aesthetics, Shadow, and Wind</i> , fully analyzes effects on scenic vistas and scenic resources (Impact AES-1) and visual character and quality (AES-2), including presenting a series of visual simulations that clearly present the Project’s proposed nature, density, and massing.
H-1-11	<p>The comment is regarding historic resources located both within the CEQA study area and outside of that study area but between the Project site and I-880. Specifically, the comment mentions the proposed Jack London Maker District, three National Register of Historic Places (National Register) resources, and five ASIs. The exact resources are not specified in the comment but are presumed to be the National Register-listed SPRR API, the PG&E Station C District/API, and the Muller Brothers Pickle Factory API, as well as the West Waterfront ASI, the Bret Harte Boardwalk ASI, the Lower Broadway ASI, the 4th and Webster ASI (402 Webster Street, Seawolf Public House), and the 2nd–4th Jackson Warehouse ASI. The comment also references the Draft Downtown Oakland Specific Plan (DOSP) with regard to the “if-then proposition” that the ballpark would affect these historic resources. Please note that subsequent to publication of the DOSP Draft EIR, and in response to community input, the City announced they will no longer be considering the Howard Terminal Option (or Transformational Opportunity Area #3), which will be removed from the Final DOSP.¹</p> <p>With regard to the proposed Jack London Maker District, this area is proposed in the Draft DOSP as part of Equitable Economic Opportunity Goal 01, specifically of Policies E-2.5 and E-2.13. Additional Draft DOSP goals and policies regarding maker spaces are included in Culture Keeping Goal 04, Policy C-1.10. The Jack London Maker District is one of four proposed cultural districts within the Draft DOSP. The intent of cultural districts “both formally designated and naturally-occurring, [is to] help support a sense of belonging</p>

¹ City of Oakland, 2021. Downtown Oakland Specific Plan Update, Date Posted: February 21, 2021, Last Updated: September 22, 2021. Available at: <https://www.oaklandca.gov/news/2021/downtown-oakland-specific-plan-update>.

H-1

COMMENT

RESPONSE

and connection among diverse people, customs, and forms of expression” (DOSP, p. 142).

While the term *cultural resources* is used in the Draft DOSP when referencing maker districts, the definition of the term in the Draft DOSP differs from that used for the purposes of CEQA. The Draft EIR relies on the City of Oakland’s definition of a historic resources as presented in the City’s significance criteria (Section 4.4.3 of the Draft EIR). The State CEQA Guidelines (Section 15064.5(a)(3)) permits the City of Oakland to determine what qualifies as a historic resource and this includes designation of buildings, sites, objects, or districts that otherwise may not meet the established criteria. Therefore, if the DOSP is adopted and explicitly designates the proposed cultural districts as historic resources, that would be subject to analysis as such. However, the proposed maker districts do not currently meet these criteria. Additionally, they are neither located in nor adjacent to the Project site. As such, they do not meet the CEQA-required criteria for consideration as historic resources and are not discussed in Section 4.4. No additional analysis is needed.

The referenced historic resources include three City of Oakland APIs that are also National Register–eligible resources and five ASIs. Two of the three APIs are included in the Project analysis: the SPRR API and the PG&E Station C API. The Muller Brothers Pickle Factory API is not included because it is located outside of the CEQA study area boundaries. Of the five ASIs, the West Waterfront ASI is included as part of the Aerial Gondola Variant. The remaining four are located outside the CEQA study area boundaries.

CEQA requires that the analysis look at potential impacts on historic resources that would result from construction and operation of the Project. Specifically, the analysis must determine whether the impacts of the Project would “cause a substantial adverse change in the significance” of the resource (State CEQA Guidelines Section 15062.5[b]). A *substantial adverse change in the significance* of a historical resource means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired” (State CEQA Guidelines Section 15064[b][1]). A historical resource is considered materially impaired through the demolition or alteration of the resource’s physical characteristics that convey its historical significance and that justify its inclusion in the California Register of Historical Resources (State CEQA Guidelines Section 15064.5[b][2][A]). Of those resources identified in

H-1

COMMENT

RESPONSE

the comment, those not included in the analysis are located at a distance from the Project site where substantial adverse change in the significance of the historical resource is unlikely, and therefore are not analyzed further.

Development of the area outside of the Project site is included in the DOSP Draft EIR, although subsequent to publication of the DOSP Draft EIR, and in response to community input, the City announced they will no longer be considering the Howard Terminal Option (or Transformational Opportunity Area #3), which will be removed from the Final DOSP.² Regardless, with regard to the findings of the DOSP Draft EIR and impacts on historic resources, that document concludes that implementing the DOSP as a whole would result in significant and unavoidable impacts on historic resources. Project-specific contributions to this significant and unavoidable impact on historic resources in the broader area is considered under the cumulative impacts analysis. That analysis concludes that the Project would make a cumulatively considerable contribution to that impact. This analysis is presented on Draft EIR p. 4.4-32. The comment correctly states that historic resources in the DOSP area would be affected by implementation of the Draft DOSP in combination with the Project. Even with mitigation, there is the potential for historic resources in Oakland to be materially impaired as a result of both the Project and implementation of the DOSP. Therefore, the impact would remain significant and unavoidable.

² City of Oakland, 2021. Downtown Oakland Specific Plan Update, Date Posted: February 21, 2021, Last Updated: September 22, 2021. Available at: <https://www.oaklandca.gov/news/2021/downtown-oakland-specific-plan-update>.

H-1

COMMENT

RESPONSE

			8
H-1-11	08:41:42	1	these historic resources will be impacted.
	08:41:45	2	There is no doubt that the significant
	08:41:48	3	aesthetic impact to these cultural resources will result
	08:41:51	4	from construction of massive new baseball stadium,
	08:41:51	5	residential, entertainment, office, hotel and retail
H-1-12	08:41:54	6	uses, with buildings ranging from 500 to 600 feet high,
	08:42:00	7	the will dwarf all other structures and buildings in the
	08:42:02	8	vicinity and alter the historic visual character and
	08:42:03	9	fabric of the maritime industrial complex and resources
	08:42:06	10	around historic sites here at Howard terminal.
	08:42:10	11	And I also like to briefly thank Naomi Schiff
	08:42:14	12	and Oakland Heritage Alliance for bringing up the impacts
H-1-13	08:42:18	13	with the gondola and that variant. Obviously those have
	08:42:23	14	not been significantly addressed in this draft EIR
	08:42:25	15	either.
	08:42:26	16	We look forward to continuing to work with the
	08:42:28	17	city and we'll obviously be submitting more comments in
	08:42:31	18	writing as this goes on.
	08:42:33	19	Thank you.
	08:42:40	20	CHAIR SUGRUE: Thank you, Mike.
	08:42:46	21	CLERK VOLLMAN: Okay. Next speaker is Daniel
	08:42:48	22	Levy. We'll allow you to talk. Go ahead and unmute
	08:42:52	23	yourself.
	08:42:52	24	MR. LEVY: Hi, my name is Daniel Levy. I'm
H-1-14	08:42:54	25	with Oakland Heritage Alliance. I just want to echo some

H-1-12 See Draft EIR Section 4.4, *Cultural and Tribal Cultural Resources*, for analysis of the proposed Project's effect on historic resources.

H-1-13 The comment reiterates prior statements questioning the adequacy of the analysis of impacts on historic resources resulting from construction and operation of the Aerial Gondola Variant. See Response to Comment H-1-5 for a response regarding the adequacy of the Aerial Gondola Variant analysis.

H-1-14 The comment expresses the desire for all portions of the Peaker Plant at 601 Embarcadero to be retained. As the comment notes, the building is an A-rated building and it has been found eligible for listing on the National Register, both for its connection to the early growth of Oakland and the region (Criterion 1) and for its architectural design (Criterion 3). Modifications would only occur if the Peaker Plant Variant is implemented.

The Project does not include modifications to the building as part of its baseline design and all the proposed alternatives also retain all portions of the building. Under the Peaker Plant Variant, a rear portion of the building's western wing would be demolished; however, the majority of the building façade would remain. This includes the monumental primary façade facing Embarcadero. It would retain sufficient integrity for continued listing as a historic resource "important as a monumental Beaux-Arts-ornamented industrial complex constantly [sic] devoted to a single use – the production of electricity – ever since about 1889".³ Implementation of the Peaker Plant Variant would not result in the physical loss of the resource or those major characteristics that define its historical significance. Impacts on the building can be avoided by not implementing the Peaker Plant Variant, and an alternative to the Peaker Plant Variant that would preserve the building in its current form would have impacts on the resource that are akin to those of the Project without the Variant. Therefore, no additional alternatives are required to provide decision makers with the ability to adopt the Project with or without some or all of the changes to the Peaker Plant included in the Variant.

This comment requests that alternatives to the Aerial Gondola Variant be analyzed. However, an EIR is not required to consider alternatives to a component of a project, only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.)

³ Oakland Cultural Heritage Survey (OCHS), 1985. *Historic Resources Inventory Form for the Pacific Gas and Electric Company Station C*, 1985.

H-1

COMMENT

RESPONSE

H-1-15 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

The comment suggests that alternative designs for the Aerial Gondola Variant should have been analyzed; however, that is not required under CEQA. An EIR is not required to consider alternatives to a component of a project, only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.)

9

	08:42:58	1	of Naomi's comments with regards to the Peaker Plant.
	08:43:00	2	Definitely would like to see an alternative study that
	08:43:04	3	doesn't require that demolition to occur.
	08:43:07	4	I mean, we've lost quite a few portions of
	08:43:10	5	A-rated buildings recently. We've lost, you know, the
	08:43:12	6	inner urban platform at the West Oakland train station.
	08:43:17	7	We've lost a lot of the Ninth Avenue Terminal. We've
H-1-14	08:43:18	8	lost a lot of the G.E. building.
	08:43:20	9	So we would definitely like to see the entirety
	08:43:23	10	of this A-rated building retained and an alternative
	08:43:26	11	study to that effect.
	08:43:28	12	I think increased flow is an important aspect.
	08:43:31	13	And certainly the Howard Terminal is a really large site
	08:43:36	14	and the stadium could be adjusted such that we don't need
	08:43:39	15	to have this impact to this historic resource.
	08:43:42	16	With regards to the gondola, definitely
	08:43:44	17	interested in seeing some alternative there. You know
	08:43:48	18	what can we do on the ground level to increase access and
	08:43:53	19	inter connectivity.
H-1-15	08:43:56	20	There's definitely a lot of challenges and
	08:43:58	21	impacts that should be studied with regards to the
	08:44:00	22	gondola from impacts to businesses and public safety on
	08:44:03	23	the ground. From bifurcating traffic from everyone on
	08:44:06	24	the street level to some people in the air and some
	08:44:09	25	people on the street.

H-1

COMMENT

RESPONSE

			10
	08:44:09	1	So we would encourage an alternative to really
	08:44:13	2	put resources to improve things at the street level,
	08:44:16	3	rather than trying to just bypass all the existing fabric
	08:44:21	4	that is there connecting downtown Oakland to the
	08:44:23	5	ballpark.
H-1-15	08:44:24	6	Minneapolis has had challenges with their
	08:44:24	7	skyway system and not having enough activity on the
	08:44:27	8	ground level.
	08:44:27	9	So I would definitely like to see some further
	08:44:30	10	thought with the gondola to help improve things on the
	08:44:34	11	ground in Oakland.
	08:44:35	12	So thank you.
	08:44:38	13	CHAIR SUGRUE: Thank you, Daniel.
	08:44:46	14	CLERK VOLLMAN: Next speaker I have is Rita
	08:44:48	15	Look. We'll allow you to talk. Go ahead and unmute
	08:44:52	16	yourself and begin speaking.
	08:44:53	17	MS. LOOK: Hello. Hi, yes, I'm a West Oakland
	08:45:04	18	resident. And it is unfortunate to limit to two minutes
	08:45:09	19	because I was really interested to hear more of what
H-1-16	08:45:12	20	Naomi, I think it was Naomi, the person who got -- had,
	08:45:17	21	you know, very -- sounded like "knowledgeful" information
	08:45:22	22	that I would have liked to hear, but -- in this meeting.
	08:45:26	23	But, just a quick comment, I mean, I don't know
H-1-17	08:45:30	24	anything about public policy making or planning or
	08:45:36	25	anything like that. Just a comment that my parents live

H-1-16 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H-1-17 The proposed Project would not demolish any historic structures, with the potential exception of Crane X-422, which the Project intends to retain but for which retention may not be feasible. Draft EIR Section 4.1, *Cultural and Tribal Cultural Resources*, identifies this as a significant and unavoidable impact, even with mitigation (Impact CUL-4, p. 4.4-25). No historic buildings would be removed or demolished, although the Peaker Power Plant Variant (see Draft EIR Section 5.1, p. 5-5) would entail alterations to the historic PG&E Station C. See Draft EIR Section 4.4, *Cultural and Tribal Cultural Resources*, for additional information and analysis of effects on historic resources.

H-1

COMMENT

RESPONSE

H-1-18 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

11

08:45:42 1 in the town of Santa Maria, California. And back in the
 08:45:45 2 '70s, they decided to tear down all of their historic,
 08:45:48 3 quaint buildings and build strip malls. And that's all
 08:45:56 4 that city is.
 08:45:57 5 Well, I'm -- I hope nobody feels bad about me
 08:46:01 6 saying this about Santa Maria. But it has zero character
 08:46:05 7 at all.
 08:46:06 8 And then the towns around it took a lot of
 08:46:12 9 these -- sorry about that -- you know, buildings and
 08:46:18 10 turned these into, you know, a -- an attraction and
 H-1-17 08:46:24 11 something that people are drawn to.
 08:46:28 12 And once they're gone, you can't recreate that.
 08:46:32 13 So, you know, what's down there at that -- in that area
 08:46:37 14 are the Maker District, those -- that building they're
 08:46:42 15 going to have to tear out a portion of, you know, other
 08:46:47 16 historic areas. You build a big project like that, that
 08:46:51 17 will permanently change the character of that area to be
 08:46:56 18 something that you can never reverse back to what -- what
 08:47:01 19 it is.
 08:47:02 20 And I think there's some value in that.
 08:47:04 21 And also the gondola idea just sounds like,
 08:47:07 22 yeah, something shiny dangling in front of us to go for
 H-1-18 08:47:12 23 this.
 08:47:12 24 I don't see how in the world you can move
 08:47:15 25 people and get them into that site with the gondola.

H-1

COMMENT

RESPONSE

H-1-19 The comment expresses uncertainty regarding the Project's treatment of the cranes on the Project site. It further expresses support for retention of the cranes and acknowledges the use of shipping cranes as a popular icon associated with the Oakland and the Port of Oakland.

As stated in Draft EIR Chapter 3, *Project Description*, p. 3-31, 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 the EIR assumes their removal and analyzes associated impacts." The Project description further states that "retention of the cranes is a baseline design concept for the Project."

The Project is designed with the assumption that the cranes would remain in place as a reminder of the maritime history of the site. However, as noted in the Draft EIR, the final determination regarding retention of the cranes would be dependent on the ability of the Project sponsor to meet required safety standards that would be necessary to safely incorporate the cranes in a publicly accessible space. This includes the ability to safely maintain the cranes as well as the surrounding open space. This uncertainty is the reason that the Draft EIR analyzes the potential loss of Crane X-422, and not as a proposal to remove the crane.

See Response to Comment H-1-39 for additional discussion of the analysis of the removal of Crane X-422 from the Project site.

			12
H-1-18	08:47:20	1	First of all, how do they get to the gondola
	08:47:22	2	and et cetera, et cetera.
	08:47:24	3	So, that's my point.
	08:47:34	4	CHAIR SUGRUE: Thank you.
	08:47:34	5	CLERK VOLLMAN: Thank you.
	08:47:37	6	The next speaker is Mary Harper. Go ahead and
	08:47:42	7	unmute yourself.
	08:47:46	8	MS. HARPER: Hi, I'm Mary Harper with OHA.
	08:47:49	9	First of all, it's -- this DEIR is unclear if
	08:47:54	10	all the cranes will be kept. Others have spoken or will
	08:47:59	11	speak about points in my letter of yesterday.
	08:48:02	12	But I would like to speak about the cranes.
	08:48:06	13	They are very important part of Oakland's
H-1-19	08:48:08	14	working waterfront. Keep them all, no matter what their
	08:48:15	15	age, everyone associates them with the Port of Oakland.
	08:48:18	16	T-shirts, hats, et cetera.
	08:48:20	17	Please keep Oakland's maritime history alive
	08:48:23	18	and keep all the cranes.
	08:48:33	19	Thank you.
	08:48:34	20	CHAIR SUGRUE: Thank you.
	08:48:37	21	CLERK VOLLMAN: Okay. Next speaker is Bro
	08:48:38	22	Muhammad. Go ahead and unmute yourself and you can begin
	08:48:44	23	speaking.
	08:48:50	24	MR. MUHAMMAD: Yes, sir. Do you hear me?
	08:48:50	25	CHAIR SUGRUE: Yes.

H-1

COMMENT

RESPONSE

H-1-20 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

13

08:48:50 1 **MR. MUHAMMAD:** Okay. Hi, my name is Ronald
 08:48:50 2 Muhammad. I'm deeply rooted in West Oakland.
 08:48:54 3 And I wanted to speak to the historical value
 08:48:59 4 of this project in terms of not necessarily the
 08:49:04 5 buildings, cranes, and the other things that people are
 08:49:08 6 talking about, but I'm actually talking about the people.
 08:49:11 7 I know that we've been redistricting several
 08:49:14 8 times and, you know, some of the newcomers they think
 08:49:20 9 that, you know, Jack London is something different. But
 08:49:22 10 it's not. It's West Oakland.
 08:49:24 11 And we have seen that site for as long as I've
 08:49:30 12 been alive be nothing done, inactive. And in essence it
 08:49:39 13 turned -- even though it has historical value to it, it's
 08:49:44 14 turned into blight because it hasn't been used.
 08:49:47 15 And so while there are still points to be
 08:49:50 16 debated about the project, I applaud the A's for what
 08:49:55 17 they're striving to do because the areas has been unused.
 08:50:00 18 Something of value is determined by -- based on its use,
 08:50:03 19 the area has not been able to have been used in so long.
 08:50:06 20 And so that terminal, whether it be the cranes, those
 08:50:10 21 historical buildings that have turned into blight because
 08:50:13 22 they -- we're not doing any industry in those buildings,
 08:50:17 23 there's nothing industrial going on.
 08:50:19 24 And now they're starting to put some housing
 08:50:21 25 around. I think it would bring value to the site. And

H-1-20

H-1

COMMENT

RESPONSE

14

H-1-20 08:50:25 1 us, as the most valued historical resource that we have,
 08:50:31 2 which is the people, we would like to see some vibrance
 08:50:35 3 in there. And I mean there's other things to be debated
 08:50:38 4 about. But you can't debate blight. You can't debate
 08:50:42 5 non-usage, regardless of the so-called potential. Thank
 08:50:44 6 you.

08:50:48 7 **CHAIR SUGRUE:** Thank you.

08:50:53 8 **CLERK VOLLMAN:** Okay. The next speaker I just
 08:50:55 9 have the name Jackson. We'll go ahead and allow you to
 08:50:58 10 talk, and unmute yourself --

08:51:00 11 **MR. MOORE:** Hi, thanks for hearing me. Sorry,
 08:51:03 12 Jackson Moore, property owner in Jack London Square.

H-1-21 08:51:05 13 Very much in favor of the Howard Terminal project,
 08:51:09 14 including the Peaker Plant variant.

08:51:11 15 I do think the recommendations and mitigations
 08:51:14 16 in the EIR sort of maintain the historical sort of
 08:51:16 17 significance of that building. I think seems reasonable
 08:51:19 18 to sort of a lay person.

08:51:22 19 I do want to comment that the gondola variance
 08:51:26 20 seems like an abomination to me with no connection to the
 08:51:31 21 cultural history of the area.

H-1-22 08:51:33 22 I think that the -- I just think that that
 08:51:36 23 piece of the proposed project seems to be sort of
 08:51:38 24 disconnected from everything else. I don't quite
 08:51:41 25 understand why it's in there. It does seem to be

H-1-21 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.22, *General Non-CEQA*.

H-1-22 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H-1

COMMENT

RESPONSE

H-1-23 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H-1-22

15

08:51:43 1 something that was just thrown in there to, you know,
 08:51:46 2 sort of be able to talk about this gondola but it really
 08:51:49 3 has no connection to the area and I think it actually
 08:51:52 4 takes away from the project.
 08:51:54 5 So speaking in support of the project, against
 08:51:56 6 the gondola.
 08:52:00 7 **CHAIR SUGRUE:** Thank you.
 08:52:09 8 **CLERK VOLLMAN:** Okay. Next speaker I have is
 08:52:12 9 "travistarr".
 08:52:14 10 Go ahead and allow you to speak. Go ahead and
 08:52:17 11 unmute yourself.
 08:52:19 12 **MR. TARR:** Yeah. Thank you.
 08:52:21 13 I'm Travis. And I'm just going to speak that
 08:52:24 14 all these alternatives look great. It means investment.
 08:52:28 15 **CLERK VOLLMAN:** I'm sorry, Travis, could you
 08:52:28 16 state your full name for the record so we can document
 08:52:30 17 it?
 08:52:32 18 **MR. TARR:** Travis Tarr.
 08:52:36 19 **CLERK VOLLMAN:** Thank you.
 08:52:37 20 **MR. T:** These alternatives look great.
 08:52:39 21 If people are riding the gondola they will see
 08:52:42 22 historic buildings from a whole new perspective. Sounds
 08:52:46 23 great.
 08:52:46 24 People get right up close to the cranes that
 08:52:48 25 get preserved. That's fantastic how much closer can you

H-1-23

H-1

COMMENT

RESPONSE

H-1-24 As discussed in the Draft EIR, the Project proposes an aerial gondola that would travel overhead and along Washington Street, extending from 10th Street in Downtown Oakland to Jack London Square as a variant (Draft EIR p. 3-65). No other location is proposed.

16

H-1-23	08:52:51	1	get to the character of Oakland than if you build
	08:52:54	2	projects like this?
	08:52:55	3	So I would say all the alternative are
	08:52:56	4	fantastic.
	08:52:58	5	And don't get muddled up in the -- trying to --
	08:53:04	6	trying to trying to tie someone's hands down. That's
	08:53:07	7	all. Thanks.
	08:53:10	8	CHAIR SUGRUE: Thank you, Travis.
	08:53:16	9	CLERK VOLLMAN: Okay. The next speaker I have
	08:53:18	10	is last four digits of the number is 1961.
	08:53:23	11	I'm not sure if this is who we already heard
	08:53:25	12	from earlier. But you're only allowed to speak one time.
	08:53:30	13	I'll go ahead and allow you to speak, but if
	08:53:32	14	you had already spoken earlier that was your two minutes.
	08:53:35	15	Go ahead and allow you to talk. You can begin
	08:53:37	16	speaking.
	08:53:43	17	MS. DAVIS: Yes, I did speak earlier, Melanie
	08:53:46	18	Davis. Can you hear me?
	08:53:49	19	CLERK VOLLMAN: Yes. Yeah, we can hear you.
H-1-24	08:53:53	20	SPEAKER: I had a question. What happened to
	08:53:54	21	the gondola that's on West Oakland BART station taking
	08:53:59	22	people to the stadium? What happened to that idea?
	08:54:04	23	Thank you.
	08:54:10	24	CHAIR SUGRUE: Thank you.
	08:54:14	25	CLERK VOLLMAN: Okay. That's all the public

H-1

COMMENT

RESPONSE

H-1-25

The Maritime Reservation Scenario is not a Project alternative. It is a Project scenario analyzed separately because it is not the Project proposed by the sponsor. The reason this EIR analyzes the Maritime Reservation Scenario is to identify the Project's impacts in the event the Port of Oakland implements an expansion of the Inner Harbor Turning Basin, a separate project being considered by the Port. Thus, the focus is to show how the development program can be accommodated if the Port decides to move forward with expanding the turning basin which would lead to a reduced site area by up to ten acres. Following the Project and cumulative analysis, at the end of each section in Chapter 4 of the Draft EIR, is the analysis of the Maritime Reservation Scenario, which focuses on any impacts or mitigation measures pertinent to the section's environmental topic that differ from those identified for the proposed Project. In some cases, there are supporting Maritime Reservation Scenario exhibits for comparison purposes with Project exhibits. See also Consolidated Response 4.1, *Project Description*, for further discussion of the Maritime Reservation Scenario.

17

08:54:16 1 speakers we have so far.

08:54:26 2 **CHAIR SUGRUE:** Do we have any other public

08:54:27 3 speakers? If so, please raise your hand.

08:54:43 4 Seeing none, we're going to close the public

08:54:50 5 speakers and we're going to move to board comments.

07:46:34 6 So moving on to board comments.

07:46:39 7 Do we have any hands or comments from the

07:46:41 8 board?

07:46:45 9 **VICE CHAIR KOMOROUS:** I'm sorry, I lost my

07:46:46 10 ability to raise my hand.

07:46:50 11 **CHAIR SUGRUE:** No worries. You can go for it,

07:46:55 12 Vice Chair Komorous.

07:46:58 13 **VICE CHAIR KOMOROUS:** Just here.

07:46:58 14 So I -- I have two questions. One is -- and

07:47:03 15 maybe this is something that staff can answer. In

07:47:11 16 reading the extract that the board members were sent,

07:47:15 17 that 62-page document, in the DEIR, okay, it said that

07:47:21 18 there is an alternative for a maritime reservation

07:47:29 19 scenario that was on page 7 and 8. And what that said

07:47:33 20 was that the entire site may get smaller because of the

07:47:42 21 Port of Oakland has left that option open for themselves.

07:47:47 22 So that it meant that the entire site would get smaller

07:47:50 23 and all of that space would be taken out of the park and

07:47:57 24 open space.

07:47:58 25 And my question is, is that addressed by the

H-1-25

H-1

COMMENT

RESPONSE

18

H-1-25

07:48:03 1 DEIR? Because I did not see that specifically. So if I
 07:48:09 2 could get an answer to that, please.

07:48:13 3 **MR. VOLLMAN:** Yeah, this is Pete Vollman,
 07:48:15 4 Planning staff.

07:48:17 5 Yeah, so in the project description it
 07:48:19 6 specifically states the maritime reservation scenario and
 07:48:22 7 that's brought up in every topic item throughout the
 07:48:28 8 Draft EIR.

07:48:29 9 What it is, is that the Port has been studying
 07:48:29 10 looking at expansion of the turning basin that's directly
 07:48:31 11 adjacent to the site right now. So they have a time
 07:48:35 12 frame that they can take that land back in order to
 07:48:39 13 proceed with doing that turning basin expansion. But it
 07:48:43 14 is not certain whether they're going to proceed with that
 07:48:46 15 or not. So there's various different levels.

07:48:48 16 So what the site plan shows with the maritime
 07:48:51 17 reservation area is the absolute maximum of land that
 07:48:54 18 could be taken back to expand that turning basin. It may
 07:48:59 19 be less. To what extent we don't know for certain.

07:49:01 20 So, that's why we can't show, like, every
 07:49:04 21 single scenario. It is basically showing the maximum
 07:49:07 22 extent it would be pulled back as part of that and that
 07:49:10 23 is addressed in every topic throughout the Draft EIR.

07:49:15 24 **VICE CHAIR KOMOROUS:** Okay. Thank you. I
 07:49:16 25 get -- I just wanted to make sure that it was included.

H-1

COMMENT

RESPONSE

H-1-26 The Peaker Power Plant Variant is described in detail in Chapter 5, *Project Variants*, of the Draft EIR. The Project sponsor is seeking to acquire the Peaker Power Plant; if it does so, the variant would include both interior and exterior modifications to the building. The interior modifications would include a battery storage facility. The exterior modifications would include shortening the existing west wing of the building (see Chapter 2, *Updates to the Project*). The modified Peaker Power Plant building would retain its U-shape plan and central courtyard. It would continue to face and accommodate pedestrian access to the new ballpark and adjoining development along Athletics' Way.

19

07:49:18 1 And I understand that it is.

07:49:21 2 And can I ask one more question? And this is

07:49:24 3 for the project Applicant.

07:49:30 4 The information that we were sent did not

07:49:34 5 include any details about the Peaker Plant and I

07:49:46 6 understand that you're talking about cutting a wing or

07:49:49 7 part of a wing.

07:49:50 8 Would it possible -- for -- to see that today?

07:49:55 9 Can we could -- or could you at least explain

07:49:57 10 it on your site plan what of it is being proposed to be

07:50:03 11 demolished and what is being kept? Thank you.

07:50:09 12 **CHAIR SUGRUE:** Yeah, Vice Chair Komorous, I

07:50:12 13 moved them back over to attendees. So let me move them

07:50:16 14 back up and they can show you that.

07:50:18 15 That was in their presentation. Maybe they can

07:50:20 16 bring it up again and show that.

07:50:36 17 **MR. KAVAL:** Yeah, Pete we can actually just

07:50:38 18 bring up that slide we have, which actually does show.

07:50:41 19 **MR. VOLLMAN:** I brought Noah back over, if you

07:50:44 20 want to share that screen and bring up that slide.

07:50:48 21 **MR. KAVAL:** Yeah, so we'll go though that

07:50:50 22 specific slide.

07:50:51 23 You can see from the plan view in terms of the

07:50:56 24 power plant, the one wing, about 40 percent of the

07:51:01 25 building is chopped right there. There it is. You can

H-1

COMMENT

RESPONSE

H-1-27 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

20

07:51:04 1 see it.

07:51:05 2 And then the remaining structure is reinforced

07:51:11 3 and made seismically stable so it can be used and it ends

07:51:16 4 up being kind of an open area for people to see the

07:51:19 5 building, access the building in a positive way. So

07:51:22 6 that's the way we have proposed it in the variant, if

07:51:24 7 this, in fact, does move forward as part of the project.

07:51:27 8 And we think that strikes a nice balance

07:51:29 9 between the two.

07:51:31 10 But we're obviously open to input from this

07:51:33 11 board and also from other folks in the community.

07:51:39 12 **VICE CHAIR KOMOROUS:** Yes, thank you. It's

07:51:40 13 clear. It's just -- so you know, we're seeing it pretty

07:51:43 14 small and it's -- but you explained it. Thank you so

07:51:47 15 much.

07:51:48 16 **MR. KAVAL:** Yeah.

07:51:55 17 **CHAIR SUGRUE:** Thank you. Board Member

07:51:57 18 Andrews.

07:32:06 19 **BOARD MEMBER ANDREWS:** Yeah, I just wanted to

07:32:08 20 make a general comment that it's great to see the

07:32:17 21 potential of baseball in downtown Oakland. I hope I live

07:32:20 22 long enough to go to a game there. And obviously there

07:32:24 23 are lots of challenges and issues, some of which I think

07:32:29 24 both the -- some of the citizens, and also Oakland

07:32:29 25 Heritage Alliance have brought up. And I'm very

H-1-27

H-1

COMMENT

RESPONSE

H-1-28 The potential vibration-related impacts from construction are assessed on p. 4.11-44 of the Draft EIR.

21

H-1-27 07:32:35 1 optimistic that with the help of the planners and City of
 07:32:38 2 Oakland, citizens of Oakland and the business people of
 07:32:42 3 Oakland that become engaged, we'll be able to work toward
 07:32:49 4 a solution that works for everyone.
 07:32:50 5 I'm not particularly in love with the gondola
 07:32:53 6 either, but I'm hoping that there's just a wonderful way
 07:32:56 7 we can get people to walk down Broadway from the BART
 07:33:00 8 station and revitalize Broadway as an urban pedestrian
 07:33:05 9 boulevard and promenade on the nights of the games. I
 07:33:09 10 can see that being incredibly exciting and fantastic.
 07:33:12 11 So, looking forward to this project continuing and happy
 07:33:19 12 to be part of that process.
 07:33:25 13 **CHAIR SUGRUE:** Great. Thank you so much Board
 07:33:28 14 Member Andrews. Other comments from the board?
 07:33:30 15 Well as folks gather their thoughts, I know
 07:33:37 16 I'll use this time to just address one particular thing
 07:33:41 17 in addition to what's been addressed tonight. And we do
 07:33:44 18 want to thank OHA for submitting the letter.
 07:33:47 19 And in addition to their comments, I want to
 07:33:52 20 point out the vibration analysis for historical
 07:33:57 21 structures. So I believe that it's being studied in the
 H-1-28 07:34:02 22 DEIR at -- analyzed at 150 feet. And just looking at
 07:34:08 23 this project and understanding, you know, the massive
 07:34:10 24 construction that's downtown, anyone that's been downtown
 07:34:14 25 you know that the construction is pretty overwhelming and

The potential vibration-related impacts on historic buildings during construction are addressed in Section 4.4, *Cultural and Tribal Cultural Resources*, and are mitigated by Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.

As stated on p. 4.4-24 of the Draft EIR, at distances up to 150 feet, there is potential for vibration levels to exceed 94 vibration decibels (VdB). Therefore, 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. The vibration analysis shall establish preconstruction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street.

The 150-foot buffer is based on reference vibration levels for the vibration-generating construction equipment proposed (pile drivers and deep dynamic compaction), vibration propagation equations, and acceptable vibration levels to avoid structural damage, as published by the Federal Transit Administration. Based on this analysis, historic structures at distances between 150 and 300 feet would not be subject to vibration levels that would cause building damage. As stated on p. 4.11-44 of the Draft EIR, modern structures would be 150 feet or more from compaction and pile driving activities. Thus, there would be sufficient distance between modern, seismically designed structures for vibration levels to be attenuated below 0.5 inches per second peak particle velocity (PPV) criterion for structural damage. Potential impacts on historic buildings during construction are addressed in Section 4.4, *Cultural and Tribal Cultural Resources*, through implementation of Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.

H-1

COMMENT

RESPONSE

22

07:34:17 1 just in terms of vibration on the historic waterfront
 07:34:21 2 area, I was wondering why that's 150 feet and can that be
 07:34:27 3 pushed to potentially 300 feet.
 07:34:29 4 I don't know if that would encapsulate Jack
 07:34:32 5 London. I just think that, you know -- I envision this
 07:34:36 6 obviously being an active construction site right next to
 07:34:39 7 an area we have a lot of historic buildings in Jack
 07:34:42 8 London and a lot of folks downtown just visiting from out
 07:34:47 9 of town. So wanted to put that one additional comment in
 07:34:50 10 there as well.
 07:34:53 11 Does the board have any other comments at this
 07:34:59 12 time?
 07:35:01 13 **MR. VOLLMAN:** Chair, I believe Board Member Fu
 07:35:02 14 has his hand up right now.
 07:35:06 15 **CHAIR SUGRUE:** Thank you so much. Board Member
 07:35:07 16 Fu, go ahead.
 07:35:09 17 **BOARD MEMBER FU:** Can you guys here me okay?
 07:35:13 18 Just a really quick -- two, actually. I want
 07:35:15 19 to appreciate the Oakland A's organization for their
 07:35:18 20 efforts. And I know we've hearing sort of comments on
 07:35:21 21 both sides and it's a big project and you're working
 07:35:25 22 with -- sitting with lots of history and lots of
 07:35:28 23 passionate folks about the history of the city.
 07:35:32 24 With that said, the gondola does trouble me a
 07:35:34 25 little bit. I'm just not convinced of its impact on the

H-1-29 See Consolidated Response 4.22, *General Non-CEQA*.

H-1-30 The comment reiterates prior statements questioning the adequacy of the analysis of impacts on historic resources resulting from construction and operation of the Aerial Gondola Variant. See Response to Comment H-1-5 for a response regarding the adequacy of the Aerial Gondola Variant analysis and its justification for the determination of a significant and unavoidable impact on the Old Oakland API even with implementation of the provided mitigation measures.

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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H-1

COMMENT

RESPONSE

23

H-1-30

07:35:40 1 API. And I agree with Board Member Andrews, I think some
07:35:44 2 kind of pedestrian connection to experience the City of
07:35:47 3 Oakland would have been better, but we're not here to
07:35:50 4 talk about that design.
07:35:52 5 So I'll just summarize by saying that I'm just
07:35:55 6 not entirely convinced of replacing, or that the API, or
07:36:01 7 something like the gondola is the best.
07:36:04 8 Usually something like this with the
07:36:07 9 entertainment value would have been better if it was able
07:36:11 10 to balance and preserve the history of the city. So I'll
07:36:14 11 end with that.
07:36:15 12 Sorry for the crying baby in the background
07:36:18 13 there.
07:36:22 14 **CHAIR SUGRUE:** No worries whatsoever. Thank
07:36:23 15 you for your comments.
07:36:27 16 **VICE CHAIR KOMOROUS:** I have a comment.
07:36:28 17 I'm sorry, this is Klara Komorous, but I'm
07:36:32 18 still not able to raise my hand.
07:36:35 19 **CHAIR SUGRUE:** I think it's because you're a
07:36:36 20 co-host.
07:36:38 21 **VICE CHAIR KOMOROUS:** Okay. So it means I can
07:36:40 22 butt in, right?
07:36:42 23 So would this be a good time for my comment?
07:36:45 24 **CHAIR SUGRUE:** Yeah, absolutely. No, please.
07:36:47 25 And then we'll go to Board Member Andrews

H-1

COMMENT

RESPONSE

			24
	07:36:50	1	after.
	07:36:50	2	VICE CHAIR KOMOROUS: Just related to the
	07:36:54	3	question that the board is just being asked for comments
	07:36:59	4	about the DEIR. And you know, how thorough it is,
H-1-31	07:37:06	5	provides all the information, et cetera, so that's all
	07:37:12	6	that I'm going to speak to.
	07:37:15	7	I have absolutely no objection to this entire
	07:37:19	8	plan. I think that it's wonderful. But we are here to,
	07:37:25	9	you know, get into the details.
	07:37:29	10	So, just relative to the Draft EIR, I think
	07:37:34	11	that I would reiterate Naomi Schiff and Daniel Levy being
	07:37:41	12	the alternative with the Peaker Plant, I think that the
	07:37:52	13	Draft SEIR is not complete. I think the mitigation
	07:37:57	14	measure is -- is basically nonexistent. And it provides
	07:38:05	15	absolutely no alternatives to tearing down 40 percent of
	07:38:10	16	that wing.
H-1-32	07:38:13	17	So I'm not saying that the 40 percent of the
	07:38:16	18	wing, you know, should or should not be torn down, that's
	07:38:19	19	really not what I'm addressing.
	07:38:21	20	I'm just addressing that the Draft EIR should
	07:38:25	21	address it and they should explain why it is not possible
	07:38:30	22	or they should -- they should pro -- I think that what
	07:38:34	23	would be much better is that they should provide an
	07:38:38	24	alternative where that wing is kept in its entirety. And
	07:38:41	25	I think that saying that, you know, this is a few feet of

H-1-31 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H-1-32 The comment expresses the desire for all portions of the building (601 Embarcadero) to be retained. Retention of the whole building is a baseline design element of the Project and is included in all the alternatives presented in the Draft EIR. Under the Peaker Plant Variant, portions of the building would be demolished to accommodate space for outdoor amenities for public use, as well as accommodate pedestrian access to the proposed ballpark and adjoining development via Athletics' Way ; however, the majority of the building would remain. This includes the monumental primary façade facing Embarcadero. It would retain sufficient integrity for continued listing as a historic resource "important as a monumental Beaux-Arts-ornamented industrial complex constantly [sic] devoted to a single use – the production of electricity – ever since about 1889".⁴ Implementation of the Peaker Plant Variant would not result in the physical loss of the resource or those major characteristics that define its historical significance. The comment requests that alternatives to the Peaker Plant Variant be analyzed; however, an EIR is not required to consider alternatives to a component of a project, only alternatives to the project as a whole. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.) Impacts on the building can be avoided by not implementing the Peaker Plant Variant, and an alternative to the Peaker Plant Variant that would preserve the building in its current form would have impacts on the resource that are akin to those of the Project without the Variant. Therefore, no additional alternatives are required to provide decision makers with the ability to adopt the Project with or without some or all of the changes to the Peaker Plant included in the Variant.

Regarding the request for additional mitigation requiring contribution to the Façade Improvement Fund to offset impacts from implementation of the Peaker Plant Variant, see Response to Comment H-1-3.

⁴ OCHS, 1985. *Historic Resources Inventory Form for the Pacific Gas and Electric Company Station C*, 1985.

H-1

COMMENT

RESPONSE

25

H-1-32 07:38:46 1 wall does not fit on a 55-acre site is just -- is just
 07:38:52 2 hard to believe.
 07:38:54 3 So I think that the alternative should be
 07:38:59 4 included.
 07:39:04 5 And also as Naomi Schiff said, giving funds to
 07:39:07 6 the Facade Improvement Fund, that would be great too as
 07:39:11 7 part of the mitigation measure proposal.
 07:39:15 8 And related to that, to that gondola, I have no
 07:39:20 9 comment about yes gondola, no gondola. But relative to
 07:39:25 10 the EIR, it doesn't really address any kind of
 H-1-33 07:39:30 11 alternatives or, you know, mitigation or -- so I think
 07:39:36 12 that basically in those two areas, my comments is that it
 07:39:43 13 is not adequate and that that part of it should be
 07:39:48 14 studied and there should be more information before it is
 07:39:54 15 complete.
 07:39:56 16 Thank you.
 07:40:00 17 **CHAIR SUGRUE:** Thank you Vice Chair Komorous.
 07:40:03 18 Board Member Andrews?
 07:40:04 19 **BOARD MEMBER ANDREWS:** Yeah, thank you. I
 07:40:07 20 just -- the only other thing I wanted to just -- I meant
 07:40:08 21 to add this before, was that I do agree with -- I can't
 07:40:11 22 remember the member of the public that spoke, but I think
 H-1-34 07:40:16 23 that all of the cranes that we can preserve the better.
 07:40:21 24 To me they all are historic resources they are
 07:40:26 25 absolutely essential to our image and perception and

H-1-33 The comment reiterates prior statements questioning the adequacy of the analysis of impacts on historic resources resulting from construction and operation of the Aerial Gondola Variant. See Response to Comment H-1-5 for a response regarding the adequacy of Aerial Gondola Variant analysis.

The comment also expresses a desire for an alternative to the Aerial Gondola Variant. The variant is not a baseline part of the Project and all impacts on historic resources that may result from construction and operation of the Aerial Gondola can be avoided by not implementing the variant. Because completion of the Project without one or both of the variants is analyzed in the Draft EIR, no additional alternatives to the Aerial Gondola Variant are required.

The comment suggests alternative locations for the Aerial Gondola Variant should have been analyzed; however, that is not required under CEQA. An EIR is not required to consider alternatives to a component of a project, only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.)

H-1-34 The comment expresses support for retention of the cranes on the Project site. With regard to retention of the cranes on the Project site, see Response to Comment H-1-19.

H-1

COMMENT

RESPONSE

				26
H-1-34	07:40:29	1	feeling about the City of Oakland.	
	07:40:36	2	CHAIR SUGRUE: Thank you, Board Member Andrews.	
	07:40:40	3	Are there any other comments from the board?	
	07:40:50	4	I do just want to bring back one item that I	
	07:40:53	5	think is important regarding the Peaker Plant and making	
	07:40:59	6	sure that we feel we have enough -- we have adequate	
	07:41:01	7	information on it.	
H-1-35	07:41:03	8	I know that it was brought to the attention	
	07:41:06	9	that we weren't given the full details on it and I know	
	07:41:11	10	that there's been some comments on it. But I just wanted	
	07:41:17	11	to make sure does everyone feel as if this is adequate?	
	07:41:23	12	And does anyone else have any other comments for the	
	07:41:25	13	DEIR?	
	07:41:37	14	VICE CHAIR KOMOROUS: I would just like to	
	07:41:38	15	reiterate that I think that it isn't adequately --	
	07:41:46	16	alternatives to the -- you know, in the mitigation part	
H-1-36	07:41:50	17	of the Draft EIR states no alternatives. And the	
	07:41:55	18	mitigation isn't really addressed.	
	07:41:59	19	So, I think that the answer is a resounding no,	
	07:42:06	20	it's incomplete.	
	07:42:12	21	CHAIR SUGRUE: Thank you, Vice Chair.	
	07:42:16	22	Seeing no other comments, we will close this	
	07:42:20	23	portion of the -- of this piece. And that is to close	
	07:42:28	24	the portion on the DEIR.	
	07:42:29	25	But we do have a potential decision around the	

H-1-35 The comment is part of a longer conversation with regard to the analysis of impacts on historic resources as a result of implementation of the Peaker Plant Variant. It states that comments have been received in the course of the discussion at the Landmarks Preservation Advisory Board on various aspects of this variant. See Responses to Comments H-1-3, H-1-14, and H-1-32 for specific discussions related to the Peaker Plant Variant referenced as part of this summary comment.

H-1-36 The comment is part of a longer conversation with regard to the analysis of impacts on historic resources as a result of implementation of the Peaker Plant Variant. It states the viewpoint that no alternatives that retain all portions of the building are included. This reiterates similar comments made both earlier during the Landmarks Preservation Advisory Board meeting and in other written and public comments. See Responses to Comment H-1-14 and H-1-32.

H-1

COMMENT

27

07:42:34 1 crane.

07:54:35 2 **MR. VOLLMAN:** Yeah, so this is Pete Vollman,

07:54:35 3 Planning staff again. So as I mentioned earlier, one of

07:55:58 4 the cranes at the site, it's actually the low profile

07:56:02 5 crane on the west end and it's known as crane X-422.

07:56:08 6 And it's within the Draft EIR document where it

07:56:13 7 discusses that this is a potential historic resource.

07:56:17 8 We had two analyses, one by ESA and another one

07:56:21 9 by Jacobs. The ESA analysis basically stated it was

07:56:25 10 believed to be a historic resource under CEQA because of

07:56:28 11 its presence, its early presence at the site when the

07:56:31 12 port went to containerization.

07:56:34 13 The Port had concerns with this and got another

07:56:38 14 study because they felt that not all of the information

07:56:41 15 was there about this crane.

07:56:42 16 This crane was actually modified and relocated

07:56:46 17 to the Howard Terminal site in the mid '90s and their

07:56:51 18 argument was that if it was going to be anything historic

07:56:53 19 about it, it would be with relationship to the

07:56:56 20 development of the Seventh Street Terminal because there

07:56:59 21 numerous other cranes on the site that predated that or

07:57:03 22 were similar in time that had been removed and there were

07:57:06 23 no historic issues with those.

07:57:06 24 And this crane is no longer present in its

07:57:10 25 historic setting at the Seventh Street Terminal and was

28

07:57:13 1 moved to Howard Terminal as I mentioned in 19 -- I

07:57:17 2 believe it was '94. I actually found a picture of it

07:57:19 3 being installed at Howard Terminal and added it into the

07:57:22 4 staff report.

07:57:23 5 And the concern is that it would be considered

07:57:25 6 a historic resource when it's barely of age and is not

07:57:29 7 even in its historic setting.

07:57:30 8 So, the argument from the Jacobs end is that it

07:57:33 9 should not be considered a historic resource pursuant to

07:57:36 10 CEQA.

07:57:37 11 And what we were looking for is if the board

07:57:40 12 feels comfortable with the information, if the Board

07:57:42 13 would like to make a motion for a recommendation to staff

07:57:46 14 as to whether or not we should continue to treat it as a

07:57:50 15 historic resource, as we've done within the Draft EIR,

07:57:53 16 which has -- was out of an abundance of caution, and was

07:57:57 17 the most conservative approach.

07:58:00 18 Or does the board believe it should not be

07:58:02 19 considered a historic resource pursuant to the follow-up

07:58:05 20 Jacobs study that was provided?

07:58:12 21 **CHAIR SUGRUE:** Great, thank you so much. With

07:58:13 22 that, I will open it up to the board if anyone has any

07:58:15 23 potential recommendations or comments around this.

07:58:21 24 **VICE CHAIR KOMOROUS:** Maybe I could jump in

07:58:22 25 again. This is Vice Chair Komorous.

H-1

COMMENT

29

07:58:26	1	CHAIR SUGRUE: Yes, please.
07:58:27	2	VICE CHAIR KOMOROUS: I -- so I read the
07:58:31	3	reports, the parts of the reports that were given to us
07:58:34	4	in our package.
07:58:35	5	The first one it didn't have who wrote it and
07:58:38	6	then there's the Jacobs report.
07:58:40	7	But there were -- I think that we do have
07:58:48	8	enough information to weigh in on this. And I just --
07:58:52	9	for the board members that didn't have a chance to really
07:58:58	10	read it, there are a couple of things that I think are
07:59:03	11	really important.
07:59:07	12	In the first report it -- that report concluded
07:59:13	13	that this crane qualified as a historic resource because
07:59:18	14	it was the last remaining crane associated with the 1962
07:59:23	15	to 1977 era and this crane is from 1970.
07:59:29	16	So the deal is that there were four cranes of
07:59:33	17	this type, but the other three have already been
07:59:38	18	demolished. So this is the last crane of its type. And
07:59:44	19	that was the main reason why they felt that this crane is
07:59:49	20	eligible.
07:59:52	21	The other report, the second report that the
07:59:55	22	Port paid for -- so my guess is that they didn't like
08:00:00	23	that now they had a crane that was considered a historic
08:00:02	24	resource, so the Port paid for a report basically that
08:00:08	25	said that it wasn't a historic resource. But -- so there

H-1

COMMENT

RESPONSE

30

08:00:12 1 are a couple things related to that.
 08:00:14 2 First of all, it says that it wasn't a resource
 08:00:19 3 because it was constructed less than 50 years ago.
 08:00:23 4 So, first of all, that's no longer true. I
 08:00:26 5 mean, it might have been true when this report was
 08:00:28 6 written, but it isn't true anymore.
 08:00:30 7 It's 1970. This crane it is over 50 years old.
 H-1-37 08:00:37 8 So that's one reason why I believe that this crane should
 08:00:40 9 be continued to be considered as a historic resource.
 08:00:44 10 And I believe that staff did it absolutely properly.
 08:00:50 11 I think that it's great that it's being
 08:00:53 12 considered a historic resource and I think that other
 08:00:56 13 parts of, like, the reasons why they're saying that it's
 08:01:00 14 not was because it was moved.
 08:01:02 15 Well, the point under the SHPO rules, the point
 08:01:08 16 isn't that something can't be moved, it just has to say
 08:01:11 17 relevant. So if this crane had been moved inland, then
 08:01:15 18 the location wouldn't matter. But it's -- it appears to
 H-1-38 08:01:19 19 me, from reading this, that actually they moved these
 08:01:23 20 cranes around. I mean, this is not like something that
 08:01:27 21 all of a sudden it's not a crane because it's moved a few
 08:01:30 22 yards.
 08:01:31 23 So, I think that that -- saying that it was
 08:01:33 24 moved makes it not historic is meaningless.
 H-1-39 08:01:38 25 And then some of the things that they're

H-1-37 The comment expresses support for consideration of Crane X-422 as a historic resource. It correctly states that Crane X-422 was initially installed at the Port of Oakland in 1970. It also correctly states that the crane was relocated from its original site within the Seventh Street Terminal to its current site at Howard Terminal. Two evaluations of the cranes at Howard Terminal were completed for the Draft EIR to assess the potential for these structures to be considered as historic resources for the purposes of CEQA. The reports were completed by ESA (Draft EIR Appendix CUL.1) and Jacobs Engineering Group Inc. (Draft EIR Appendix CUL.2) and reached differing conclusions on this point. Out of an abundance of caution, the Draft EIR considers Crane X-422 a historic resource for the purposes of CEQA.

H-1-38 The comment states that relocation of the crane is not a reason to disqualify it as a potential historic resource. It notes that Crane X-422 was relocated from its original site within the Seventh Street Terminal to its current site at Howard Terminal. Two evaluations of the cranes at Howard Terminal were completed for the Draft EIR to assess the potential for these structures to be considered as historic resources for the purposes of CEQA. The reports were completed by ESA (Draft EIR Appendix CUL.1) and Jacobs Engineering Group Inc. (Draft EIR Appendix CUL.2) and reached differing conclusions on this point. One of the reasons for this difference is based on the status of the crane as a moved structure that is no longer at its original location. Out of an abundance of caution, the Draft EIR considers Crane X-422 a historic resource for the purposes of CEQA in spite of this relocation. The comment expresses support for this approach.

H-1-39 The comment states the viewpoint that modification of the crane is not a reason to disqualify it because, in this case, the modifications were to enable its continued usage. The commenter further expresses that utilizing a conservative approach by considering the crane a historic resource is the appropriate method because it enables the final treatment of the crane to be reviewed and mitigation applied. This amounts to procedural checks on its demolition.

Two evaluations of the cranes at Howard Terminal were completed for the Draft EIR to assess the potential for these structures to be considered as historic resources for the purposes of CEQA. The reports were completed by ESA (Draft EIR Appendix CUL.1) and Jacobs Engineering Group Inc. (Draft EIR Appendix CUL.2) and reached differing conclusions on this point. Out of an

H-1

COMMENT

RESPONSE

abundance of caution, the Draft EIR considers Crane X-422 a historic resource for the purposes of CEQA in spite of this relocation.

While the Project design includes retention of the cranes on the Project site, there is a potential for Crane X-422 to be demolished if safety feasibility studies conclude that the crane cannot be safely maintained in an inoperable state within a public space. As a historic resource, demolition is considered a significant and unavoidable impact, and Mitigation Measure CUL-3a: Crane Removal Documentation; Mitigation Measure CUL-3b: Crane Relocation; and Mitigation Measure CUL-3c: Interpretive Displays would be required if Crane X-422 is demolished as a result of the Project. The comment expresses support for this approach.

H-1

COMMENT

RESPONSE

H-1-40

The comment states that the mitigation for crane removal is incomplete and the applicant is responsible only for the cost of demolition under Mitigation Measure CUL-3b. Moreover, the responsibility for financing the relocation is on the party who wants to relocate the crane.

Mitigation Measure CUL-3b states that “the project sponsor shall make a good faith effort to support prompt relocation of Crane X-422 to a site acceptable to the City and the Port, and meeting the parameters established under Mitigation Measure CUL-3a. The sponsor shall make available funds equal to the cost of demolition to interested parties that submit, in writing, a relocation plan meeting the requirements established in Mitigation Measure CUL-3a.” In this mitigation measure, the Project sponsor would partially fund the relocation of the crane up to an amount equal to the cost of demolition, thereby offsetting the full relocation amount borne by the interested party. In addition to partially funding the relocation, the Project sponsor would be responsible for fully funding implementation of Mitigation Measure CUL-3a: Crane Removal Documentation and Mitigation Measure CUL-3c: Interpretive Displays, both of which would be made available to the public through local archives and at the site.

Relocation of historic resources is allowed under Policy 3.7 of the City of Oakland General Plan’s Historic Preservation Element. It is consistent with the City’s Standard Conditions of Approval, which have been incorporated and expanded upon here as Project mitigation. As noted in the Draft EIR, this mitigation would not reduce the significant impact on a historic resource resulting from demolition, but may offer an opportunity for continued interpretation and study if moved to another location. These policies require that relocation be offered as an option but do not require the Project sponsor to provide the financial resources to facilitate that relocation. However, in keeping with recent precedent for mitigating the demolition of historic resources, Mitigation Measure CUL-3d has been added to require the Project sponsor to make a financial contribution to the City of Oakland Façade Improvement Fund if Crane X-422 is removed from the site. The text of this measure is presented in Chapter 7, *City-Initiated Updates and Errata to the Draft EIR*.

The addition of this mitigation measure does not affect or alter the analysis of impacts or conclusions identified in the Draft EIR.

31

08:01:40 1 saying, that it was modified. But it just feels very
 08:01:45 2 nitpicky that yes, that what the Jacobs report says is
 08:01:49 3 true, but it's so nitpicky because it's kind of like, you
 08:01:53 4 know, if -- the height was modified.
 08:01:58 5 Well, it's still a crane, it's still on the
 08:02:00 6 water and it's the last remaining crane of its kind.
 08:02:04 7 So, I think that it -- that the big picture is
 08:02:12 8 that it is a historic resource.
 08:02:14 9 Now that doesn't mean that it is -- you know,
 08:02:20 10 in terms of explanation, to the -- you know, attendees,
 H-1-39 08:02:25 11 that doesn't mean that it won't be removed.
 08:02:28 12 All we're saying is that it be considered as a
 08:02:31 13 resource and that that means a conservative approach.
 08:02:35 14 And then you know, if it has to be demolished then
 08:02:40 15 there's appropriate mitigation, because if it's not a
 08:02:43 16 historic resource, they can just tear it down and it goes
 08:02:46 17 away. Whereas if it is considered a historic resource,
 08:02:51 18 then you know mitigation can take place or, you know,
 08:02:55 19 hopefully it is kept.
 08:02:57 20 But it won't just disappear overnight and then
 08:03:01 21 the thing is gone.
 08:03:02 22 And actually, I have another issue related to
 H-1-40 08:03:06 23 the DEIR which I forgot to make, is that I think that the
 08:03:10 24 mitigation measures related to the crane are also
 08:03:14 25 incomplete because the only mitigation measure that it

H-1

COMMENT

RESPONSE

32

H-1-40	08:03:17	1	says is that the -- that the Applicant in the mitigation
	08:03:24	2	is only responsible for the cost of demolition under all
	08:03:28	3	of the mitigation measures.
	08:03:30	4	So, you know, they get to tear it down. And if
	08:03:34	5	somebody wants to keep it or relocate it, then that's
	08:03:38	6	their problem. And at their cost, more importantly.
	08:03:41	7	So I think that also that doesn't appear to me
	08:03:45	8	to be a mitigation measure. I mean, that just says, you
	08:03:49	9	know, that they pay the money and then the thing can just
	08:03:53	10	disappear.
	08:03:54	11	So, to summarize, I think that this -- the
H-1-41	08:04:03	12	crane X-422 is a historic resource. And should continue
	08:04:11	13	to be considered as such as it has been and as it already
	08:04:15	14	is in the DEIR. And I think that staff was absolutely
	08:04:22	15	correct to do that.
	08:04:25	16	End of comment.
	08:04:27	17	CHAIR SUGRUE: Thank you, Vice Chair.
	08:04:30	18	Board Member Andrews.
	08:04:32	19	BOARD MEMBER ANDREWS: Yeah. Thank you, Board
	08:04:33	20	Member Komorous for clarifying all that. I totally agree
	08:04:39	21	with you. I think that -- and thank you so much for
H-1-42	08:04:41	22	making that so clear.
	08:04:44	23	I don't think there's any question this is a
	08:04:45	24	historic resource.
	08:04:46	25	Cranes are modified and moved around. That's

H-1-41 The comment states support for consideration of Crane X-422 as a historic resource for the purposes of CEQA. See Responses to Comments H-1-37, H-1-38, and H-1-39 for additional specific points regarding the analysis of the crane in the Draft EIR.

H-1-42 The comment states support for consideration of Crane X-422 as a historic resource for the purposes of CEQA. See Responses to Comments H-1-37, H-1-38, and H-1-39 for additional specific points regarding the analysis of the crane in the Draft EIR.

H-1

COMMENT

REPOSE

H-1-43 The comment states support for consideration of Crane X-422 as a historic resource for the purposes of CEQA. See Responses to Comments H-1-37, H-1-38, and H-1-39 for additional specific points regarding the analysis of the crane in the Draft EIR.

33

H-1-42

08:04:48 1 just the nature of them. They're industrial objects.
 08:04:50 2 They're not, you know, cathedrals. Anyway, cathedrals
 08:04:57 3 are moved around and changed. I just don't think that's
 08:04:59 4 a good argument.

08:05:01 5 So thank you and I think staff did the right
 08:05:03 6 thing in their original discussion of that.

08:05:05 7 Thank you. That's all I have to say.

08:05:08 8 **CHAIR SUGRUE:** Thank you. Any other comments
 08:05:09 9 from the board?

08:05:16 10 So I know I just want to chime in and echo Vice
 08:05:20 11 Chair Komorous and Board Member Andrews. And I think
 08:05:24 12 part of this particular crane also tells a regional and a
 08:05:28 13 global history. Regionally from the fact that it had to
 08:05:33 14 be lower due to the local airfields, Navy airfields.

08:05:40 15 And then globally, there's a great explanation
 08:05:44 16 on the Panamax crates. And you know, the role that this
 08:05:52 17 crane plays.

H-1-43

08:05:53 18 And I think that there's just such a rich
 08:05:56 19 maritime history within this space. And we look at
 08:06:01 20 container ships now and we don't recognize that there
 08:06:05 21 used to be different sized container ships. And this
 08:06:08 22 used to be -- you know, one of those cranes to do that.

08:06:15 23 And so, I think there's a rich history here and
 08:06:18 24 Vice Chair Komorous --

08:06:20 25 Oh, yes, Board Member Fu.

H-1

COMMENT

REPNSE

H-1-44 The comment appears to generally reference and support earlier comments regarding alternatives, which have been responded to above. In addition, the comment appears to support recognition of Crane X-422 as an historic resource and consideration of alternatives to its removal. The Draft EIR (pp. 3-31 and 4.4-25) explains that the Project proposes to retain all four existing cranes as a feature of the Waterfront Park if this is feasible. In addition, the Draft EIR (p. 4.4-26) contains mitigation measures that would reduce the severity of the impact on Crane X-422 if preservation of the crane on site is not feasible and it must be removed. No alternatives (other than retention or removal-plus-mitigation) have been identified and the decision makers who consider approval of the Project will be asked to make related findings, including the finding in CEQA Guidelines Section 15191(a)(1), "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR."

H-1-44

34

08:06:28 1 **BOARD MEMBER FU:** Yes, thank you, Chair. Let
08:06:29 2 me see if I can try to do this without too much
08:06:31 3 interruption here.
08:06:32 4 I agree with all board member comments.
08:06:38 5 I think what drove me a little bit, I wish
08:06:42 6 there was more discussion in terms of alternatives, and I
08:06:44 7 think designating this or continuing to designate this
08:06:47 8 because it has always been a historic resource will allow
08:06:50 9 the opportunity to talk and look at alternatives just as
08:06:53 10 the Vice Chair had mentioned. So I just wanted to concur
08:06:59 11 and point out that.
08:07:00 12 Thank you.
08:07:01 13 **CHAIR SUGRUE:** Thank you. Any other comments
08:07:03 14 from the board at this time?
08:07:07 15 Vice Chair Komorous, I'm not trying -- oh, yes.
08:07:10 16 Board Member Andrews?
08:07:14 17 **BOARD MEMBER ANDREWS:** I'm here. I'm ready to
08:07:15 18 make a motion, but I --
08:07:17 19 **CHAIR SUGRUE:** Thank you. No, let's do it.
08:07:19 20 **BOARD MEMBER ANDREWS:** Vice Chair Komorous is
08:07:20 21 much better at phrasing these motions more precisely
08:07:24 22 since she's studied this. But basically to back up the
08:07:28 23 city's initial analysis of this crane.
08:07:31 24 **CHAIR SUGRUE:** Great. So we -- it sounds like
08:07:33 25 we have a motion from Board Member Andrews to consider

H-1

COMMENT

35

08:07:35 1 the crane as a historic resource to support the city's
 08:07:39 2 findings.
 08:07:40 3 Do we have a second?
 08:07:44 4 **VICE CHAIR KOMOROUS:** I will second that. This
 08:07:45 5 is Komorous.
 08:07:47 6 **CHAIR SUGRUE:** Thank you so much.
 08:07:49 7 Can we please have a roll call?
 08:07:52 8 **MR. VOLLMAN:** Board Member Fu.
 08:07:53 9 **BOARD MEMBER FU:** Yes.
 08:07:55 10 **MR. VOLLMAN:** Board Member Joiner?
 08:07:58 11 **BOARD MEMBER JOINER:** Yes.
 08:07:59 12 **MR. VOLLMAN:** Board Member Molette-Parks?
 08:08:01 13 **BOARD MEMBER MOLETTE-PARKS:** Yes.
 08:08:03 14 **MR. VOLLMAN:** I'm sorry, that wasn't completely
 08:08:05 15 clear?
 08:08:07 16 **BOARD MEMBER MOLETTE-PARKS:** Sorry about that.
 08:08:07 17 That was yes.
 08:08:10 18 **MR. VOLLMAN:** Yes, okay.
 08:08:11 19 Board Member Johnson?
 08:08:12 20 **BOARD MEMBER JOHNSON:** Yes.
 08:08:13 21 **MR. VOLLMAN:** Board Member Andrews.
 08:08:14 22 **BOARD MEMBER ANDREWS:** Yes.
 08:08:17 23 **MR. VOLLMAN:** Vice Chair Komorous?
 08:08:19 24 **VICE CHAIR KOMOROUS:** Yes.
 08:08:21 25 **MR. VOLLMAN:** Chair Sugrue?

36

08:08:24 1 **CHAIR SUGRUE:** Yes.
 08:08:25 2 **MR. VOLLMAN:** That motion passes.
 08:08:26 3 Thank you.
 08:08:31 4 **CHAIR SUGRUE:** And with that this particular
 08:08:32 5 item is closed.
 08:08:33 6 So we will be moving on, on the agenda.
 08:08:36 7 Do we have any announcements?
 08:08:41 8 **MR. VOLLMAN:** No announcements from staff.
 08:08:45 9 **CHAIR SUGRUE:** Great. Do we have anything
 08:08:46 10 upcoming?
 08:08:49 11 **MR. VOLLMAN:** Nothing to announce at this time.
 08:08:53 12 **CHAIR SUGRUE:** Okay. We do have meeting
 08:08:54 13 minutes to approve.
 08:08:55 14 Do we have a motion to approve those meeting
 08:08:58 15 minutes?
 08:08:59 16 **BOARD MEMBER JOHNSON:** So move.
 08:09:06 17 **CHAIR SUGRUE:** Thank you. Do we have a second?
 08:09:07 18 **BOARD MEMBER JOINER:** Second.
 08:09:08 19 (Multiple speakers.)
 08:09:09 20 **CHAIR SUGRUE:** Great. We have a lot of
 08:09:10 21 seconds.
 08:09:11 22 Can we have a roll call vote, please.
 08:09:13 23 **MR. VOLLMAN:** Board Member Fu?
 08:09:17 24 **BOARD MEMBER FU:** Yes.
 08:09:17 25 **MR. VOLLMAN:** Board Member Joiner?

H-1

COMMENT

37

08:09:20 1 **BOARD MEMBER JOINER:** Yes.

08:09:20 2 **MR. VOLLMAN:** Board Member Molette-Parks?

08:09:24 3 **BOARD MEMBER MOLETTE-PARKS:** Yes.

08:09:26 4 **MR. VOLLMAN:** Board member Johnson?

08:09:28 5 **BOARD MEMBER JOHNSON:** Yes.

08:09:30 6 **MR. VOLLMAN:** Board Member Andrews?

08:09:31 7 **BOARD MEMBER ANDREWS:** Yes.

08:09:33 8 **MR. VOLLMAN:** Vice Chair Komorous?

08:09:33 9 **VICE CHAIR KOMOROUS:** Yes.

08:09:33 10 **MR. VOLLMAN:** Chair Sugrue?

08:09:38 11 **CHAIR SUGRUE:** Yes.

08:09:38 12 **MR. VOLLMAN:** That motion passes.

08:09:40 13 **CHAIR SUGRUE:** Thank you so much. And with

08:09:40 14 that, our meeting is adjourned.

08:09:42 15 Thank you all so much for joining us and hope

08:09:45 16 everyone has a great night.

08:09:46 17 (Meeting concluded at video time 1:17:45.)

08:09:46 18 ---o0o---

19

20

21

22

23

24

25

38

08:09:46 1 State of California)

08:09:46 2) ss.

08:09:46 2 County of Alameda)

08:09:46 3

08:09:46 4

08:09:46 5 I, Connie J. Parchman, CSR #6137, do hereby

08:09:46 6 certify: That I am a certified shorthand reporter of the

08:09:46 7 State of California; that I was provided access to audio

08:09:46 8 files; that a verbatim record of the proceedings was made

08:09:46 9 by me using machine shorthand which was thereafter

08:09:46 10 transcribed under my direction; further, that the

08:09:46 11 foregoing is an accurate transcription thereof.

08:09:46 12 I further certify that I am neither financially

08:09:46 13 interested in the action nor a relative or employee of

08:09:46 14 any attorney or any of the parties.

08:09:46 15 IN WITNESS WHEREOF, I have subscribed my

08:09:46 16 name.

08:09:46 17 

08:09:46 18

08:09:46 19 Connie J. Parchman, CSR #6137

20

21

22

23

24

25

6.2 Planning Commission Hearing

H2-1 Planning Commission Hearing (Part 1)

COMMENT

1

1
2
3 CITY OF OAKLAND
4 PLANNING COMMISSION
5 SPECIAL MEETING
6 ---oOo---
7
8
9 Wednesday, April 21, 2021
10 Audio Transcription
11
12
13
14
15
16
17 Reported by: Connie J. Parchman, RPR, CRR, CSR 6137
18
19 -----
20
21 JAN BROWN & ASSOCIATES
22 WORLDWIDE DEPOSITION & VIDEOGRAPHER SERVICES
23 701 Battery Street, 3rd Floor, San Francisco, CA 94111
24 (415)981-3498 or (800) 522-7096
25

2

1 Commissioners Present:
2 Tom Limon, Chair
3 Clark Manus, Vice-Chair
4 Jonathan Fearn
5 Nischit Hegde
6 Leopold Ray-Lynch
7 Sahar Shirazi
8
9 Absent:
10 Amanda Monchamp
11
12 Staff:
13 Desmona Armstrong, Public Service Representative
14 Catherine Payne, Secretary
15
16
17
18
19
20
21
22
23
24
25

H2-1

COMMENT

3

1 **WEDNESDAY, APRIL 21, 2021**
2 P R O C E E D I N G S
3 ---000---

4 (Proceedings not transcribed pursuant to request.)
5 ...

13:16:07 6 **CHAIR LIMON:** Commissioner Fearn?
13:16:08 7 **COMMISSIONER FEARN:** Thanks for that
13:16:11 8 description, Pete.
13:16:13 9 I just have one question related to the
13:16:15 10 variance. Are those -- can you clarify if those are --
13:16:18 11 are those mutually exclusive from a, you know, practical
13:16:23 12 standpoint of how the applicant intends to build them?
13:16:27 13 And are they seen as mutually exclusive in the EIR or
13:16:30 14 does the EIR consider them from a cumulative standpoint?
13:16:36 15 **MR. VOLLMAN:** So the draft EIR actually has a
13:16:38 16 chapter that talks about the impacts of those variants
13:16:41 17 individually and in the context cumulatively. But they
13:16:44 18 would be associated with the project, but they were
13:16:47 19 broken out because they may or may not be part of the
13:16:50 20 project. So the project was viewed on its own on a stand
13:16:53 21 alone and then these were analyzed in addition to the
13:16:55 22 project, plus the cumulative development.
13:16:59 23 **COMMISSIONER FEARN:** Okay. Thanks.
13:17:02 24 **CHAIR LIMON:** Vice Chair Manus.
13:17:05 25 **VICE CHAIR MANUS:** Thank you, Pete. Can you

4

13:17:06 1 outline for us what the regulatory path forward is with
13:17:11 2 regard to the continued review and design review
13:17:16 3 component of the project beyond the CEQA process?
13:17:20 4 **MR. VOLLMAN:** Yeah, so, currently they have
13:17:23 5 filed for PUD application as well as the general plan
13:17:26 6 amendment and the rezoning, as well as the development
13:17:30 7 agreement. And currently we're working with them to
13:17:34 8 finalize the submittal to get a complete submittal and in
13:17:40 9 particular the first step would be the PUD application
13:17:43 10 and trying to get that before the design review
13:17:45 11 committee. So we're still waiting for a few revisions to
13:17:50 12 that before bringing it forward to the committee.
13:17:52 13 **VICE CHAIR MANUS:** And then second part of the
13:17:56 14 question, Pete. Thank you.
13:17:57 15 How did the project sponsor arrive at the
13:18:00 16 proposed height and configuration in the mixed-use
13:18:07 17 portion of the project, relative to potential visual
13:18:10 18 impact or any components related to the aesthetic
13:18:14 19 character?
13:18:17 20 So how was that arrived at?
13:18:19 21 **MR. VOLLMAN:** You're referring to why did they
13:18:21 22 decide on the proposed heights?
13:18:25 23 **VICE CHAIR MANUS:** Correct.
13:18:26 24 **MR. VOLLMAN:** I can't answer that question, as
13:18:27 25 I'm not the applicant.

H2-1

COMMENT

5

13:18:29 1 But I would recommend we get that when we bring
 13:18:32 2 the PUD to the design review committee.
 13:18:35 3 **VICE CHAIR MANUS:** Sounds great. Thank you
 13:18:36 4 very much.
 13:18:38 5 **CHAIR LIMON:** And Pete, this is regarding just
 13:18:41 6 I guess the aesthetics.
 13:18:44 7 The orientation of sort of the low point of the
 13:18:46 8 perimeter of the stadium used to face Athletics Way and
 13:18:51 9 now it looks shifted, you know, a certain degree. So
 13:18:55 10 it's -- the lowest point is facing the waterfront.
 13:18:59 11 Can you talk a little bit about why that might
 13:19:02 12 have changed?
 13:19:03 13 **MR. VOLLMAN:** That's probably a better question
 13:19:05 14 for the applicant.
 13:19:06 15 However, my understanding was that they've also
 13:19:09 16 been having obviously this is in BCDC jurisdiction. So
 13:19:14 17 initially the ballpark opened directly down Water Street.
 13:19:17 18 I'll say that from the city standpoint we actually really
 13:19:21 19 liked that approach.
 13:19:22 20 My understanding is that they made some of the
 13:19:25 21 changes and -- with regard to baseball issues and the
 13:19:28 22 batter's eye and also trying to make it more accessible
 13:19:31 23 so the waterfront was tied more into the ballpark
 13:19:35 24 activities.
 13:19:35 25 So they actually have a public viewing area

6

13:19:38 1 that is something that BCDC is going to be requiring and
 13:19:41 2 they went through this during the design meeting with
 13:19:43 3 BCDC. I mean, there's been a number of them but there
 13:19:47 4 was one a couple weeks ago and they went through that
 13:19:49 5 about the shift where previously there was an area where
 13:19:52 6 people could walk up from the waterfront and peer through
 13:19:55 7 like a gated area. But now with it being turned there's
 13:19:58 8 going to actually be like a sitting area like dead
 13:20:02 9 center, well, not center field anymore, but it would be
 13:20:02 10 right center, kind of looking into the ballpark.
 13:20:05 11 So my understanding is that it was done to
 13:20:07 12 primarily address the issues of connecting it more to the
 13:20:09 13 water as some of the requirements under BCDC. But I
 13:20:15 14 don't want to completely speak for the applicable but
 13:20:17 15 that was my understanding.
 13:20:19 16 **CHAIR LIMON:** Okay. Thank you.
 13:20:20 17 Commissioner Hegde.
 13:20:21 18 **COMMISSIONER HEGDE:** So this is related to the
 13:20:22 19 project in that, you know, Oakland Coliseum is incredibly
 13:20:28 20 important to our city. And I was wondering what the
 13:20:32 21 timeline for that development project is.
 13:20:39 22 **MR. VOLLMAN:** So that is a --
 13:20:40 23 (Multiple speakers.)
 13:20:41 24 **MR. VOLLMAN:** I'm sorry, I didn't know you were
 13:20:41 25 --

H2-1

COMMENT

7

13:20:42 1 **COMMISSIONER HEGDE:** No, no. Go ahead.

13:20:44 2 I was just saying maybe the applicant could

13:20:46 3 respond to that. Or you too, Pete, that's fine.

13:20:50 4 **MR. VOLLMAN:** At this point in time, we have

13:20:51 5 received no application for the Coliseum site. These are

13:20:54 6 two completely separate development projects and have no

13:21:00 7 relation whatsoever other than they would be leaving one

13:21:03 8 and moving to another.

13:21:04 9 Obviously there's discussions going on, you

13:21:06 10 know, with the A's, the County and the City about

13:21:09 11 acquiring and potentially developing that property.

13:21:11 12 But we have absolutely no applications or

13:21:13 13 anything at this point in time.

13:21:15 14 You know, anything that I would assume would

13:21:18 15 proceed there would probably be consistent with what was,

13:21:22 16 you know, approved under the Coliseum Area Specific Plan

13:21:25 17 and that was, you know, one of the alternatives that we

13:21:28 18 referenced here.

13:21:29 19 But whether or not that -- well the alternative

13:21:31 20 we reference here included a ballpark there, but if they

13:21:34 21 were to develop that as a separate project, it is unknown

13:21:38 22 what would be proposed at this point in time because we

13:21:41 23 don't have a preapplication or any submittal at this

13:21:43 24 point with the planning department.

13:21:47 25 **COMMISSIONER HEGDE:** I bring it up because I

8

13:21:48 1 saw it as an alternate. Okay. Thank you.

13:21:51 2 **MR. VOLLMAN:** Yeah, and the alternative is

13:21:53 3 really just in relation to this project, you know, with

13:21:55 4 regard to CEQA to look at, trying to reduce potential

13:22:01 5 impacts. So there's often an off-site alternative looked

13:22:05 6 at.

13:22:05 7 There was other ones, but there was no site

13:22:07 8 controls, so that's why we chose the Coliseum, obviously

13:22:10 9 being the fairly obvious one given there's a ballpark

13:22:13 10 there now.

13:22:15 11 **CHAIR LIMON:** And Pete just one last question

13:22:17 12 from me.

13:22:17 13 Related to I guess approved projects in that

13:22:21 14 area, and then also updates to the density bonus,

13:22:26 15 statewide density bonus, has that -- will that also be

13:22:30 16 reevaluated with the different studies associated with

13:22:33 17 this EIR?

13:22:35 18 **MR. VOLLMAN:** At this point in time, you know,

13:22:37 19 the EIR is looking at the maximum build out as is

13:22:41 20 provided.

13:22:41 21 I'm not sure if the city attorney could chime

13:22:44 22 in on how that would work going forward, but with the

13:22:48 23 General Plan Amendment, we would probably create a zoning

13:22:51 24 that would be, you know, relative to the PUD itself,

13:22:54 25 which would kind of encompass this kind of full

H2-1

COMMENT

9

13:22:58 1 development and proposal.

13:22:59 2 So I don't know that the density bonus would

13:23:01 3 necessarily exceed that, it would probably align with

13:23:04 4 that, but we would need to see what happens with state

13:23:07 5 laws going forward.

13:23:12 6 **CHAIR LIMON:** Commissioner Hegde.

13:31:40 7 **COMMISSIONER HEGDE:** Yeah, so I also was

13:31:42 8 wondering if you could speak to just some of the -- some

13:31:49 9 of the planned mitigation efforts relating to climate

13:31:55 10 change and rising tides, considering this is going to be

13:31:57 11 rising waters considering this is going to be at the

13:32:03 12 waterfront.

13:32:04 13 **MR. VOLLMAN:** Yeah, so, you know, if you refer

13:32:07 14 to the summary table, there's a number of mitigations.

13:32:10 15 Basically under AB-734 this needs to be a no net new GHG

13:32:15 16 project. And that kind of describes measures that can be

13:32:19 17 taken and incorporated to help them achieve that goal.

13:32:23 18 And they needed to actually demonstrate that as well as

13:32:26 19 part of the AB-734 application.

13:32:29 20 And so we have mitigations included and a

13:32:32 21 monitoring program that is included as well.

13:32:36 22 With regard to sea level rise the site itself

13:32:38 23 is actually including raising portions of the site to

13:32:43 24 meet the -- I believe it's the 2100 projections.

13:32:50 25 **COMMISSIONER HEGDE:** And I see like carbon

10

13:32:52 1 offsets are included in here.

13:32:54 2 I -- maybe you can help me understand whether

13:32:56 3 -- I mean are there even enough carbon offsets to go

13:33:01 4 around?

13:33:02 5 I mean, it just seems like a lot of projects

13:33:05 6 are relying on the purchase of carbon offset credits.

13:33:12 7 So do we even know what's available or what

13:33:17 8 will be available and what the timeline for that will be?

13:33:20 9 **MR. VOLLMAN:** Yeah, I can't answer to the

13:33:21 10 current market right now on carbon offsets.

13:33:25 11 I know that there are some available. If they

13:33:28 12 need to go create them themselves, that's also things

13:33:31 13 that some people can do.

13:33:33 14 But I can't really speak to the current market,

13:33:36 15 but this is a project that is projected to build out over

13:33:39 16 numerous years as well.

13:33:45 17 **CHAIR LIMON:** Do we have any additional

13:33:47 18 questions from the commission?

13:33:51 19 Okay. So, with that, Ms. Armstrong if we could

13:33:55 20 open it up to the public comment portion of this.

13:33:58 21 And again this is not -- this is not an

13:34:02 22 opportunity to talk about the -- whether this is a good

13:34:07 23 project or bad project but how it relates to the EIR and

13:34:10 24 impacts you would like to comment on.

13:38:08 25 And also the city encourages documents to be

H2-1

COMMENT

RESPONSE

H2-1-1 See Consolidated Response 4.22, *General Non-CEQA*.

11

13:39:42 1 submitted electronically via the following link, if you
 13:39:45 2 prefer to provide a written comment and that's -- we'll
 13:39:48 3 provide that a little bit later, a link to that.
 13:39:51 4 **MS. ARMSTRONG:** Okay. Thank you very much,
 13:39:54 5 Commissioner Limon.
 13:39:56 6 Looks like our first comment. And we do have
 13:39:58 7 about 37 comments, so please be patient.
 13:40:00 8 Eric S, please state your full name for the
 13:40:03 9 record.
 13:40:09 10 I'm sorry, Eric, you do need to unmute.
 13:40:13 11 **MR. SEYLA:** Well thank you. Yeah, I was
 13:40:14 12 looking for the unmute button. Hi my name is Eric Selya,
 13:40:17 13 S-E-L-Y-A.
 13:40:20 14 My employer, F'Real Foods, is headquartered --
 13:40:22 15 world headquarters is in Emeryville. And our staff is
 13:40:26 16 located throughout the East Bay. Many of our employees
 13:40:31 17 call Oakland home.
 13:40:33 18 I'm also a member of Town Business, which is an
 13:40:37 19 initiative launched by Oakland business leaders to
 13:40:42 20 promote economic and civic progress in Oakland.
 13:40:45 21 You know, the opposition continues to push the
 13:40:49 22 narrative that the A's have sought shortcuts and
 13:40:53 23 exemptions from environmental laws, and that the site is
 13:40:56 24 contaminated by land toxins.
 13:40:59 25 The reality is that AB-734, as mentioned,

H2-1-1

H2-1

COMMENT

RESPONSE

H2-1-2 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

12

13:41:03	1	actually holds the A's to a higher environmental standard
13:41:08	2	requiring construction being all lead gold certified and
13:41:15	3	that there be total greenhouse gas neutrality.
13:41:20	4	The A's have also publicly committed private
13:41:24	5	dollars to the mitigation and remediation of the site.
13:41:30	6	I think the A's -- I think the overall project
13:41:33	7	and the report show that it's a clear upgrade from the
13:41:36	8	site's current use and will help to improve the air
13:41:39	9	quality in the surrounding communities and open the
13:41:42	10	waterfront up to Oakland residents with tons of parks and
13:41:46	11	open spaces.
13:41:50	12	It's bigger than baseball. And it will
13:41:53	13	generate real economic and community benefits for the
13:41:55	14	people of Oakland.
13:41:56	15	And it's important for the future of the City
13:42:00	16	of Oakland especially West Oakland, and the Bay Area
13:42:03	17	Council's -- Bay Area's Council on Economic Institute
13:42:07	18	released a study showing the project could have over
13:42:11	19	700 -- over \$7 billion in economic impact and create more
13:42:14	20	than 6,000 permanent jobs.
13:42:21	21	MS. ARMSTRONG: Thank you, Eric, for your
13:42:21	22	comment.
13:42:23	23	Our next comment, unmute yourself to make your
13:42:29	24	comment.
13:42:30	25	CHAIR LIMON: Just to remind everyone has two

H2-1-1

H2-1-2

H2-1

COMMENT

RESPONSE

13

13:42:32 1 minutes to speak.

13:42:36 2 **MR. KNECHT:** Okay. My name is Gary Knecht. My

13:42:39 3 residence has been in the Jack London District for 39

13:42:43 4 years. I've seen a lot of changes in 39 years and look

13:42:47 5 forward to many more years and changes.

13:42:51 6 I've also seen a lot of trains in 39 years.

13:42:56 7 Passenger trains are relatively short with predictable

13:43:01 8 schedules.

13:43:02 9 Freight trains are long. They are unscheduled

13:43:06 10 and they come and go as they please. Freight trains can

13:43:11 11 stop and block traffic for no apparent reason.

13:43:17 12 On numerous occasions in my 39 years I have

13:43:21 13 seen impatient pedestrians climb between freight cars to

13:43:26 14 get across the tracks. On two occasions, before I got

13:43:30 15 older and wiser, I myself climbed between cars to get to

13:43:38 16 the other side. There are no fences or pedestrian gates

13:43:44 17 to remind me or others how dangerous this can be.

13:43:49 18 I'm glad mitigation measure TRANS-3 calls for

13:43:54 19 pedestrian rail safety corridor from Market to Broadway.

13:43:58 20 But I'm astounded that it doesn't continue that

13:44:02 21 rail safety corridor to Oak Street. Franklin, Webster

13:44:09 22 and Oak streets need the same level of protection.

13:44:13 23 Chapter 4.15 of the Draft EIR says that these

13:44:18 24 intersections are in the study area for pedestrians and

13:44:22 25 bicycles and everything else, but nowhere could I find

H2-1-3

H2-1-4

- H2-1-3 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- H2-1-4 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

H2-1

COMMENT

RESPONSE

				14
	13:44:25	1	evidence that they were studied or a reason for their	
	13:44:29	2	omission from the rail safety measures proposed	
	13:44:33	3	elsewhere.	
H2-1-4	13:44:34	4	I believe rail safety is needed from Market to	
	13:44:38	5	Oak Street to remind my younger self and the general	
	13:44:44	6	public to stay away from freight trains.	
	13:44:46	7	Thank you.	
	13:44:47	8	MS. ARMSTRONG: Thank you. Anne J, if you	
	13:44:50	9	could state your full name for the record.	
	13:45:04	10	MS. JENKS: My name is Anne Jenks and not	
	13:45:07	11	addressing the -- I think I'm not supposed to address the	
	13:45:11	12	facts of the proposal.	
	13:45:14	13	I'm sorry, I don't call into city functions	
	13:45:18	14	very often.	
	13:45:19	15	But I did want to call in because I don't think	
	13:45:24	16	that this report adequately addresses the long-standing	
	13:45:28	17	jobs that we've had in Oakland on the -- among the ILWU	
	13:45:36	18	folk.	
H2-1-5	13:45:36	19	And wherever you go in Oakland, especially in	
	13:45:37	20	the flats, you meet folks from the ILWU. They're a	
	13:45:41	21	strong part of the community and I think it would be	
	13:45:44	22	tragic to lose them and I don't think the report reflects	
	13:45:47	23	that.	
	13:45:47	24	And I don't think the report adequately	
H2-1-6	13:45:49	25	addresses air quality and noise issues that people would	

H2-1-5 The displacement of existing tenants at Howard Terminal is described in Section 3.17 of the Draft EIR and addressed in Consolidated Response 4.5, *Truck Relocation*. The Draft EIR includes an analysis of population and housing impacts consistent with the City's adopted thresholds of significance. Potential job losses, if they would occur, would be a socioeconomic impact and are not considered a significant environmental impact under CEQA. (See State CEQA Guidelines Section 15064(e).)

H2-1-6 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. See Draft EIR Section 4.2, *Air Quality*, and Section 4.11, *Noise and Vibration*, for the analysis of Project impacts related to these issues.

H2-1

COMMENT

RESPONSE

15

H2-1-6	13:45:52	1	be subjected to for -- by all appearances -- a decade.
	13:45:55	2	Thank you.
	13:45:57	3	MS. ARMSTRONG: Thank you, Anne.
	13:45:58	4	Ruby Acevedo, you may unmute yourself to make
	13:46:02	5	your comment.
	13:46:09	6	Ruby, can you hear us?
	13:46:12	7	MS. ACEVEDO: Yes, my name is Ruby Acevedo.
	13:46:14	8	I'm a staff attorney with Public Advocates, as well as a
	13:46:18	9	member of Oakland United.
	13:46:19	10	I am here to ask that the Draft EIR be revised
	13:46:24	11	and recirculated in order to provide members of the
	13:46:27	12	public with the necessary with necessary information and
	13:46:31	13	analysis.
	13:46:34	14	The geographic scope and intensity of the
	13:46:36	15	development contemplated by the Draft EIR will have
H2-1-7	13:46:39	16	widespread environmental impacts not just on the
	13:46:42	17	surrounding communities, but on all of Oakland and the
	13:46:44	18	greater East Bay.
	13:46:46	19	Full and accurate environmental review is
	13:46:48	20	essential to ensuring that the public and decision makers
	13:46:51	21	have all the relevant information before making decisions
	13:46:55	22	about the project and the project components.
	13:46:59	23	One of those key issues is housing and
H2-1-8	13:47:01	24	employment. Those are among the most important factors
	13:47:04	25	that will determine the environmental impact that will

H2-1-7 See Consolidated Response 4.3, *Recirculation of the Draft EIR*. As the designated lead agency under CEQA, the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (State CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). Throughout Chapter 4, the Draft EIR evaluates the environmental impacts associated with implementing the proposed Project.

H2-1-8 Housing and employment are analyzed in Section 4.12, *Population and Housing*, of the Draft EIR. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-1

COMMENT

RESPONSE

16

	13:47:07	1	result from this project.
H2-1-8	13:47:09	2	And this project -- this Draft EIR fails as an
	13:47:14	3	informational document. It doesn't account for the
H2-1-9	13:47:16	4	housing affordability. It doesn't account for -- or
	13:47:21	5	doesn't adequately consider jobs held in fits and it
	13:47:24	6	doesn't account for displacement.
	13:47:26	7	And the level of impacts on traffic, air
	13:47:31	8	quality, greenhouse gas emissions and numerous other
	13:47:34	9	environmental factors will be determined by the
	13:47:37	10	affordability of the homes that are planned in this
	13:47:40	11	project and the wages created by these jobs.
H2-1-10	13:47:43	12	There's well-established studies that show that
	13:47:46	13	the affordability of the homes matching the jobs that are
	13:47:51	14	being created is necessary in order to reduce greenhouse
	13:47:55	15	gas emissions. Otherwise, we're going to have a whole
	13:47:57	16	new workforce commuting into Oakland, commuting in and
	13:48:01	17	out of Oakland regularly.
	13:48:04	18	And so, I'll just conclude with just given the
H2-1-11	13:48:08	19	fundamental nature of this Draft EIR's flaws and
	13:48:12	20	omissions by omitting the housing proposal and the
H2-1-12	13:48:17	21	affordability levels and the massive scale of this
H2-1-13	13:48:20	22	project, the foreseeable environmental impacts are going
	13:48:25	23	to be substantive and much more --
	13:48:28	24	MS. ARMSTRONG: Your two minutes --
	13:48:29	25	(Multiple speakers.)

H2-1-9 The Draft EIR presents Project-related employment (p. 4.12-17) and analyzes potential employment growth, concluding that it would be consistent with the General Plan (p. 4.12-16). The potential for loss of businesses in the form of "urban decay" near the Coliseum site is considered in Section 7.3.2 of the Draft EIR. The displacement of existing tenants at Howard Terminal is described in Section 3.17 of the Draft EIR and addressed in Consolidated Response 4.5, *Truck Relocation*.

H2-1-10 Impacts of the proposed Project have been conservatively evaluated based on the total number of new jobs and housing units proposed on the site, and the analysis does not assume that workers would necessarily reside on the site, although that is a possible outcome whether the residences are priced to accommodate high-wage workers, low-wage workers, or a combination of the two. See also Consolidated Response 4.12, *Affordable Housing*.

H2-1-11 See Consolidated Response 4.12, *Affordable Housing*.

H2-1-12 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-1-13 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 (Chapter 4).

H2-1

COMMENT

RESPONSE

17

H2-1-13	13:48:33	1	MS. ACEVEDO: -- than what is being concluded
	13:48:33	2	here.
	13:48:33	3	So we request that the draft environmental --
	13:48:35	4	(Multiple speakers.)
	13:48:37	5	MS. ARMSTRONG: Ruby, that is your two-minute
	13:48:42	6	comment period. Thank you very much.
	13:48:49	7	Sheryl Walton, you may unmute yourself to make
	13:48:51	8	your comment.
	13:50:10	9	MS. WALTON: Good afternoon, I'm Oakland
	13:50:12	10	resident in District 7, Sheryl Walton.
H2-1-14	13:50:16	11	So the Draft EIR is inadequate and vague
	13:50:20	12	throughout, I found it.
	13:50:23	13	Toxic clean up that needs to be done is not
	13:50:25	14	addressed, as the earlier speaker had said.
H2-1-15	13:50:28	15	Howard Terminal land is liquefied and the Draft
	13:50:32	16	EIR does not provide a plan to drill down to support the
	13:50:35	17	development or prevent the toxic dust -- cancer-causing
	13:50:39	18	carcinogens -- that will rise from the ground and impact
H2-1-16	13:50:42	19	the air quality. And depending on which way the wind
	13:50:46	20	blows will determine as it travels into the rest of West
	13:50:51	21	Oakland neighborhoods, City of Alameda, Emeryville,
	13:50:56	22	Berkeley -- and Berkeley.
H2-1-17	13:50:57	23	A's need to provide details for infrastructure
	13:51:00	24	improvements. It should not be a future discussion as
	13:51:03	25	said.

H2-1-14 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and discussed 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 before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 in the Draft EIR are actions that would be enforced by the chief building official and would ensure that grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses, would not be issued until DTSC has approved the documents required by regulation.

As discussed in 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. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

H2-1-15 A liquefaction analysis is presented in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources*, Impact GEO-1. The preliminary geotechnical analysis provided preliminary recommendations to address liquefaction. Upon

H2-1

COMMENT

RESPONSE

completion of the CEQA documentation, the Project would be required by the California Building Code (Chapter 18A, *Soils and Foundations*), and by the City of Oakland Building Code and Grading Regulations (Section 1802B.6, *Site Map and Grading Plan*), to conduct a final geotechnical investigation that would further inform the final Project design and provide recommendations to address all identified geotechnical issues, including liquefaction. Additionally, the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021, provides an explanation and analysis of the effects of liquefaction.⁵

H2-1-16 As discussed in Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-1, construction activities would be required to comply with the numerous federal, state, and Port regulations related to hazardous materials, summarized in Section 4.8.2, *Regulatory Setting*. These regulations are designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including dust from excavation activities.

The Draft EIR thoroughly evaluates the Project's impacts on residents' health risks in Section 4.15, *Air Quality*, Impacts AIR-4, AIR-5, and AIR-2.CU. This includes the impact of the Project's carcinogenic emissions on existing off-site residents in West Oakland. The Draft EIR presents the lifetime excess cancer risk impacts of the Project on nearby sensitive receptors.

Impact AIR-4 analyzes health risk impacts (including cancer risk) on existing off-site receptors from Project construction and operation, while Impact AIR-5 analyzes impacts on future on-site receptors. The Draft EIR determines that at the Project level, the Project would result in significant impacts on both off-site and on-site receptors, and it identifies Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, and AIR-4b to reduce this impact to a less-than-significant level. Therefore, with mitigation, the Project would not exceed the City's thresholds for health risks.

Impact AIR-2.CU evaluates whether the Project, combined with cumulative development and existing background toxic air contaminant (TAC) sources, would contribute to cumulative health risk impacts on sensitive receptors (including cancer risk). This analysis was conducted in concert with the Bay

⁵ ENGEO, 2021. Liquefaction Information, Howard Terminal Redevelopment, Oakland, California, July 7, 2021.

H2-1

COMMENT

RESPONSE

Area Air Quality Management District (BAAQMD) and its health risk analysis prepared pursuant to Assembly Bill (AB) 617 through the West Oakland Community Action Plan. The Draft EIR finds that Impact AIR-2.CU would be significant and unavoidable. This impact would 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.

These impacts were evaluated in conformance with the BAAQMD's CEQA Guidelines.⁶

H2-1-17 See Consolidated Response 4.22, *General Non-CEQA*.

⁶ BAAQMD, 2017. *California Environmental Quality Act Air Quality Guidelines*, May 2017. http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed April 2019.

H2-1

COMMENT

RESPONSE

H2-1-18 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.H2-1-19 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

18

H2-1-17	13:51:05	1	There's a need to address the cost the City of
	13:51:07	2	Oakland and taxpayers like me would need to pay in the
	13:51:11	3	hundreds of millions for new infrastructure.
	13:51:13	4	Mayor Schaaf has already said that it would
	13:51:16	5	cost taxpayers approximately 200 million. And that's
	13:51:19	6	approximately, so it can go way over that.
H2-1-18	13:51:21	7	It also fails to address the significant
	13:51:24	8	impacts, negative impacts, to our working waterfront, our
	13:51:30	9	longshoremen, truckers and others.
H2-1-19	13:51:32	10	And it needs to be -- this whole process, this
	13:51:36	11	whole development could be done at the coliseum where an
	13:51:39	12	approved EIR, CEQA, are already in existence and key
	13:51:44	13	modes of transportation are there. Train, air, car,
	13:51:47	14	BART, bus, it's all there.
	13:51:52	15	So this does not make sense to me. Thank you.
	13:51:55	16	MS. ARMSTRONG: Thank you.
	13:51:58	17	Saabir, please state your full name for the
	13:52:00	18	record.
	13:52:01	19	MR. LOCKETT: Hi, my name is Saabir Lockett.
	13:52:07	20	I'm a West Oakland resident and father of my two-year-old
	13:52:11	21	son.
	13:52:11	22	I have lived at 7th and Peralta, near the
	13:52:13	23	proposed site for the project for the past five years.
	13:52:17	24	I serve as a director of Faith Alliance for a
	13:52:17	25	Moral Economy, FAME, which is initiative of the East Bay

H2-1

COMMENT

RESPONSE

H2-1-20 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 site is located in an overburdened community disproportionately impacted by air pollution. The City acknowledges these issues and sympathizes with the commenter's health conditions.

See Response to Comment I-164-2. For additional discussion of environmental justice issues, see Consolidated Response 4.14, *Environmental Justice*.

19

13:52:17 1 Alliance for a Sustainable Economy, EBASE.
 13:52:23 2 I am also a commissioner of Oakland on the
 13:52:25 3 Oakland Army Base Community Jobs Oversight Commission.
 13:52:28 4 For the past 16 months, I have also served on
 13:52:31 5 the steering committee of the city-sponsored community
 13:52:32 6 benefits public process for the Howard Terminal project.
 13:52:37 7 Specifically, I co-chair the jobs and economic
 13:52:39 8 development topic cohort, which issued recommendations
 13:52:42 9 around living wage job standards, local and fair chance
 13:52:46 10 hiring practices and resources of small, local-owned
 13:52:50 11 businesses.
 13:52:50 12 I am here today to express a deep concern about
 13:52:52 13 the potential repercussions of this project. For far too
 13:52:57 14 long, West Oakland communities have dealt with the
 13:53:00 15 consequences of environmental racism by being subjected
 13:53:03 16 to unhealthy air quality I myself suffer from asthma and
 13:53:06 17 I worry about my son's health and his exposure to harmful
 13:53:10 18 particulates in the air, especially since he's still
 13:53:14 19 young and his body is developing.
 13:53:15 20 If this project is approved, it will inevitably
 13:53:18 21 have significant and unavoidable impacts both during
 13:53:20 22 construction phase and during the ongoing operations
 13:53:23 23 through the life of the project.
 13:53:24 24 These impacts stem from vehicle and mobile
 13:53:27 25 sources producing harmful pollutants.

H2-1-20

H2-1

COMMENT

RESPONSE

20

H2-1-21

13:53:29 1
13:53:34 2
13:53:36 3
13:53:39 4
13:53:41 5
13:53:44 6
13:53:45 7
13:53:48 8
13:53:51 9
13:53:55 10
13:53:57 11
13:54:00 12

The analysis presented in the EIR is inadequate in that it lacks the mitigation plan to address greenhouse gas emissions and impacts on air quality. It also defers the creation of such a plan to a later date. After the DEIR is approved. This is unacceptable. The DEIR admits that the developer won't be able to mitigate the impacts on the air quality to safe levels and asks the City to approve the project anyway. The City should require the developer to fully mitigate air pollutions to protect the health of West Oakland residents. Given the issues I've just laid out, I urge the Planning Department and City Administration to provide the public with adequate information about the potential harm this project holds and require a comprehensive plan for how they will protect the health of the surrounding communities. And furthermore, the city must require a concrete and robust community benefits agreement. **MS. ARMSTRONG:** Your two-minute comment are -- (Multiple speakers.) **MR. LOCKETT:** Affordable housing (inaudible) and local hire opportunities -- **MS. ARMSTRONG:** Thank you.

H2-1-22

13:54:01 13
13:54:03 14
13:54:06 15
13:54:08 16
13:54:12 17
13:54:15 18

H2-1-23

13:54:15 19
13:54:18 20
13:54:21 21
13:54:24 22

H2-1-24

13:54:25 23
13:54:25 24
13:54:27 25

H2-1-21 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures.*

H2-1-22 The Draft EIR includes a thorough evaluation of the Project's health risk impacts associated with air quality. The Project's significant air quality impacts would be mitigated to the maximum extent feasible as required by CEQA through a number of air quality mitigation measures: 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: 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.

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 West Oakland Community Action Plan 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 West Oakland Community Action Plan actions, other feasible measures and technology, and off-site TAC exposure reduction projects.

H2-1-23 See Consolidated Response 4.22, *General Non-CEQA.*

H2-1-24 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-1

COMMENT

RESPONSE

21

H2-1-24

13:54:29 1
13:54:29 2
13:54:31 3
13:54:33 4

MR. LOCKETT: -- (inaudible) air and healthy environment.

MS. ARMSTRONG: Next comment comes from Jack Fleck. You may unmute yourself to make your comment.

13:54:35 5
13:54:37 6

MR. FLECK: Hi, yeah, my comment is about the railroad tracks.

13:54:41 7
13:54:43 8
13:54:46 9
13:54:48 10

Mr. Knecht pointed out those freight trains can sit there a long time. And in fact, the EIR mentions that that quite -- that happens, you know, a couple dozens times in a one-week period.

13:54:50 11
13:54:53 12

So, it really needs to have overpasses on those two crossings.

H2-1-25

13:54:54 13
13:54:58 14
13:55:00 15
13:55:03 16

What I heard the presentation saying was great separations would be possible at Martin Luther King and at Market but they won't be possible in Jack London Square.

13:55:04 17
13:55:06 18
13:55:08 19
13:55:11 20

But there's a big difference here. I'm a registered traffic engineer. And there's an important concept called "design immunity." If you have an existing condition, you can defend yourself.

13:55:13 21
13:55:16 22
13:55:20 23
13:55:25 24

So like in the EIR, they point out 13 collisions between 1999 and 2009 in the Jack London Square but the City can defend itself because those are intersections that have been there for decades.

H2-1-26

13:55:27 25

These two intersections with their really major

H2-1-25 This comment expresses an opinion about design immunity but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures 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*.

H2-1-26 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-1

COMMENT

RESPONSE

22

H2-1-26 13:55:30 1 change in the land use and the whole intention of the
 13:55:33 2 intersection, the City is going to be liable if there are
 13:55:35 3 collisions. And then the city will be forced to build
 13:55:37 4 those overcrossings at the City's expense, which is
 13:55:41 5 apparently about \$298 million according to the Alameda
 13:55:44 6 County Transportation Authority estimate.

H2-1-27 13:55:47 7 So I would urge you to make sure that this
 13:55:49 8 ballpark is designed the way the coliseum is. There's an
 13:55:53 9 overpass goes over the same set of tracks that have all
 13:55:55 10 these freight trains, takes you right to the level where
 13:55:57 11 you pay the tickets and go into the coliseum.

H2-1-27 13:56:00 12 That's the way this ballpark should be
 13:56:03 13 designed. There should be overpass that goes right into
 13:56:05 14 the ballpark, everybody would naturally use the
 13:56:07 15 pedestrian overpass that way. There wouldn't be a
 13:56:10 16 tendency through to get over the tracks and circumvent
 13:56:14 17 the overpass.

H2-1-28 13:56:15 18 Anyway, I think this is a very big liability
 13:56:17 19 for the City and I don't think the EIR really addressed
 13:56:20 20 it adequately.

13:56:22 21 **MS. ARMSTRONG:** Thank you, Jack.

13:56:27 22 Next comment is from Sonya Karabel.

13:56:30 23 You may unmute yourself to make your comment.

13:56:48 24 **MS. KARABEL:** Hello, my name is Sonya Karabel.

13:56:51 25 I'm a (inaudible) Alliance with Sustainable Economy,

H2-1-27 Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing would require that the Project sponsor construct a grade-separated overcrossing for pedestrians and bicyclists seeking to access the Project site. The crossing would provide a safe and convenient alternative to at-grade crossings of the railroad tracks at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, and Broadway. See also Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

H2-1-28 See Response to Comment H2-1-27. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-1

COMMENT

RESPONSE

23

	13:56:53	1	which is a member of the Oakland United Coalition. And
	13:56:56	2	I'm also a resident in D1 in Oakland.
	13:56:59	3	I'm very concerned about this development at
	13:57:00	4	Howard Terminal and its potential impacts on West
H2-1-29	13:57:03	5	Oakland, (inaudible) and Jack London on both an
	13:57:06	6	environmental and a social level. And I don't feel that
	13:57:09	7	the EIR adequately addresses these concerns.
	13:57:11	8	This EIR is incredibly long and complicated and
	13:57:14	9	the public should have been given the maximum amount of
H2-1-30	13:57:17	10	time to process this important document and consider the
	13:57:19	11	impacts of such a giant project. It was a mistake to
	13:57:22	12	deny the request for the maximum amount of time.
	13:57:26	13	This EIR that we -- you know, insofar as we
H2-1-31	13:57:29	14	have been able to process it, leaves several critical
	13:57:33	15	areas vague rather than proposing a complete plan.
	13:57:36	16	In this forum community members cannot truly
H2-1-32	13:57:38	17	assess how we feel with the project.
	13:57:41	18	For example, the Howard Terminal site is
	13:57:43	19	currently on toxic land which is covered by a concrete
	13:57:46	20	cap. In order to build, this toxic site will be exposed,
	13:57:48	21	yet the EIR doesn't provide a plan for how workers and
H2-1-33	13:57:51	22	future residents at the site will be protected. It just
	13:57:53	23	says that they'll follow the Department of Toxic
	13:57:56	24	Substances Control's protocols to clean it up.
	13:57:58	25	Yet we've seen examples of the DTSC failing to

H2-1-29 Consistent with CEQA requirements, the Draft EIR provides a thorough analysis of potential physical environmental impacts of the proposed Project, including impacts that would be experienced in surrounding neighborhoods. CEQA does not require an analysis of socioeconomic impacts. (See State CEQA Guidelines Section 15064(e).)

H2-1-30 See Consolidated Response 4.19, *Comment Period Extension*.

H2-1-31 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 a stable, finite Project description (Chapter 3) and 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 judgment, and it provides enforceable mitigation measures for the significant impacts identified (Chapter 4).

H2-1-32 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-1-33 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and uses, including allowing residential use (which is currently prohibited) under specified conditions.

As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures in the Draft

H2-1

COMMENT

RESPONSE

EIR would allow the City to ensure that regulatory requirements have been met. Grading, building, or construction permits, and certificates of occupancy for new buildings and uses, would not be issued until the City of Oakland building official confirms that the proposed action is consistent with the site-specific LUCs and associated plans approved by DTSC. These documents cannot be approved by DTSC until the EIR is certified. These requirements, along with preparation and implementation of a health and safety plan (required by Mitigation Measure HAZ-1c), would address potential human health exposures in compliance with state and federal law. 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 subject to public scrutiny and judicial review as provided by law.

H2-1

COMMENT

RESPONSE

H2-1-34 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

H2-1-35 See Consolidated Response 4.3, *Recirculation of the Draft EIR*.

24

13:58:00 1 mandate proper clean up of toxic sites leaving residents
13:58:04 2 and workers, often predominantly black and brown
13:58:07 3 communities, to bear the brunt of the environmental and
13:58:09 4 health impacts.

H2-1-33

13:58:10 5 One such troubling instance was the Treasure
13:58:11 6 Island development where residents on the former Navy
13:58:15 7 base were exposed to hazardous chemicals and complained
13:58:17 8 of the Treasure Island cough and other ailments as a
13:58:19 9 result.

13:58:21 10 This EIR should have a specific plan for how
13:58:23 11 cleanup will be done to make sure that no dangerous
13:58:25 12 substances are left behind.

H2-1-34

13:58:26 13 Additionally, this EIR doesn't have any
13:58:29 14 information on how much, if any, affordable housing will
13:58:33 15 be on site. Though gentrification is not always
13:58:36 16 considered as an environmental issue, the reality is that
13:58:39 17 Oaklanders being pushed out further and further into the
13:58:43 18 suburbs has profound environmental impacts. And if this
13:58:45 19 project doesn't provide very significant levels of
13:58:47 20 affordable housing, it will exacerbate that pushing out,
13:58:50 21 particularly of West Oakland residents.

H2-1-35

13:58:53 22 Given all these gaps in information this EIR is
13:58:55 23 not sufficient to give us a real understanding of the
13:58:57 24 project.

13:58:57 25 We in the Oakland United Coalition ask the City

H2-1

COMMENT

RESPONSE

				25
	13:58:59	1	go back to the drawing board and redo the analysis and	
H2-1-35	13:59:04	2	recirculate this report. Oakland deserves a real	
	13:59:06	3	understanding of this project.	
	13:59:06	4	Thank you.	
	13:59:07	5	MS. ARMSTRONG: Thank you.	
	13:59:11	6	Heather Lewis, you may unmute yourself to make	
	13:59:14	7	your comment.	
	16:27:26	8	MS. LEWIS: Good afternoon, commissioners. My	
	16:27:27	9	name is Heather Lewis and I'm an attorney with the UC	
	16:27:30	10	Berkeley Environmental Law Clinic.	
	16:27:33	11	We've been working with members of the Oakland	
	16:27:35	12	United Coalition to review this draft EIR. And I would	
	16:27:38	13	like to just make a few comments on the analysis of	
	16:27:40	14	hazards and hazardous materials.	
	16:27:45	15	The EIR fails to properly analyze and mitigate	
	16:27:46	16	the risks associated with hazardous contamination of the	
H2-1-36	16:27:48	17	Howard Terminal site. The EIR acknowledges that there	
	16:27:51	18	are at least 22 different hazardous chemicals that are	
	16:27:54	19	present in levels that make the site unsafe for	
	16:27:57	20	residential or commercial use.	
	16:27:59	21	These contaminants include lead, arsenic,	
	16:28:02	22	cadmium, PCBs, petroleum compounds and numerous other	
	16:28:06	23	cancer-causing materials.	
H2-1-37	16:28:08	24	The EIR assures the public these impacts will	
	16:28:10	25	be fully mitigated. But the mitigation measure offered	

H2-1-36 Section 4.8, *Hazards and Hazardous Materials*, of the Draft EIR presents the analysis of the risks associated with the contaminated materials currently contained beneath the existing hardscape cap over the Project site. Section 4.8.1, *Environmental Setting*, provides a description of the nature and extent of contamination that includes identifying the chemicals of potential concern, describing the extent of those chemicals present at concentrations above screening levels, and showing figures that visually depict the extent of contamination at concentrations above screening levels.

As explained further in Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*, Engeo conducted a data gaps analysis that evaluated the completeness and adequacy of the data collected through April 2020, as discussed in Section 4.0 of the 2020 Site Investigation Report cited in the Draft EIR.⁷ Based on that data gaps analysis, Engeo collected and analyzed additional soil, soil gas, and groundwater samples to fill those data gaps, as documented in the HHERA, thus resulting in a data set adequate to support the HHERA and inform

⁷ Engeo, 2020a. *Athletics Ballpark Development, Howard Terminal Site, Oakland, California, Site Investigation Report*, revised April 22, 2020.

H2-1

COMMENT

RESPONSE

decisions regarding risks at the Project site.⁸ DTSC approved the HHERA in its letter dated October 22, 2020.

Draft EIR Section 4.8.2, *Regulatory Framework*, under *Existing and Future Site-Specific Regulatory Framework and Governing Documents*, describes the Remedial Action Workplan (RAW) and land use covenants (LUCs) that would be required by DTSC, the regulatory agency overseeing investigation and cleanup of the Project site. Note that as discussed in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project sponsor has elected to prepare a remedial action plan to take a more conservative approach. Required compliance with the numerous laws and regulations discussed previously—and particularly with the requirements of the proposed (consolidated) remedial action plan, LUCs, and associated plans and agreements described above—would prevent contact with the buried hazardous materials, and would render this impact less than significant.

However, details of the remedial action plan, LUCs, and associated plans are not known at this time. Therefore, the Draft EIR provided mitigation measures to ensure that with regulatory requirements and oversight by DTSC, redevelopment and use of the Project site would occur in a manner that would be protective of construction workers, the public, future users and residents of the Project site, and the environment. The mitigation measures are provided in Draft EIR Section 4.8.4, *Impacts of the Project*, Impact HAZ-2, as summarized below:

- Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAW, LUCs and Associated Plans describes the plans and land use covenants that would be required to mitigate the contamination at the Project site. DTSC would review these plans and LUCs for compliance with all applicable federal, state, and local regulations. The Project may not proceed until DTSC has provided its approval of the documents. In the event DTSC is not satisfied with the plans, the Project would not be approved and would not be constructed. Note that in addition to the above-noted required DTSC approval, the plans for addressing contamination at the Project site would use the numerical Target Cleanup

⁸ Engeo, 2020b. *Athletics Ballpark Development Howard Terminal Site, Oakland, California Human Health and Ecological Risk Assessment*, revised August 24, 2020.

H2-1

COMMENT

RESPONSE

Levels developed in the HHERA, as discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, pp. 4.8-15 to 4.8-17.

- Mitigation Measure HAZ-1b: Compliance with Approved RAW, LUCs and Associated Plans requires that documentation of DTSC approval of the plans and LUCs be provided to the chief building official before the issuance of grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses. This includes DTSC approval and documentation of the successful implementation of measures to ensure protection appropriate for the types of anticipated uses (including residential use under specified conditions). Documentation would take the form of a certificate of completion, a finding of suitability for the Project's intended use, or similar documentation issued by DTSC. Note that in addition to the above-noted required approvals by DTSC and the City of Oakland building official, the plans for addressing contamination at the Project site would use the numerical Target Cleanup Levels developed in the HHERA, as discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, pp. 4.8-15 to 4.8-17. In addition, and as explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project sponsor has elected to prepare a remedial action plan to provide a more conservative approach.
- Mitigation Measure HAZ-1c: Health and Safety Plan (HASP) requires the Project sponsor and its contractors to prepare and implement HASPs for the protection of workers, the public, and the environment consistent with customary protocols and applicable regulations, including but not limited to Title 8 of the California Code of Regulations. Note that the HASP would use the numerical worker safety standards promulgated in Title 8 of the California Code of Regulations.
- Mitigation Measure HAZ-1d: Hazardous Building Materials requires that hazardous building materials (e.g., lead-based paint) be removed in accordance with all applicable federal, state, and local regulations. Note that hazardous building materials, such as asbestos-containing materials and lead-based paint, have numerical cleanup standards.

H2-1-37 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and as 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 or

H2-1

COMMENT

RESPONSE

LUCs, operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction.

These LUCs and their associated plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 in the Draft EIR are actions that would be enforced by DTSC and the chief 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 chief building official have approved the various actions required by the mitigation measures.

As discussed in Draft EIR Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a human health and ecological risk assessment, or HHERA, has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

H2-1

COMMENT

RESPONSE

H2-1-38 As explained in Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, the mitigation measures in the Draft EIR are actions that would allow the chief building official to ensure that regulatory requirements have been met prior to issuance of grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses. In accordance with DTSC standard practice, workplans would be available for public review.

26

H2-1-37

16:28:13 1 amounts to no more than a vague promise to create a
 16:28:17 2 cleanup plan after the EIR is approved. This is
 16:28:22 3 impermissible deferred mitigation.
 16:28:24 4 The EIR does not describe how the contamination
 16:28:27 5 will be remediated or how likely it is that it can be
 16:28:30 6 remediated or what the health risks would be for workers,
 16:28:33 7 residents and visitors to the site if the contamination
 16:28:35 8 is not fully remediated.

H2-1-38

16:28:38 9 Additionally, the EIR attempts to circumvent
 16:28:41 10 future CEQA review by relying on the certification of
 16:28:44 11 this EIR for future approvals from The Department of
 16:28:46 12 Toxics Substances Control.

16:28:48 13 If the A's plan to rely upon the City's
 16:28:52 14 certification of this EIR for DTSC's approval of their
 16:28:54 15 cleanup plan, then the cleanup plan must be actually
 16:28:57 16 developed and described in this EIR.

16:28:59 17 The failure to formulate mitigation measures is
 16:29:02 18 a serious legal deficiency with this EIR which requires
 16:29:05 19 recirculation.

16:29:05 20 The EIR must be revised to describe the
 16:29:08 21 specific mitigation measures that will be undertaken to
 16:29:10 22 clean up this toxic contamination and to provide
 16:29:12 23 sufficient supporting information to demonstrate that
 16:29:15 24 those cleanup actions will actually be effective.

16:29:18 25 Thank you for your time.

H2-1

COMMENT

RESPONSE

27

16:29:20 1 **MS. ARMSTRONG:** Thank you.

16:29:21 2 Our next comment comes from Austin.

16:29:23 3 Please state your full name for the record.

16:29:27 4 **MR. TAM:** Austin Tam. I'm an Alameda County

16:29:31 5 Democratic Central committee member and social justice

16:29:35 6 and disability advocate.

16:29:37 7 I strongly oppose this project and extremely

16:29:39 8 concerned. The money spent could be better used on

16:29:42 9 accessibility for people with disabilities. No access to

16:29:46 10 safe public transportation, infrastructure is not there.

16:29:49 11 Who is going to pay for it?

16:29:51 12 Our money could be better used for schools,

16:29:55 13 public housing, invest in community programs. And most

16:29:57 14 of all used to the address systemic racism that our

16:30:01 15 society is going through right now. And has always gone

16:30:05 16 through.

16:30:05 17 Thank you.

16:30:06 18 **MS. ARMSTRONG:** Thank you.

16:30:07 19 John Gifford, you may unmute yourself to make

16:30:10 20 your comment. John Gifford.

16:30:21 21 It shows that you are still muted. Oh, there

16:30:23 22 you go.

16:30:24 23 **MR. GIFFORD:** Hi, sorry.

16:30:25 24 Thank you, Mr. Chairman, commissioners. My

16:30:27 25 name is John Gifford. I represent the East Bay Stadium

H2-1-39

H2-1-40

H2-1-39 Comments regarding the merits 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

This comment expresses concern about the safety of transit connections in the area. The Draft EIR identifies several measures to improve the transportation network serving the Project, including the following measures that would improve connections for transit users:

- Mitigation Measure TRANS-1c would implement a transportation hub adjacent to the Project site that would be served by AC Transit with about 12 buses per hour.
- Mitigation Measure TRANS-1d would implement bus-only lanes on Broadway.
- Mitigation Measure TRANS-1e would implement sidewalk improvements connecting the site to the West Oakland, 12th Street, and Lake Merritt BART stations.
- Mitigation Measure TRANS-3a would implement at-grade railroad crossing improvements.
- Mitigation Measure TRANS-3b would implement a pedestrian and bicycle bridge over the railroad tracks connecting the Project site to the transportation hub.

H2-1-40 Comments regarding the merits 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.22, *General Non-CEQA*.

H2-2 Planning Commission Hearing (Part 2)

COMMENT

RESPONSE

H2-2-1 See Consolidated Response 4.1, *Project Description*, including subsection 4.1.1 regarding a program versus project EIR, and Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

28

16:30:30 1 Alliance and have been a CEQA practitioner for public
 16:30:34 2 and private agencies for more than 30 years.
 16:30:37 3 You have heard about deferred analysis,
 16:30:39 4 deferred mitigation, you will probably hear more.
 16:30:43 5 But I don't want to take that.
 16:30:44 6 What I would like to do is talk to you a little
 16:30:46 7 bit about the approaches I've read in this EIR and how
 16:30:49 8 they've addressed the issues overall.
 16:30:53 9 They seem to straddle I think the line between
 16:30:55 10 two different kinds of EIRs: The program EIR and the
 16:30:59 11 project level.
 16:31:00 12 This, commissioners you know, the program level
 16:31:04 13 document is for series of actions that can be
 16:31:06 14 characterized as one project and then phases, which this
 16:31:09 15 certainly is.
 16:31:10 16 If you do a program document it allows you to
 16:31:14 17 defer mitigation as long as the lead agency commits to
 16:31:17 18 those mitigation efforts later. You can do that because
 16:31:21 19 the subsequent phases are analyzed within another CEQA
 16:31:27 20 document where they do get into specific mitigation and
 16:31:29 21 that those are applied to the document.
 16:31:32 22 However, this EIR seems to take both
 16:31:35 23 approaches. It is analyzing project-level elements in
 16:31:40 24 some cases and other cases like hazardous material
 16:31:44 25 hydrology and land use and others, it's analyzing as a

H2-2-1

H2-2

COMMENT

RESPONSE

H2-2-2 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. As a result, no specific response is provided here.

29

H2-2-1	16:31:47	1	program document because it's deferring the mitigation to
	16:31:50	2	decisions by DTSC and others, the Planning Department and
	16:31:55	3	the Engineering Department and others.
	16:31:58	4	So it doesn't give the details that is really
	16:32:00	5	required for a project-level document.
	16:32:04	6	So, it seems like they've taken the approach
	16:32:07	7	that where there's an immediate phase of the document,
	16:32:12	8	immediate phase of the project, they have tried to do
	16:32:15	9	some project-level analysis but have deferred much of it
	16:32:19	10	to a program-type of document.
	16:32:22	11	So it seems like the document is using the
	16:32:24	12	project format to fit a convenient set of facts when it
	16:32:29	13	needs to, but it's using a programmatic format for
	16:32:32	14	others.
16:32:33	15	In this case, you can't do that.	
16:32:35	16	MS. ARMSTRONG: John, that is your two-minute	
16:32:37	17	comment period. Thank you.	
16:32:40	18	Emily Wheeler, you may unmute yourself.	
16:32:43	19	MS. WHEELER: Hello, my name is Emily Wheeler.	
16:32:46	20	I live in East Lake and I work at Public Advocates, which	
16:32:50	21	is member of the Oakland United Coalition.	
H2-2-2	16:32:54	22	I was calling in to comment that the DEIR for
	16:32:56	23	the proposed Howard Terminal project is inadequate and
	16:32:59	24	fails to properly identify and address serious
	16:33:02	25	environmental impacts related to safety, traffic, air

For further analysis, see Draft EIR Section 4.13, *Public Services*; Section 4.15, *Transportation and Circulation*; Section 4.2, *Air Quality*; Chapter 7, *Impact Overview and Growth Inducement*; and Section 4.12, *Population and Housing*. As the designated lead agency under CEQA, the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (State CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127).

H2-2

COMMENT

RESPONSE

30

H2-2-2	16:33:03	1	quality, growth inducement, and housing stock burdens to
	16:33:06	2	name just a few.
H2-2-3	16:33:07	3	Again and again it relies on studies that have
	16:33:09	4	not yet been completed and makes a mockery of the CEQA
	16:33:12	5	process.
H2-2-4	16:33:12	6	While it's deficient in too many areas to
	16:33:14	7	discuss I wanted to highlight just a few.
	16:33:17	8	The DEIR assumes that the ballpark and
	16:33:17	9	performance venue, with a combined capacity of 38,500
H2-2-5	16:33:19	10	people will share 2,000 parking spaces and sees no
	16:33:19	11	problem with that despite the fact that the ballpark is
	16:33:19	12	nowhere near a BART station. By contrast the coliseum
	16:33:19	13	which has dedicated BART stop regularly sells its 10,000
	16:33:19	14	parking spaces on game days.
	16:33:25	15	The DEIR just assumes that people will fall in
	16:33:35	16	line with the kind of goal of the project and walk or
	16:33:38	17	bike. But we know that people don't necessarily do that.
	16:33:43	18	So the project will also result in significant
	16:33:46	19	impacts and the DEIR concludes that these environmental
H2-2-5	16:33:48	20	impacts are unavoidable without even making an attempt to
	16:33:51	21	mitigate the emissions that far exceed the city's
	16:33:52	22	thresholds, and which affect an area that has
	16:33:55	23	historically been deeply harmed by air pollution and
	16:33:59	24	environmental racism.
	16:34:00	25	Mitigation related to a disruption of the toxic

H2-2-3 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

H2-2-4 See Consolidated Response 4.7, *Parking*. See also Consolidated Response 4.2, *Formulation, Effectiveness and Enforceability of Mitigation Measures*, and Consolidated Response 4.14, *Environmental Justice*.

H2-2-5 Mitigation measures to address disturbance of contaminated materials at the Project site are discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, Impact HAZ-2. The mitigation measures include the following:

- Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAW, LUCs and Associated Plans describes the plans and land use covenants (LUCs) that would be required to mitigate the contamination at the Project site. The California Department of Toxic Substances Control (DTSC) would review these plans and LUCs for compliance with all applicable federal, state, and local regulations. The Project may not proceed until DTSC has provided its approval of the documents. In the event DTSC is not satisfied with the plans, the Project would not be approved and would not be constructed. Note that in addition to the above-noted required DTSC approval, the plans for addressing contamination at the Project site would use the numerical Target Cleanup Levels developed in the human health and ecological risk assessment (HHERA), as discussed in Draft EIR Section 4.8, *Hazards and Hazardous Materials*, pp. 4.8-15 to 4.8-17.

- Mitigation Measure HAZ-1b: Compliance with Approved RAW, LUCs and Associated Plans requires that documentation of DTSC approval of the plans and LUCs be provided to the chief building official before the issuance of grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses. This specifically includes DTSC approval and documentation of the successful implementation of measures to ensure protections appropriate for the types of anticipated uses (including residential use under specified conditions). Documentation would take the form of a certificate of completion, a finding of suitability for the Project's intended use, or similar documentation issued by DTSC. Note that in addition to the above-noted required approvals by DTSC and the City of Oakland building official, the plans for addressing contamination at the Project site would use the numerical Target Cleanup Levels developed in the HHERA, as discussed in

H2-2

COMMENT

RESPONSE

Draft EIR Section 4.8, *Hazards and Hazardous Materials*, pp. 4.8-15 to 4.8-17. In addition, and as explained in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project sponsor has elected to prepare a remedial action plan to provide a more conservative approach.

- Mitigation Measure HAZ-1c: Health and Safety Plan (HASP) requires the Project sponsor and its contractors to prepare and implement HASPs for the protection of workers, the public, and the environment consistent with customary protocols and applicable regulations, including but not limited to Title 8 of the California Code of Regulations. Note that the HASP would use the numerical worker safety standards promulgated in Title 8 of the California Code of Regulations.

As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction.

These LUCs and their associated plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 in the Draft EIR are actions that would be enforced by the chief building official to ensure that grading, building, or construction permits, and certificates of occupancy

H2-2

COMMENT

RESPONSE

or similar operating permits for new buildings and uses, would not be issued until regulatory requirements have been met.

As discussed in Draft EIR Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a human health and ecological risk assessment, or HHERA, has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

H2-2

COMMENT

RESPONSE

31

H2-2-5	16:34:01	1	substances is either not considered or left to future
	16:34:04	2	studies and there's no plan to remediate the toxic soil
	16:34:07	3	that lies underneath the project.
H2-2-6	16:34:09	4	The A's also brag that their entertainment
	16:34:12	5	complex will create nearly 10,000 new jobs, but the DEIR
	16:34:12	6	states that the project would not contribute to
	16:34:15	7	cumulative and substantial unemployment growth in the
H2-2-7	16:34:19	8	city or region.
	16:34:19	9	And finally, it assumes that there will be
	16:34:21	10	zoning changes that have not yet been voted on or
	16:34:25	11	approved and relies on state laws that again, have not
H2-2-8	16:34:28	12	yet been passed.
	16:34:29	13	So again and again as you can see it relies on
	16:34:31	14	studies that haven't been completed, assumes things that
	16:34:34	15	are not set in stone and in general does not reflect a
H2-2-9	16:34:36	16	project in reality.
	16:34:39	17	So it is completely insufficient. The proposed
	16:34:42	18	remediations will not adequately address the mass impacts
	16:34:45	19	the project will have and it does not do a good job of
	16:34:48	20	addressing questions on public health or safety risks
	16:34:50	21	posed by the project.
16:34:50	22	The City should go back to the drawing board	
16:34:53	23	and redo this analysis and recirculate the report. The	
16:34:55	24	thanks so much.	
16:34:57	25	MS. ARMSTRONG: Thanks, Emily.	

H2-2-6 As indicated in the Draft EIR (pp. 4.12-16 and 4.12-17), at full buildout of the Project site, the Project would generate the largest number of employees during a game-day event: approximately 9,499 employees. Based on the current A's ballpark employment of approximately 1,227 game-day staff members, the Project would generate net employment growth of 7,987 employees at full buildout, compared with existing Coliseum employment. The Project-specific and cumulative impacts of this increase in employment on the physical environment are evaluated throughout Draft EIR Chapter 4 (see, for example, Section 4.2, *Air Quality*, and Section 4.15, *Transportation and Circulation*). The potential for Project implementation to directly or indirectly induce growth is addressed in Chapter 7 of the Draft EIR.

H2-2-7 As discussed in the Draft EIR, the proposed Project uses would conflict with the existing zoning designations on the Project site. To resolve the current conflicts with existing zoning, the Project proposes to rezone the Project site and establish a new Waterfront Planned Development Zoning District as authorized by the proposed General Plan Amendment, described in Chapter 3, *Project Description*. 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 (Draft EIR p. 4.10-63). As such, the zoning change would be part of the City's discretionary approvals for the proposed Project.

It is unclear what the commenter is referring to with regard to state laws that have not been passed. Presumably, the commenter is referring to California Assembly Bill (AB) 734. As discussed in the Draft EIR, the Project applied for certification by the Governor pursuant to AB 734, which was enacted in 2018 and codified in the CEQA Statutes at Public Resources Code Section 21168.6.7. The Project was certified by the Governor on February 11, 2021, and the EIR is subject to the procedural requirements of AB 734 (Draft EIR p. 1-5).

H2-2-8 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*.

H2-2-9 See Response to Comment H2-2-5.

H2-2

COMMENT

RESPONSE

H2-2-10 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

32

16:34:58 1 Jackson Moore, you may make your comment.

16:35:04 2 **MR. MOORE:** Hello. Thank you. My name is

16:35:05 3 Jackson Moore. I'm a homeowner in the Jack London

16:35:08 4 District of Oakland.

16:35:10 5 I'm exited to see this project move forward.

16:35:12 6 But I'm concerned like some others here about the limited

16:35:16 7 railroad safety measures that have been proposed by the

16:35:18 8 project in TRANS-3.

16:35:20 9 TRANS-3 limits the proposed upgrades of the

16:35:22 10 railroad crossings to between Market Street and Broadway;

16:35:25 11 however, there are three other at-grade crossings that

16:35:28 12 allow access to the project: Franklin, Webster and Oak.

16:35:32 13 While analysis was provided of the railroad

16:35:34 14 crossings west of Broadway, those at Franklin, Webster

16:35:37 15 and Oak streets did not have any physical counts taken,

H2-2-10 16:35:37 16 nor were pedestrian crossing volumes estimated.

16:35:42 17 For comparison, the RSE railroad study

16:35:46 18 referenced in the EIR estimates that 20,000 pedestrians

16:35:49 19 will cross the railroad tracks at Broadway or Washington,

16:35:51 20 but there are no counts or estimates of the rail

16:35:54 21 crossings just one block away at Franklin and Webster,

16:35:57 22 which are well within the half-mile minimum study radius.

16:36:01 23 It just seems implausible to me that these

16:36:04 24 crossings would be omitted from any physical counts,

16:36:06 25 particularly as these crossings provide the most

H2-2

COMMENT

RESPONSE

33

16:36:08 1 efficient paths to the project when walking from Lake
 16:36:10 2 Merritt BART and the opportunity to enjoy the breweries,
 16:36:13 3 wineries and restaurants in the Jack London District
 16:36:15 4 between Lake Merritt BART and the ballpark.
 H2-2-10 16:36:19 5 Finally, the railroad study does actually
 16:36:21 6 recommend mitigation along the railroad tracks through
 16:36:23 7 the Franklin and Webster intersections. But this
 16:36:26 8 recommendation was wholly omitted from TRANS-3 without
 16:36:30 9 explanation.
 H2-2-11 16:36:30 10 Now I hope this project is approved. But I
 16:36:33 11 hope this City will reconsider accepting the proposed
 H2-2-12 16:36:35 12 rail safety mitigation. It seems to only address half of
 16:36:37 13 the dangerous rail crossings feeding to the project.
 16:36:42 14 Thank you.
 16:36:43 15 **MS. ARMSTRONG:** Thank you. Dolores Tejada, you
 16:36:46 16 may unmute yourself to make your comment.
 16:36:49 17 **MS. TEJADA:** Hello. My name is Dolores Tejada.
 16:36:51 18 I'm the lead organizer at East Bay Housing Organizations,
 16:36:55 19 EBHO.
 16:36:56 20 Our communities deserve to benefit from any
 16:36:59 21 development in Oakland which includes quality affordable
 H2-2-13 16:37:03 22 homes to live near the jobs created by this project. We
 16:37:08 23 are part of the Oakland United Coalition. And we worked
 16:37:12 24 hard to think about what this project means for our
 16:37:17 25 community and our Coalition calls for a minimum of 35

H2-2-11 See Consolidated Response 4.22, *General Non-CEQA*.H2-2-12 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.H2-2-13 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.1, *Project Description*.

H2-2

COMMENT

RESPONSE

H2-2-14 See Consolidated Response 4.3, *Recirculation of the Draft EIR.*

34

16:37:20 1 percent of affordable housing at this site.

16:37:23 2 It is standard practice for the Draft EIR --

16:37:24 3 for Draft EIRs to include a detailed description of this

16:37:29 4 project that covers locations of all the aspects of the

16:37:33 5 proposed development including both market rate and

16:37:35 6 affordable housing units. It indicates that -- the Draft

16:37:39 7 EIR indicates that the project will include as many as

16:37:42 8 3,000 units of housing, but it doesn't say how many of

16:37:45 9 the 3,000 units will be affordable or if any of the units

16:37:49 10 will be affordable.

16:37:50 11 In a footnote, the DEIR states that the

H2-2-13 16:37:53 12 developer may build affordable housing at the Howard

16:37:56 13 Terminal site or it may build affordable housing at some

16:38:00 14 other unspecified location or it may not build affordable

16:38:04 15 housing at all and instead pay impact fees to the city.

16:38:08 16 As such, the Draft EIR for Howard Terminal is

16:38:11 17 lacking critical information about the affordable housing

16:38:13 18 component of this project.

16:38:15 19 Because there's no specific plan for affordable

16:38:18 20 housing at this site in this document we cannot review

16:38:20 21 nor give input on the potential environmental impacts of

16:38:23 22 what is essentially a whole new community in West

16:38:25 23 Oakland.

H2-2-14 16:38:28 24 We are calling on the City and on you all to

16:38:30 25 recirculate this DEIR. Residents and community leaders

H2-2

COMMENT

RESPONSE

H2-2-14

16:38:35 1
16:38:38 2
16:38:42 3
16:38:45 4

demand and deserve a more comprehensive report that provides a full picture of the potential harms the project proposes and the ways the city and developer plan to mitigate these harms. Oaklanders deserve no less.

H2-2-15

16:38:48 5
16:38:51 6
16:38:55 7
16:38:55 8

Lastly of note I just wanted to say I'm a resident in District 3. Thank you.
MS. ARMSTRONG: Thank you.
Eileen Warren, you may make your comment.

16:41:07 9
16:41:11 10
16:41:13 11

Eileen are you there?
I see that you are unmuted, but I can't -- we can't hear you.

16:41:21 12
16:41:23 13
16:41:26 14

Okay. Eileen we're going to go to the next caller and we'll come back to you. Hopefully, you will have -- maybe you have some audio issues.

16:41:31 15
16:41:33 16

Susan Ransom, please unmute yourself to make your comment.

16:41:37 17

MS. RANSOM: Hi, can you hear me?

16:41:39 18

MS. ARMSTRONG: Yes, we can.

16:41:40 19

MS. RANSOM: My name is Susan Ransom. I'm the

16:41:40 20

client relations manager for SSA Terminal.

16:41:44 21

I'm listening to all this talk and no one has

16:41:47 22

said anything about Port operations.

H2-2-16

16:41:48 23
16:41:50 24
16:41:53 25

We are the largest stevedoring terminal in Oakland, the Port's number one revenue contributor, we work with 23 different steamship lines and currently

- H2-2-15 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- H2-2-16 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

35

H2-2

COMMENT

RESPONSE

			37
	16:43:02	1	Recently I've already had commissioners,
	16:43:03	2	reporters, T.V. stations, and others come to the terminal
	16:43:07	3	to get a visual of what is at stake if Howard Terminal's
H2-2-20	16:43:10	4	ballpark and playground is developed.
	16:43:14	5	I invited any of you to contact directly to
	16:43:17	6	visit as well.
	16:43:18	7	Thank you.
	16:43:19	8	MS. ARMSTRONG: Thank you.
	16:43:20	9	Adrian Guerrero, you may make your comment.
	16:43:30	10	MR. GUERRERO: Thank you, commissioners. This
	16:43:30	11	is Adrian Guerrero, General Director Public Affairs with
	16:43:33	12	Union Pacific Railroad.
	16:43:34	13	I've heard a lot of comments about railroad
	16:43:37	14	safety associated with the DEIR, as well as a number of
	16:43:41	15	comments about the working waterfront.
	16:43:43	16	And you know, representing Union Pacific and
	16:43:45	17	the hundreds of employees that work out of our Oakland
	16:43:49	18	terminal, I can tell you that we express significant
H2-2-21	16:43:52	19	safety concerns with the Draft EIR, the inadequacy of the
	16:43:56	20	transportation plan. These are similar comments that
	16:43:59	21	we've submitted in various discussions with City of
	16:44:03	22	Oakland leaders, with the Oakland A's, and with the Port
	16:44:06	23	of Oakland.
H2-2-22	16:44:08	24	UP has three rail yards directly adjacent to
	16:44:12	25	Howard Terminal. Those rail yards have various different

H2-2-21 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

H2-2-22 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

H2-2

COMMENT

RESPONSE

38

16:44:16 1 operations, as other speakers have pointed out.

16:44:18 2 One of the operations we have is called

16:44:20 3 switching where we take a train and break it up into

16:44:22 4 smaller trains so that we can build a longer train that

16:44:25 5 will serve various customers in the local area, local

16:44:29 6 customers as well as the overall Bay Area region.

16:44:32 7 When we switch those trains, they stop directly

16:44:34 8 in front of Howard Terminal. They stop anywhere from ten

16:44:38 9 to 45 minutes each time. They are there sometimes

16:44:40 10 longer, depending on the need.

16:44:42 11 If you put the ballpark right at Howard

16:44:44 12 Terminal without having full grade separations or full

16:44:48 13 grade crossing closures, people make bad decisions and

16:44:52 14 they will attempt to crawl through the train. They will

16:44:54 15 decide whether they want to get into the ballpark

16:44:57 16 immediately or leave the ballpark depending on what time

16:44:59 17 that train is there.

16:45:00 18 And we implore the city to implement full grade

16:45:03 19 separation or grade crossing closures at those locations.

16:45:07 20 The plan does not speak to that, it simply

16:45:09 21 speaks to hosting an excellent ballpark experience and

16:45:13 22 not wanting to spend money. And the way that we see it

16:45:16 23 is that the City has the opportunity to make this right

16:45:20 24 once before anything happens out there. And without

16:45:23 25 those infrastructure improvements, there will be

H2-2-22

H2-2

COMMENT

RESPONSE

H2-2-23 See Consolidated Response 4.5, *Truck Relocation*.

39

H2-2-22	16:45:26	1	significant safety risks.
	16:45:28	2	Thank you.
	16:45:29	3	MS. ARMSTRONG: Thank you for your comment.
	16:45:32	4	Weston LaBar, you may make your comment.
	16:45:37	5	MR. LaBAR: Yes, thank you. Chairman and
	16:45:39	6	commissioners, I'm Weston LaBar, CEO of Harbor Trucking
	16:45:45	7	Association. We represent a large number of the port
	16:45:47	8	drayage operators, those are the trucking companies
	16:45:50	9	moving goods to and from the Port of Oakland.
	16:45:53	10	And I would also point out that we will submit
	16:45:55	11	more substantial comments prior to the comment deadline.
	16:45:59	12	But quickly today I just wanted to give the top
	16:46:01	13	line analysis of our concerns.
	16:46:05	14	With respect to the proposed elimination of
	16:46:07	15	existing Port-related trucking activities at Howard
	16:46:10	16	Terminal, the Draft EIR is deficient in that it fails to
H2-2-23	16:46:14	17	identify or address the loss of over 40 percent of the
	16:46:17	18	existing parking stalls at Howard Terminal and the
	16:46:19	19	roundhouse. And the loss of over 60 percent of the daily
	16:46:23	20	or short-term parking stalls at the two locations.
	16:46:27	21	This will certainly result in increased truck
	16:46:30	22	traffic, a fact that Draft EIR concedes; however, the
	16:46:34	23	Draft EIR is deficient in claiming that this increase
	16:46:36	24	can't be quantified because the EIR's authors don't know
	16:46:39	25	exactly where the increase will occur.

H2-2

COMMENT

RESPONSE

40

H2-2-23

16:46:41 1 It will clearly occur within Oakland. And this
 16:46:44 2 increase in traffic and the environmental impacts
 16:46:47 3 associated with this increase in traffic must be
 16:46:49 4 addressed.

16:46:50 5 Thank you for your time today. And I look
 16:46:53 6 forward to seeing how this matter plays out.

16:46:57 7 **MS. ARMSTRONG:** Thank you.

16:46:57 8 Daniel levy, you may make your two-minute
 16:47:01 9 comment. Daniel?

16:47:18 10 There you go.

16:47:20 11 **MR. LEVY:** There we go. Thank you.

16:47:21 12 Yeah, my name is Daniel Levy, I'm with Oakland
 16:47:23 13 Heritage Alliance.

16:47:25 14 We have a couple of concerns with some of the
 16:47:27 15 variants. Mainly with the Peaker Plant variant.

H2-2-24

16:47:31 16 I'm a bit curious to see why those wings won't
 16:47:34 17 be retained and that the site is an extremely large site
 16:47:37 18 so it seems like the DEIR could be amended to change the
 16:47:43 19 project variant to accommodate those wings.

16:47:46 20 The site is a huge open canvas, not sure why
 16:47:49 21 the study of those wings is even -- the study of the wing
 16:47:53 22 removal is even being done.

H2-2-25

16:47:55 23 Secondly, with the gondola, it would be great
 16:47:57 24 to see some of the goals of the gondola to understand
 16:47:59 25 what alternatives might be available to accomplish those

H2-2-24 The comment expresses the desire for all portions of the Peaker Plant (601 Embarcadero) to be retained. Retention of the whole building is a baseline design element of the Project and is included in all alternatives presented in the Draft EIR. See Responses to Comment H-1-14 and H-1-32.

H2-2-25 This comment requests that alternatives to the Aerial Gondola Variant be analyzed; however, an EIR is not required to consider alternatives to a component of a project, only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.) See Response to Comment H-1-33.

As discussed in Chapter 5 of the Draft EIR, the aerial gondola may or may not be incorporated into the Project. This uncertainty derives from the proposed location of the gondola within and above public right-of-way; from the need for properties to accommodate the tower and stations; and from the need for various approvals, including approvals from the California Department of Transportation (Draft EIR p. 5-56).

Whether or not the gondola is included in the Project, those wishing to access the site would have multiple options, including walking from the 12th Street BART Station along the Washington Street corridor and through Old Oakland. See Draft EIR Section 4.15 for a list of off-site improvements, including improvements to Washington Street, intended to improve the corridor's attractiveness to pedestrians and bicyclists. These improvements would occur with or without the Aerial Gondola Variant.

H2-2

COMMENT

RESPONSE

H2-2-26 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

41

	16:48:02	1	same goals.
	16:48:03	2	There will be impacts to people not walking
	16:48:05	3	through Old Oakland, people not walking on Broadway,
	16:48:08	4	going to businesses, people being removed from the street
H2-2-25	16:48:11	5	which has safety impacts. So I'm curious to see if
	16:48:15	6	there's some alternatives to the gondola that could be
	16:48:17	7	looked at that keep people on the street instead of
	16:48:20	8	removing them from the street.
	16:48:21	9	Thank you.
	16:48:23	10	MS. ARMSTRONG: Thank you.
	16:48:26	11	Stuart Flashman. Stuart, you can unmute
	16:48:35	12	yourself to make your comment.
	16:48:38	13	MR. FLASHMAN: Good afternoon. My name is
	16:48:41	14	Stuart Flashman. I'm an attorney. I'm representing the
	16:48:43	15	Jack London District Rail Safety Working Group.
	16:48:47	16	And we have concerns and you've heard some
	16:48:49	17	people talk about the concerns about rail safety and the
	16:48:53	18	grade crossings for Union Pacific. And you've heard
	16:48:56	19	Union Pacific talk about those grade crossings.
	16:48:59	20	The main concern that my client has is that the
H2-2-26	16:49:03	21	consideration of the safety of those grade crossings was
	16:49:07	22	artificially truncated. They looked only as far to the
	16:49:10	23	east as Broadway. They didn't look beyond Broadway.
	16:49:13	24	And yet those grade crossings continue and
	16:49:17	25	there is no question there will be impacts at those grade

H2-2

COMMENT

RESPONSE

42

H2-2-26 16:49:20 1 crossings going further east from Broadway. And yet
 16:49:22 2 there's nothing in the EIR talking about how many people
 16:49:27 3 use those, how much impact there will be from leaving
 16:49:31 4 those grade crossings as they are, even though the rail
 16:49:33 5 study identified that there needed to be improvements
 16:49:37 6 east of Broadway. But the EIR totally ignores that.
 16:49:41 7 That needs to be corrected. And whether that
 16:49:44 8 requires recirculation or not is another matter.
 16:49:47 9 But I will be submitting written comments on
 16:49:49 10 the EIR and I hope you will consider that.
 16:49:51 11 Thank you.
 16:49:53 12 **MS. ARMSTRONG:** Thank you.
 16:49:54 13 Joseph Grib, you may unmute yourself to make
 16:49:57 14 your comment.
 16:50:00 15 **MR. GRIB:** Hi, can you hear me?
 16:50:03 16 **MS. ARMSTRONG:** Yes, we can.
 16:50:03 17 **MR. GRIB:** Hello, commissioners. Thank you for
 16:50:04 18 your time today. My name is Joseph Grib and I'm a law
 16:50:07 19 student clinician at the Berkeley Environmental Law
 16:50:10 20 Clinic working with members of the Oakland United
 16:50:12 21 Coalition.
 16:50:13 22 The DEIR inadequately considers the issue of
 H2-2-27 16:50:15 23 existing and disproportionate air pollution burdening
 16:50:15 24 West Oakland. West Oakland has historically and
 16:50:19 25 continues to be one of the most polluted locations in the

H2-2-27 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 site is located in an overburdened community disproportionately affected by air pollution. For a discussion of existing health impacts in West Oakland and the Project's contribution to these impacts, see Responses to Comments A-7-51, A-11-1, A-17-1, I-156-5, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.

Regarding stricter thresholds of significance, see Responses to Comments O-62-41 and O-62-43.

Regarding mitigation measures to reduce air quality impacts, the Project's significant air quality impacts would be mitigated to the maximum extent feasible, as required by CEQA, through multiple air quality mitigation measures: 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: Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b. Many of these mitigation measures were quantified to show their anticipated emissions reductions benefits. See also Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, for a discussion of mitigation measure deferral.

Regarding the Draft EIR's analysis of the Project's electric vehicle chargers, see Responses to Comments O29-1-22 through O29-1-28.

See also Consolidated Response 4.14, *Environmental Justice*.

H2-2

COMMENT

RESPONSE

H2-2-28 See Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. The West Oakland Community Action Plan is discussed at length in Draft EIR Section 4.2, and its data inputs informed the evaluation of cumulative air quality impacts. Strategies included in the plan are identified for implementation by the City and other agencies, and not for individual projects or developers. The City is actively considering identified strategies for possible adoption through regulatory or policy changes.

43

16:50:23 1 state of California.
 16:50:23 2 This pollution has created disproportionate
 16:50:26 3 health impacts for residents leading to increased
 16:50:30 4 likelihood of cancer, asthma and other adverse health
 16:50:33 5 impacts.
 16:50:34 6 Importantly, many of these impacts come from
 16:50:35 7 pollution related to diesel particulate matter as West
 16:50:38 8 Oakland is surrounded by several major highways and
 16:50:42 9 traffic from the Port.
 16:50:43 10 The project will bring even more diesel
 H2-2-27 16:50:44 11 particulate matter from diesel-burning vehicles, machines
 16:50:46 12 and generators.
 16:50:48 13 West Oakland's burden has been recognized by
 16:50:51 14 the City and the State through its designation as a
 16:50:52 15 community air protection program, CAP, community. The
 16:50:55 16 project has a duty not to adversely impact this
 16:50:58 17 environmental justice community.
 16:51:00 18 First, the DEIR should use stricter significant
 16:51:03 19 thresholds for air quality impacts because of West
 16:51:06 20 Oakland's historically disproportion amount of toxic air
 16:51:09 21 pollution.
 16:51:10 22 Second, the DEIR does not adequately mitigate
 H2-2-28 16:51:13 23 the project's air quality impacts because, one, the DEIR
 16:51:16 24 impermissibly deters mitigation by refusing to commit to
 16:51:18 25 specific mitigation measures that have been proposed

H2-2

COMMENT

RESPONSE

			44
H2-2-28	16:51:25	1	under West Oakland Community Action Plan.
	16:51:26	2	Second, the DEIR states that EV chargers will
	16:51:29	3	discourage use of fossil fuel vehicles. This analysis is
H2-2-29	16:51:31	4	inadequate because it is not supported by substantial
	16:51:34	5	evidence.
	16:51:35	6	Lastly, due to significant and unavoidable
H2-2-30	16:51:37	7	impacts on the environmental justice community, the City
	16:51:40	8	should require greater mitigation measures.
	16:51:42	9	For these reasons the DEIR's mitigation
	16:51:46	10	measures related to air quality impacts are insufficient
H2-2-31	16:51:47	11	and the DEIR should be revised and recirculated to
	16:51:50	12	address these environmental justice concerns.
	16:51:53	13	Thank you.
	16:51:54	14	MS. ARMSTRONG: Thank you.
	16:51:59	15	J.B. Davis, you may unmute yourself to make
	16:52:02	16	your comment.
	16:52:12	17	Okay, J.B., you may make your comment.
	16:52:16	18	MR. DAVIS: Hi. Hi, can you hear me now?
	16:52:20	19	MS. ARMSTRONG: Yes, we can.
	16:52:22	20	MR. DAVIS: Hi, my name's J.B. Davis. I'm a
	16:52:24	21	member of the Inlandboatmen's Union. And I have worked
	16:52:29	22	both on -- I currently work on ferries. I've worked on
	16:52:32	23	tugboats as well.
	16:52:35	24	The I'm here to speak against this Draft EIR.
H2-2-32	16:52:39	25	It's flawed in a number of areas.

H2-2-29 See Responses to Comments O29-1-22 through O29-1-28.

H2-2-30 See Consolidated Response 4.14, *Environmental Justice*. The EIR includes substantial mitigation measures on a wide variety of topics, as shown in Draft EIR Table 2-1, and the commenter does not specify what additional measures should be considered for inclusion.

H2-2-31 This comment is predicated on other comments in this submittal; see Responses to Comments H2-2-27 through H2-2-30. The City has prepared the EIR in accordance with CEQA requirements to inform 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, although 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. Consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

H2-2-32 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Response to Comment A-12-26. As discussed on Draft EIR p. 4.10-45, with the inclusion of Mitigation Measure NOI-3, the proposed Project would not expose Project residents to existing noise levels in excess of the City's Land Use Compatibility Guidelines such that a fundamental land use conflict would occur. While potential land and water-based use conflicts could arise due to the introduction of new residential and office/commercial uses on the Project site adjacent to Port, industrial, and railroad uses, there is no evidence to suggest that the Project would result in a significant fundamental land use conflict after the implementation of mitigation measures described under Impact LUP-2. The Draft EIR concludes on p. 4.10-51 that with the inclusion of Mitigation Measures LUP-1a, LUP-1b, LUP-1c, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2.CU, BIO-1b, NOI-3, TRANS-1a, and TRANS-1b, the proposed Project would not result in a fundamental conflict with nearby uses and impacts would be less than significant.

The remainder of the comment does not address the adequacy or accuracy of the Draft EIR and no further response is required under CEQA. The comment will be forwarded to the decision makers for their consideration during deliberations on the proposed Project.

H2-2

COMMENT

RESPONSE

H2-2-33 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

45

H2-2-32

16:52:43 1 Probably just the biggest one is sort of a
 16:52:48 2 broad sense. This EIR fails to show compatibility or how
 16:52:56 3 existing businesses at the Port, shipping, trains,
 16:53:03 4 Schnitzer, how those would be compatible with the
 16:53:05 5 proposed uses, specifically the residential uses.
 16:53:15 6 Having lived in a refinery town before, I can
 16:53:19 7 tell you that putting residential next to heavy industry
 16:53:25 8 is generally bad public policy.
 16:53:29 9 You know, is a residential land use compatible
 16:53:33 10 with a three -- 24-7, 365 operations?
 16:53:38 11 If you ever spent any time down there at 3:00
 16:53:40 12 in the morning, you hear trains getting put together and
 16:53:44 13 taken apart. You hear containers banging around. It's
 16:53:48 14 noisy. It's loud. Schnitzer creates dust. There's been
 16:53:53 15 many, many discussions about how the air quality down
 16:53:58 16 there is already bad.
 16:54:00 17 Do you want to put more houses where air
 16:54:03 18 quality is already bad?

H2-2-33

16:54:06 19 Secondly, the DEIR does not discuss the
 16:54:12 20 ramification if these -- this project as proposed is --
 16:54:19 21 goes through, what happens when jobs start getting lost?
 16:54:22 22 Are they going to subtract those from the amount that
 16:54:24 23 they say they're going to make? Where do those jobs go?
 16:54:29 24 Legacy jobs on the waterfront, you can't put them
 16:54:32 25 someplace else. They're there for a --

H2-2

COMMENT

RESPONSE

46

16:54:37 1 **MS. ARMSTRONG:** That's your two-minute comment
 16:54:38 2 period. Thank you very much.
 16:54:42 3 Tasion, you may unmute yourself to make your
 16:54:45 4 comment.
 16:54:45 5 **MS. KWAMILELE:** Good afternoon. Or good
 16:54:45 6 evening. My name is Tasion Kwamilele. I am an Oakland
 16:54:52 7 native, raised in West Oakland. I'm a homeowner in
 16:54:53 8 District 7. And I'm the Government and Public Affairs
 16:54:55 9 Manager for Schnitzer Steel.
 16:54:57 10 It is in this light that I speak against the
 16:54:58 11 project at Howard Terminal.
 16:55:01 12 The DEIR does not adequately address jobs or
 16:55:03 13 adverse impacts to our industrial industry at the Port.
 16:55:08 14 For more than 50 years Schnitzer Steel has been
 16:55:10 15 a valuable industrial player in our city. Today
 16:55:13 16 Schnitzer creates over 350 local jobs throughout the Bay
 16:55:16 17 Area and nearly 50 percent of our employees at our
 16:55:20 18 Oakland facility are Oakland residents.
 16:55:22 19 As an Oakland native whose family moved to the
 16:55:23 20 Bay Area years ago for jobs at the port, I understand the
 16:55:26 21 value of our industrial industry.
 16:55:28 22 As D7 resident and homeowner, I know the
 16:55:31 23 Coliseum in East Oakland is already approved for a
 16:55:33 24 ballpark development, does not require environmental
 16:55:36 25 remediation, has an adjacent BART station and won't

H2-2-34 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, regarding the compatibility of the proposed Project with Port land uses. This Consolidated Response and others also discuss the role of socioeconomic impacts in CEQA. (For example, see Consolidated Response 4.5, *Truck Relocation*, regarding relocation of truck activities from Howard Terminal; and Consolidated Response 4.12, *Affordable Housing*.)

H2-2-35 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

H2-2-34

H2-2-35

H2-2

COMMENT

RESPONSE

			47	
H2-2-35	16:55:40	1	require pedestrians to cross busy railroad and trucking	
	16:55:43	2	corridors. I also know the economic importance the	
	16:55:45	3	Coliseum has for our city and for our East Oakland	
	16:55:49	4	community and why we must ensure such a critical	
H2-2-36	16:55:51	5	investment remains in East Oakland.	
	16:55:53	6	It is unacceptable that the A's are attempting	
	16:55:55	7	to buy the Coliseum at a discount.	
	16:55:57	8	Like you, I want the A's to stay in Oakland.	
	16:56:00	9	If they are truly rooted in Oakland, they must invest	
H2-2-37	16:56:02	10	back into the community that has invested in them for so	
	16:56:07	11	many years.	
	16:56:07	12	Thank you very much.	
	16:56:09	13	MS. ARMSTRONG: Thank you.	
	16:56:10	14	Willie Stevens, you may unmute yourself to make	
	16:56:13	15	your comment.	
	16:56:15	16	MR. STEVENS: My name is Willie Stevens. I	
	16:56:19	17	live in Oakland and I have for 13 years. I'm with EBHO,	
	16:56:23	18	East Bay Housing Organizations.	
	16:56:27	19	And we don't feel that the DEIR addresses the	
	16:56:39	20	affordable housing issue. It's saying that it's going to	
	16:56:43	21	be 3,000 units, but they're not saying how many of those	
H2-2-38	16:56:47	22	3,000 units would be affordable housing.	
	16:56:52	23	And it doesn't say if there's going to be	
	16:56:57	24	impact fees applied to that particular project versus	
	16:57:05	25	actually building affordable housing.	

H2-2-36 See Consolidated Response 4.22, *General Non-CEQA*.H2-2-37 See Consolidated Response 4.22, *General Non-CEQA*.H2-2-38 See Consolidated Response 4.12, *Affordable Housing*.

H2-2

COMMENT

RESPONSE

H2-2-39 Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3; however, with regard to potential impacts on Chinatown, see Consolidated Response 4.8. See also Consolidated Response 4.21, *AC Transit Congestion Impacts*, to understand implications for bus transit. 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.

48

16:57:08 1 So thank you very much.

16:57:11 2 **MS. ARMSTRONG:** Thank you.

16:57:12 3 Next we have Evelyn Lee. You may unmute

16:57:16 4 yourself to make your comment.

16:57:20 5 **MS. LEE:** Good afternoon. Can you hear me?

16:57:22 6 **MS. ARMSTRONG:** Yes, we can.

16:57:25 7 **MS. LEE:** Okay. Great. My name is Evelyn Lee,

16:57:27 8 and I'm the Board President of the Oakland Asian Cultural

16:57:30 9 Center. We are located in Chinatown. And we present art

16:57:34 10 from the Asia-Pacific Islander community to improve

16:57:39 11 intercultural understanding and social justice.

16:57:41 12 We are an active participant in the community

16:57:44 13 benefits agreement process. And we were evaluating the

16:57:47 14 EIR in our capacity as stewards of the cultural resources

16:57:51 15 in Oakland Chinatown.

16:57:54 16 And unfortunately, the traffic impacts of this

16:57:59 17 project have the potential to severely harm and

16:58:03 18 eventually extinguish the Chinatown community. And it

16:58:08 19 would do that by creating so much gridlock that it would

16:58:12 20 discourage people from coming to Chinatown.

H2-2-39 16:58:16 21 We've already had impact to Chinatown's

16:58:21 22 businesses, its community and its residents due to COVID

16:58:25 23 and its aftermath and having traffic jams that discourage

16:58:30 24 people from coming in to do their shopping for groceries,

16:58:34 25 bring their families and friends down to enjoy Chinatown

H2-2

COMMENT

RESPONSE

- H2-2-40 See Consolidated Response 4.7, *Parking*, and Consolidated Response 4.8, *Chinatown*.
- H2-2-41 See Consolidated Response 4.22, *General Non-CEQA*.

49

H2-2-39

16:58:37 1 and its culture, that would be -- that would be so
 16:58:42 2 debilitating to our community that it's -- it's just a
 16:58:49 3 really frightening prospect because I think that Oakland
 16:58:52 4 needs its authentic ethnic communities.

H2-2-40

16:58:57 5 The problem with the traffic design is that
 16:59:01 6 there is no -- there are only 2,000 parking spaces for a
 16:59:05 7 35,000 person capacity ballpark. And if you're thinking
 16:59:10 8 well, the ballpark's far away from Chinatown, just
 16:59:14 9 consider the spill-over effect that you see on the Nimitz
 16:59:17 10 on Raider days. Well, there used to be Raider days.
 16:59:20 11 Even though they had a huge parking lot with 10,000
 16:59:23 12 spaces. So, I guess what I'm saying is --

16:59:29 13 **MS. ARMSTRONG:** That was your two-minute
 16:59:31 14 comment period. Thank you.

16:59:32 15 **MS. LEE:** Thank you.

16:59:34 16 **MS. ARMSTRONG:** Saied, you may unmute yourself
 16:59:36 17 to make your comment.

16:59:43 18 **MR. KARAMOOZ:** My name is Saied Karamooz.

16:59:54 19 I'm a resident in Jack London District. I
 17:00:03 20 would like to make three quick points about the Howard
 17:00:05 21 Terminal project.

H2-2-41

17:00:08 22 The first is that its complex can serve as an
 17:00:11 23 economic engine like no other site in Oakland for its
 17:00:14 24 proximity to downtown, iconic setting, and broad
 17:00:17 25 accessibility.

H2-2

COMMENT

RESPONSE

50

H2-2-41	17:00:18	1	I lived in Washington D.C. when Camden Yards
	17:00:20	2	was built in Baltimore and witnessed profound positive
	17:00:24	3	impact of a visionary stadium which could easily be the
	17:00:27	4	case for the A's stadium at Howard Terminal.
H2-2-42	17:00:30	5	But I think it's important that the City and
	17:00:32	6	the A's think big, which brings me to my second point.
	17:00:37	7	As it is, the transportation hub that's
	17:00:39	8	proposed in the Draft EIR is nothing more than a
H2-2-43	17:00:42	9	glorified bike shop at an expanded AC Transit bus stop.
	17:00:47	10	To have a true transportation hub, the Amtrak station
	17:00:47	11	must be relocated to the complex with the Greyhound bus
	17:00:51	12	station as well.
H2-2-44	17:00:51	13	And a pedestrian walkway should be built to
	17:00:54	14	Alameda so we have a ferry, Amtrak station, AC bus stop,
	17:00:59	15	walkway to Alameda along with the other planned transit
	17:01:02	16	services, then the new complex would be a true
H2-2-45	17:01:04	17	transportation hub in the -- in the surrounding area.
	17:01:08	18	And an added benefit of relocating the Amtrak
	17:01:12	19	station to Howard Terminal is that over 30 deadhead trips
	17:01:15	20	between the Amtrak service depot in West Oakland and the
H2-2-45	17:01:18	21	Oakland Transit train station would end at Howard
	17:01:21	22	Terminal and not disrupt the traffic in the Jack London
	17:01:26	23	area.
	17:01:27	24	My third point has to do with rail crossing
17:01:29	25	safety measures that are proposed in the Draft EIR that	

H2-2-42 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 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.

The commenter is directed to Draft EIR p. 4.15-148, which describes transportation strategies that were discarded. Providing a new rail station for Amtrak at the Project site was discarded for several reasons. Only a limited number of passenger trains per day, operating on fixed schedules, can use the Union Pacific Railroad tracks because freight is prioritized. Schedule changes to accommodate special events at the ballpark would interfere with freight operations and passenger trains would not be consistently available. The existing Amtrak station is within walking distance, about six to seven blocks from the site. Therefore, the option for a new rail station was discarded, given the limited effectiveness of the new station compared to its complexity and cost.

H2-2-43 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 waterfront project or required as a mitigation measure for the Project. The opinion does not specifically regard the sufficiency of the analysis or mitigation measures in the Draft EIR, nor does the comment raise a new environmental issue. 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 Responses to Comments A-10-2 and A-10-5.

H2-2-44 See Response to Comment H-2-42 regarding a new train station at the Project site.

H2-2-45 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

H2-2

COMMENT

RESPONSE

H2-2-46 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. 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.

51

H2-2-45	17:01:32	1	encompass five of the eight crossings from Market Street
	17:01:36	2	to Broadway, but leave out Franklin, Webster and Oak
	17:01:39	3	streets.
	17:01:40	4	To mitigate risks at five of the eight
	17:01:42	5	crossings is no different than -- from plugging five of
	17:01:47	6	eight holes in a pipe and expecting to stop a leak.
	17:01:51	7	Unless the other crossings are addressed, there
	17:01:53	8	will be avoidable deaths and serious injuries by fans,
	17:01:56	9	visitors and tourists.
	17:01:58	10	As a firsthand witness, I can attest that the
	17:02:00	11	issue is not limited to crossing accidents, rather it is
	17:02:04	12	careless and daring acts by individuals who walk over or
	17:02:08	13	jump onto slow-moving or freight trains.
17:02:12	14	MS. ARMSTRONG: That is the two-minute comment	
17:02:13	15	period. Thank you.	
17:02:15	16	Rita Look, you may unmute yourself to make your	
17:02:19	17	comment.	
17:02:20	18	MS. LOOK: Hi, I'm Rita Look. I'm a West	
17:02:23	19	Oakland resident.	
H2-2-46	17:02:25	20	The Draft EIR is deficient and most likely
	17:02:29	21	because they're trying to whitewash the fact that the
	17:02:31	22	project is being shoehorned into a spot that has no
	17:02:34	23	direct transit, no direct freeway exits and an active
	17:02:38	24	railroad dividing us from them with insufficient plans
	17:02:41	25	for grade separation in an area so small only 2,000

H2-2

COMMENT

RESPONSE

			52
H2-2-46	17:02:44	1	parking spaces for a 35,000 seat stadium on a landfill
	17:02:49	2	without provisions for piers down to bedrock.
H2-2-47	17:02:53	3	Air quality impacts. The DEIR doesn't
	17:02:55	4	adequately address congestion around intersections and
	17:02:59	5	freeways. West Oakland is a tiny island surrounded by
	17:03:01	6	freeways. Traffic will be lined up for miles on the
	17:03:04	7	freeways leading to the closest exits with the cars
H2-2-48	17:03:07	8	waiting at the bottom for lights to turn green, and then
	17:03:10	9	drive 30 feet to another red light.
	17:03:13	10	Also impacting air quality -- I've lived in
	17:03:16	11	West Oakland for almost 20 years -- Ellen Wyrick worked
	17:03:17	12	for years to get idling trucks out of the neighborhood,
	17:03:21	13	to have a place for them off streets with engines off,
	17:03:24	14	which is the current use of the Howard Terminal. There's
	17:03:27	15	no provisions for these trucks in the DEIR.
H2-2-49	17:03:30	16	Also surprising, no absolute plans to grade
	17:03:33	17	separate railroad from all streets leading to site seems
	17:03:37	18	unimaginable.
H2-2-50	17:03:39	19	Caltrain on the peninsula has been raising and
	17:03:42	20	lowering tracks for years knowing that every road or path
	17:03:45	21	that crosses tracks are accidents waiting to happen.
	17:03:48	22	The rail is essential for the Port's operation.
	17:03:51	23	Limitations on rail due to traffic will impact this
	17:03:55	24	business.
	17:03:55	25	The project isn't compatible with surrounding

H2-2-47 The Draft EIR evaluates the air quality impacts of Project-generated traffic and the associated mobile-source emissions, including emissions associated with vehicle delays caused by traffic congestion. See Impact AIR-1 for an evaluation of criteria pollutants emissions from Project operations (including vehicle traffic), and see Impacts AIR-4, AIR-5, and AIR-2.CU for an evaluation of toxic air contaminant (TAC) emissions from Project operations.

For Impact AIR-2, emissions were calculated for Port truck idling associated with additional traffic delays on weekdays due to ballgames and ancillary land uses, based on information in the traffic study. The Draft EIR also accounted for the diurnal pattern of traffic volumes (high volumes during rush hour and during the day, with low volumes overnight) representing hourly changes in traffic over the course of a day. This was based on traffic data provided by Fehr & Peers. See Draft EIR Appendix AIR.1, p. 37.

See Draft EIR Section 4.15, *Transportation and Circulation*, for additional analysis of the Project's transportation impacts and infrastructure.

H2-2-48 See Consolidated Response 4.5, *Truck Relocation*.

H2-2-49 See Consolidated Response 4.9, *Alternative 3: The Proposed Project with Grade Separation Alternative*.

H2-2-50 The commenter raises the concern that transportation demand generated by the Project would negatively affect rail operations and recommends grade separation between rail and roadway traffic.

Rail would continue to have priority at all grade crossings; therefore, the only potential source of additional delay to rail traffic would be 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 providing additional grade separation between rail traffic and roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) along Embarcadero West (beyond Draft EIR Alternative 3). It also explains why the risk of delays to passenger and freight rail operations from additional collisions at grade crossings would be minimal with the safety improvements required by Mitigation Measures TRANS-3a and TRANS-3b. Nevertheless, the impact of roadway users' exposure to a permanent or substantial transportation hazard at the grade crossings would remain significant and unavoidable.

H2-2

COMMENT

RESPONSE

			53
	17:03:58	1	businesses.
	17:03:59	2	There are impacts to well-being of residents
H2-2-51	17:04:02	3	with cars coming to area of gridlock, parking permits
	17:04:06	4	required. Who will pay for that? Who will enforce
	17:04:08	5	parking?
H2-2-52	17:04:08	6	And then the noise with the fireworks. I'm
	17:04:12	7	less than a mile from the site.
	17:04:14	8	In conclusion, the Draft EIR presents a sexy
	17:04:17	9	project next to the water and doesn't honestly address
H2-2-53	17:04:20	10	the limitations of the site. And with no plans to make
	17:04:23	11	it more user friendly with infrastructure and
	17:04:26	12	transportation improvements the project creates a
	17:04:29	13	dangerous traffic congestion and parking nightmare to
H2-2-54	17:04:32	14	either be sold at a later time with money coming out of
	17:04:35	15	public pockets (audio stops)
	17:04:52	16	MR. WILSON: Chris Wilson. Hello, can you hear
	17:04:54	17	me?
	17:04:55	18	CHAIR LIMON: Yes, go ahead and state your name
	17:04:56	19	for the record.
	17:04:58	20	MR. WILSON: Good afternoon, commissioners. My
	17:04:58	21	name is Chris Wilson. I'm currently a law student in UC
	17:05:02	22	Berkeley's environmental law clinic.
	17:05:05	23	The Draft EIR's analysis as it pertains to
H2-2-55	17:05:05	24	greenhouse gas emissions is inadequate and violates both
	17:05:09	25	CEQA and California case precedent.

H2-2-51 The commenter expresses an opinion about the Project's parking demand, asserting that the Project may exacerbate parking demand in adjacent neighborhoods. The commenter further expresses concerns related to the administration of the City of Oakland's Residential Parking Permit Program. The commenter does not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures in the Draft EIR, nor does the commenter raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project and EIR. See Consolidated Response 4.7, *Parking*.

H2-2-52 As noted on p. 4.11-52 of the Draft EIR, pyrotechnic events (fireworks) routinely occur along San Francisco Bay, including at Oracle Park and the Oakland Coliseum, both of which are close to residents who experience related noise. Peak fireworks noise may occasionally exceed the instantaneous performance standard for residential uses identified in Draft EIR Table 4.11-8, which generally apply to stationary noise sources. However, given the brief duration and limited number of fireworks events that would occur at the ballpark, the Draft EIR concludes that noise from fireworks displays would result in a less-than-significant impact, with temporary noise levels of 70–78 A-weighted decibels.

H2-2-53 The commenter expresses an opinion about the Project, asserting that the Draft EIR does not identify a plan for transportation. Comments regarding the merits of the Project or parts 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

See Draft EIR Section 4.15.4, *Transportation Improvements* (pp. 4.15-86 through 4.15-148), which discusses the transportation improvements that are part of the Project, required as mitigation measures under CEQA, or recommended as part of the non-CEQA technical analyses to support the Project.

Draft EIR Section 4.15.4 includes several sections, highlighted below:

H2-2

COMMENT

RESPONSE

- An overview of the site access routes and circulation is provided on pp. 4.15-86 through 4.15-93.
- The railroad crossing improvements are described on pp. 4.15-93 through 4.15-94.
- The off-site transportation improvements are introduced on pp. 4.15-94 through 4.15-98, with graphics of the off-site improvements provided on pp. 4.15-99 through 4.15-116.
- The description of the off-site improvements by corridor and their impact on people driving, using transit, walking, and bicycling is provided on pp. 4.15-117 through 4.15-133.
- Transportation improvements, as identified through an intersection and road segment safety analysis, are described on pp. 4.15-133 through 4.15-136.
- Transportation management for the ballpark before, during, and after an event is discussed on pp. 4.15-137 through 4.15-143.
- Transportation management for non-ballpark development is described on pp. 4.15-143 through 4.15-148.
- Several transportation strategies that were considered and discarded are described on pp. 4.15-148 through 4.15-149.

H2-2-54 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-2-55 The EIR does not include improper deferral of mitigation. For a discussion of CEQA's treatment of deferred mitigation, including as it pertains to Mitigation Measure GHG-1, see Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*. Also see response to comments A-11-8, O-56-4, O-59-4, O-62-33, and O-62-38 for additional discussion of deferral issues related to Mitigation Measure GHG-1.

Mitigation Measure GHG-1 requires that the Project meet the "no net additional" requirement through the preparation and implementation of a

H2-2

COMMENT

RESPONSE

greenhouse gas (GHG) reduction plan. After implementation of Mitigation Measure GHG-1, the impact would be less than significant (see Draft EIR p. 4.7-66). Further, the California Air Resources Board (CARB) approved the Project's AB 734 application documenting how the Project can achieve the "no net additional" requirement.

The commenter cites *Communities for a Better Environment v. City of Richmond* (April 26, 2010) 184 Cal.App.4th 70, to support the claim that the Draft EIR is inadequate because it does not calculate the emissions reduction potential of Mitigation Measure GHG-1 and because development of the GHG reduction plan pursuant to Mitigation Measure GHG-1 would not involve public input.

In *Communities for a Better Environment v. City of Richmond* (referred to herein as "*CBE v. City of Richmond*"), the appellate court found that the EIR merely proposed a generalized goal of no net increase in GHG emissions and then set out vaguely described future mitigation measures. The court stated that greater specificity was required.

However, the EIR in *CBE v. City of Richmond* evaluated and mitigated GHG emissions substantially differently than the Draft EIR. First, the City of Richmond's Draft EIR concluded that determining the significance of the project's GHG emissions would be too speculative and did not reach a significance finding. In contrast, the Draft EIR concludes that GHG emissions associated with the Project would be less than significant with mitigation (Mitigation Measure GHG-1) and does not defer an impact finding.

Second, the City of Richmond's Final EIR included a mitigation measure with a performance standard of zero net emissions, with potential actions to be included in a future GHG reduction plan. The court permitted the City to defer formulation of the mitigation measure, provided that the City of Richmond "(1) undertook a complete analysis of the significance of the environmental impact, (2) proposed potential mitigation measures early in the planning process, and (3) articulated specific performance criteria that would ensure that adequate mitigation measures were eventually implemented."

However, the City of Richmond did not complete these tasks: "[T]he lead agency in our case delayed making a significance finding until late in the CEQA process, divulged little or no information about how it quantified the Project's

H2-2

COMMENT

RESPONSE

greenhouse gas emissions, offered no assurance that the plan for how the Project's greenhouse gas emissions would be mitigated to a net-zero standard was both feasible and efficacious, and created no objective criteria for measuring success."

In contrast, the Draft EIR completes item #1 by thoroughly evaluating the Project's GHG emissions and includes a detailed appendix explaining all the assumptions, calculation methods, emission factors, and data used to calculate emissions (see Draft EIR pp. 4.7-37 through 4.7-50 and Appendix AIR.1 pp. 17 through 30).

The Draft EIR completes item #2 through Mitigation Measure GHG-1, which has been revised in response to several comments to include eight required actions, 16 recommended on-site actions, eight recommended off-site actions, and carbon offset credits, all developed through the public process (see Consolidated Response 4.2, *Formulation, Effectiveness, and Enforceability of Mitigation Measures*, and in Chapter 7, *City-Initiated Updates and Errata in the Draft EIR*, for the revised mitigation measure language). In addition, CARB approved the Project's AB 734 application documenting how the Project can achieve the "no net additional" requirement.

Finally, the Draft EIR completes action #3 by including a specific performance criterion in Mitigation Measure GHG-1 of "no net additional" emissions as defined by AB 734. Mitigation Measure GHG-1 also includes an implementation, monitoring, and enforcement provision that requires the Project sponsor to do all of the following:

- Calculate the Project's emissions.
- Include GHG reduction measures in the drawings submitted for construction-related permits.
- Include the measures in the Project plans before building permits are issued.
- Enter into contracts for the purchase of carbon offset credits before the issuance of construction permits, building permits, and Temporary Certificate of Occupancy (TCO) issuances for each building.
- Submit third-party verification reports for all credits purchased.

H2-2

COMMENT

RESPONSE

Therefore, the Draft EIR meets all the requirements of the court in *CBE v. City of Richmond* through Mitigation Measure GHG-1.

The court summarized the issues with the City of Richmond's EIR as follows:

We emphasize once again that the time to analyze the impacts of the Project and to formulate mitigation measures to minimize or avoid those impacts was during the EIR process, before the Project was brought to the Planning Commission and City Council for final approval. Because the City belatedly acknowledged at the very end of the EIR process that the Project's greenhouse gas emissions would constitute a significant impact on the environment, the City was obviously unable to gather sufficient information during the EIR process itself to develop specific mitigation measures. The solution was not to defer the specification and adoption of mitigation measures until a year after Project approval; but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment.

As discussed above, the Draft EIR includes a thorough calculation and evaluation of the Project's GHG emissions, identifies an environmental impact, includes detailed and specific mitigation measures to reduce this impact, and has made these mitigation measures available to the public and agencies for review and comment. Therefore, the Draft EIR suffers from none of the same inadequacies the court identified in the City of Richmond's EIR.

Finally, in the event that the City approves the proposed Project, all documents submitted to the City in compliance with adopted mitigation measures—including, for example, the GHG reduction plan required in Mitigation Measure GHG-1—would be a matter of public record and available for review upon request. City decision makers could elect to create a process for soliciting additional public review of these documents, but such additional public review would not be required by CEQA and is not necessary to ensure the adequacy and effectiveness of the mitigation measures in the EIR.

H2-2

COMMENT

54

17:05:11 1 CEQA guidelines, Section 15126.4 states in
 17:05:16 2 clear and unequivocal terms that the formulation of
 17:05:19 3 mitigation measures shall not be deferred until some
 17:05:22 4 future time.
 17:05:22 5 However, the Draft EIR does just this.
 17:05:25 6 It states that the development of such a
 17:05:27 7 greenhouse gas reduction plan will be deferred until some
 17:05:30 8 point in the future before construction begins.
 17:05:33 9 By deferring the development of the greenhouse
 17:05:35 10 gas reduction plan until after the final EIR is approved,
 17:05:40 11 the public's role in evaluating its adequacy is
 17:05:42 12 eliminated.
 17:05:44 13 The EIR simply provides a menu of potential
 17:05:46 14 mitigation measures to ensure that the resulting
 17:05:51 15 emissions are below the no net additional significance
 17:05:51 16 criteria.
 17:05:53 17 However there exists no calculations in either
 17:05:56 18 the EIR itself or in the air quality appendix that
 17:06:00 19 demonstrate how these additional measures will mitigate
 17:06:02 20 all the substantial greenhouse gas impacts.
 17:06:07 21 The DEIR also points to no legal authority to
 17:06:09 22 permit it to defer the creation of a greenhouse gas
 17:06:12 23 mitigation plan to a later date. That is because no such
 17:06:14 24 legal authority exists.
 17:06:16 25 In a similar court case, Communities for a

55

17:06:18 1 Better Environment versus the City of Richmond, the
 17:06:21 2 California First Appellate District Court held the
 17:06:24 3 greenhouse gas mitigation plan at issue there was
 17:06:28 4 inadequate because it constituted improper deferral of
 17:06:32 5 mitigation.
 17:06:32 6 Like the project before us here, the court
 17:06:34 7 criticized that plan because, among other things, no
 17:06:37 8 effort was made to calculate how the proposed additional
 17:06:41 9 mitigation measures would succeed. And because the
 17:06:42 10 development of a future greenhouse gas reduction plan was
 17:06:44 11 not done in open process involving the public.
 17:06:47 12 Both of those conditions are present here.
 17:06:49 13 We ask that the EIR please be revised to
 17:06:51 14 include an adequate greenhouse gas reduction plan.
 17:06:56 15 Thank you for your time.
 17:06:58 16 **CHAIR LIMON:** I think we have a technical
 17:07:00 17 difficulty. Rita Look I believe was cut off a little
 17:07:02 18 early.
 17:07:04 19 Is that right, Desmona?
 17:07:07 20 **MS. ARMSTRONG:** I this so, I do apologize.
 17:07:09 21 **CHAIR LIMON:** Rita, if you would like to chime
 17:07:12 22 back in, we would be happy to hear the conclusion of your
 17:07:15 23 comments.
 17:07:17 24 **MS. ARMSTRONG:** Okay. One second.
 17:07:21 25 I'll see if I can --

H2-2-55

H2-2-55

H2-2

COMMENT

RESPONSE

			56
	17:07:26	1	MS. PAYNE: She has her hand raised at the
	17:07:28	2	bottom of the list.
	17:07:30	3	MS. ARMSTRONG: We have a few more here.
	17:07:34	4	Rita, I do apologize. Did you want to make a
	17:07:41	5	final comment to your statement?
	17:07:46	6	MS. LOOK: Sure. I don't know where I was cut
	17:07:47	7	off.
	17:07:49	8	MS. ARMSTRONG: Probably about another like 20
	17:07:52	9	seconds or so. 30 seconds.
	17:07:54	10	MS. LOOK: Okay. I missed talking about the
	17:07:56	11	building that a private company in Foster City built on
	17:08:02	12	landfill there. Half of it was built on piers and the
H2-2-56	17:08:05	13	other half wasn't. Within ten years that building had to
	17:08:09	14	be torn down because the half that wasn't on piers sunk.
	17:08:14	15	So, the site will have to put piers somehow
	17:08:18	16	either drilling or pounding piers down to bedrock and
H2-2-57	17:08:22	17	that's -- the toxic dust hasn't been addressed.
	17:08:26	18	But let me just read the conclusion.
	17:08:30	19	In conclusion, the Draft EIR presents a sexy
	17:08:33	20	project next to the water and doesn't honestly address
	17:08:35	21	the limitations of the site. And with no plans to make
H2-2-58	17:08:39	22	it more user friendly with infrastructure and
	17:08:41	23	transportation improvements, the project creates a
	17:08:44	24	dangerous traffic congestion and parking nightmare to
H2-2-59	17:08:47	25	either be solved at a later time with money coming out of

H2-2-56 Comments regarding another 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

As discussed in Draft EIR Section 3.13.1, *Construction Activity and Schedule*, the preliminary geotechnical study conducted for the Project indicates that the site is generally suitable for potential development, provided that the design plans and specifications properly incorporate several of the study's recommendations, along with other sound engineering practices. Although the Project's development plans 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 before development plans are finalized and permits issued for the ballpark and all other buildings.

The Project sponsor proposes deep dynamic compaction and direct power compaction for site improvements before construction of deep foundations and surcharge, although rapid impact compaction may be used as well. For the ballpark itself, approximately 2,000 14-inch square precast piles or similar foundation elements would be used to support building loads.

H2-2-57 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and uses, including allowing residential use (which is currently prohibited) under specified conditions. Similar to the existing plans, the workplans to be prepared under the

H2-2

COMMENT

RESPONSE

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.

Minimizing dust is listed as a requirement in the existing LUCs, agreements, and plans. The workplans for remediation would be required to include measures to control dust during ground-disturbing activities. Draft EIR pp. 4.8-34 and 4.8-35 provide further details on the requirement for dust management. In addition, Mitigation Measure HAZ-1c: Health and Safety Plan reiterates that dust mitigation is a requirement.

The Draft EIR evaluates the Project's dust emissions and impacts in Section 4.15, *Air Quality*. In Impact AIR-1 (construction criteria pollutants), the Draft EIR concludes that construction-related fugitive emissions of particulate matter with a diameter of less than 10 micrometers (PM₁₀) or less than 2.5 micrometers (PM_{2.5}) would be reduced to less-than-significant levels with implementation of the Bay Area Air Quality Management District's (BAAQMD's) required and recommended best management practices, which are required through implementation of Mitigation Measure AIR-1a. As discussed on Draft EIR pp. 4.2-42 and 4.2-61, BAAQMD considers implementation of the best management practices for fugitive dust sufficient to ensure that construction-related fugitive dust is reduced to a less-than-significant level, and thus does not have quantitative significance thresholds for fugitive dust from construction activities.

In addition, as discussed in Response to Comment H2-1-16, the Draft EIR thoroughly evaluates the Project's impacts on resident's health risks in Impacts AIR-4, AIR-5, and AIR-2.CU. These include the impact of the Project's fine particulate matter (PM_{2.5}) on existing off-site residents in West Oakland.

H2-2-58 See Response to Comment H2-2-53.

H2-2-59 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-2

COMMENT

RESPONSE

57

H2-2-59	17:08:50	1	public's pockets or dealt with in perpetuity by
	17:08:53	2	residents.
H2-2-60	17:08:54	3	Full impacts to residents' health is not
	17:08:57	4	addressed.
	17:08:58	5	MS. ARMSTRONG: Thank you, Rita. I think that
	17:08:59	6	is the part that we missed. Thank you.
	17:09:03	7	MS. LOOK: Thank you.
	17:09:05	8	MS. ARMSTRONG: And Margie Lewis, if you can
	17:09:07	9	unmute yourself to make your comment.
	17:09:12	10	MS. LEWIS: Can you hear me?
	17:09:14	11	MS. ARMSTRONG: Yes, we can.
	17:09:15	12	MS. LEWIS: Okay. Thank you. My name is
	17:09:17	13	Margie Lewis. Good afternoon, commissioners. I live in
	17:09:20	14	Oakland. I'm here because I'm concerned about the
H2-2-61	17:09:22	15	proposed development at Howard Terminal.
	17:09:24	16	This EIR does not adequately address this
	17:09:29	17	massive project on public land. And one of the many
	17:09:32	18	things it doesn't address are environmental impacts. And
	17:09:35	19	I'm just going to start with air pollution.
	17:09:38	20	The air quality in West Oakland is already bad.
H2-2-62	17:09:41	21	West Oakland youth already suffer from disproportionate
	17:09:45	22	rates of asthma. The increased traffic is going to make
	17:09:47	23	it worse.
	17:09:49	24	This A's project increases the total
	17:09:51	25	particulate matter emissions by 45 percent over existing

H2-2-60 The Draft EIR thoroughly evaluates the Project's impacts on resident's health risks via Impacts AIR-4, AIR-5, and AIR-2.CU. As noted in Responses to Comments A-11-1, A-11-3, A-11-11, A-17-1, A-17-12, O-30-3, and others, 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. See Response to Comments O-62-40 and O-62-43 for a discussion of the impact of the environment on a project and the project's impacts in context with the existing environment.

Impact AIR-4 analyzes health risk impacts on existing off-site receptors from Project construction and operation, while Impact AIR-5 analyzes impacts on future on-site receptors. The Draft EIR determines that at the Project level, the Project would result in significant impacts on 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 reduce this impact to a less-than-significant level. Therefore, with mitigation, the Project would not exceed the City's thresholds for health risks.

Impact AIR-2.CU evaluates whether the Project, combined with cumulative development and existing background TAC sources, would contribute to cumulative health risk impacts on sensitive receptors. This analysis was conducted in concert with BAAQMD and its health risk analysis prepared pursuant to AB 617 through the West Oakland Community Action Plan. The Draft EIR finds that Impact AIR-2.CU would be significant and unavoidable. This impact would 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 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.

H2-2-61 The Draft EIR addresses the potential physical environmental effects of the Project across numerous environmental topics. In the absence of specificity regarding the aspect of the EIR that the commenter asserts is inadequate, see Draft EIR Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. In this chapter, the Draft EIR presents analyses and conclusions regarding the Project's potential effects on a range of topics: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG

H2-2

COMMENT

RESPONSE

emissions, hazards and hazardous materials, hydrology and water quality, land use and land use planning, among many others.

H2-2-62 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 site is located in an overburdened community disproportionately affected by air pollution. For a discussion of existing health impacts in West Oakland and the Project's contribution to these impacts, see Responses to Comments A-7-51, A-11-1, A-17-1, I-156-5, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.

The commenter is correct that the Project would increase total particulate matter emissions (PM₁₀) over existing Port of Oakland operations, but such emissions would not increase by 45 percent. According to the 2017 Seaport Emissions Inventory, total PM₁₀ emissions from Port activities were 59.2 tons in 2017.⁹ Table 4.2-9 in the Draft EIR shows that the Project would result in PM₁₀ emissions of 22.8 tons per year. Therefore, the Project's PM₁₀ emissions represent 39 percent of the Port's PM₁₀ emissions. However, most of these emissions would occur away from the Project site via vehicles traveling to and from the site.

The commenter significantly overstates the Project's cancer risk impact compared to existing conditions. The commenter is correct that the Project would increase the lifetime excess cancer risk at the off-site Maximally Exposed Individual Receptor (MEIR) compared to current Port operations (truck activities) at Howard Terminal, but the increase is not 12 times higher. The associated cancer risk at the MEIR is 2.2 per million for existing Howard Terminal truck operations, but 8.3 per million for the Project (Draft EIR Table 4.2-11). This cancer risk is 3.8 times higher than the risk associated with existing Howard Terminal trucks. However, when accounting for relocation of the existing Howard Terminal trucks to the Roundhouse, the Project's total increase in cancer risk is 6.5 per million. This is three times greater than the cancer risk associated with existing Howard Terminal trucks, rather than 12 times as stated by the commenter.

The Draft EIR concludes that after mitigation, health risk impacts on existing off-site sensitive receptors would be less than significant. This is because the

⁹ Ramboll, 2019. Port of Oakland 2017 Seaport Air Emissions Inventory Final Report and Errata, August 2018, date of Errata August 28, 2019.

H2-2

COMMENT

RESPONSE

cancer risk value of 6.5 per million is less than the City's adopted significance threshold of 10 per million. This level would be achieved through implementation of Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, and AIR-3.

Impact AIR-2.CU evaluates whether the Project, combined with cumulative development and existing background TAC sources, would contribute to cumulative health risk impacts on sensitive receptors. This analysis was conducted in concert with BAAQMD and its health risk analysis prepared pursuant to AB 617 through the West Oakland Community Action Plan. The Draft EIR finds that Impact AIR-2.CU would be significant and unavoidable. This impact would 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 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.

H2-2

COMMENT

RESPONSE

			58
	17:09:56	1	Port of Oakland operations. Even after mitigation
	17:09:59	2	measures. There's no plan to make sure the air will be
	17:10:03	3	healthy and breathable.
	17:10:05	4	The Oakland A's project also dramatically shows
H2-2-62	17:10:08	5	an increase of up to 12 times excess lifetime cancer risk
	17:10:11	6	for West Oakland residents over current Port operations
	17:10:15	7	at the Howard Terminal.
	17:10:16	8	The City should not approve this project unless
	17:10:19	9	the air pollution is mitigated to less than significant
	17:10:22	10	levels.
	17:10:23	11	Now I'm going to talk about the taxes and the
	17:10:25	12	land.
	17:10:26	13	The land where the A's are proposing to build
	17:10:30	14	this project is so toxic no housing is allowed to be
	17:10:33	15	built there. I'm concerned about the health risks for
	17:10:35	16	construction workers who will be digging in this
	17:10:38	17	contaminated soil. And if the clean up is not done
H2-2-63	17:10:40	18	properly, future residents and visitors to the parks and
	17:10:43	19	open space planned for the site may be exposed to those
	17:10:46	20	toxic materials.
	17:10:47	21	This report doesn't provide a plan of how the
	17:10:49	22	developers are going to clean it up. We don't trust the
	17:10:53	23	developers or the Department of Toxic Substances Control
	17:10:55	24	to figure it out later on, after the project is approved.
	17:10:59	25	This has to be addressed before going forward.

H2-2-63 As discussed in Draft EIR Section 4.8.1, *Environmental Setting, Human Health and Ecological Risk Assessment*, a human health and ecological risk assessment, or HHERA, has been prepared using all testing results collected through August 2020 for the Project site. The HHERA developed specific target cleanup levels that would be protective of human health and the environment. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 in the Draft EIR are actions that would be enforced by DTSC and the chief 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 chief building official have approved the various actions required by the mitigation measures.

H2-2

COMMENT

RESPONSE

			59
	17:11:02	1	The City Administration's EIR is insufficient
	17:11:05	2	and the proposed remediations will not adequately address
	17:11:08	3	the massive impacts this project will have.
	17:11:12	4	The developer's proposal does not do a good job
H2-2-64	17:11:15	5	of addressing these questions or the public health and
	17:11:18	6	safety risks posed by this project. Our neighborhoods
	17:11:22	7	deserve better. No project without strong health and
	17:11:25	8	safety protections for West Oakland. The city should go
	17:11:27	9	back --
	17:11:27	10	MS. ARMSTRONG: That was your two-minute
	17:11:29	11	comment period. Thank you very much for your comment.
	17:11:34	12	Derrick Muhammad, you may make your comment.
	17:11:39	13	MR. MUHAMMAD: Good afternoon. My name is
	17:11:40	14	Derrick Muhammad, West Oakland resident. I'm here on
	17:11:45	15	behalf of my block and all the black people on it.
	17:11:50	16	In the short time that I have I just want to
	17:11:51	17	talk about a few things as to why I have big problems
	17:11:55	18	with the Draft EIR. This project will undoubtedly
H2-2-65	17:12:01	19	exacerbate the gentrification issues that West Oakland
	17:12:04	20	and the entire city is being confronted with. And the
	17:12:07	21	Draft EIR is rather silent on issues of displacement,
	17:12:18	22	affordable housing and that's an issue that has to be
	17:12:21	23	addressed.
H2-2-66	17:12:21	24	The other problem I have with this Draft EIR is
	17:12:25	25	that, again, this project will undoubtedly initiate the

H2-2-64 This is a general comment and does not identify specific issues other than general assertions of inadequacy. See Consolidated Response 4.3, *Recirculation of the Draft EIR*.

H2-2-65 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*. See also Consolidated Response 4.12, *Affordable Housing*.

H2-2-66 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*, and Response to Comment A-12-26 regarding land use conflicts. As discussed in the Draft EIR (Impact LUP-2), land- and water-based use conflicts could arise with the introduction of new residential and office/commercial uses on the Project site adjacent to Port, industrial, and railroad uses; however, with Mitigation Measures LUP-1a, LUP-1b, LUP-1c, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2.CU, BIO-1b, NOI-3, TRANS-1a, and TRANS-1b, the Project would not result in a fundamental conflict with nearby uses and impacts would be less than significant.

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. 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.

H2-2

COMMENT

RESPONSE

			60
H2-2-66	17:12:32	1	deindustrialization of a key urban center. You cannot
	17:12:36	2	put housing next to industry.
H2-2-67	17:12:37	3	And you will initiate the decimation of jobs.
	17:12:43	4	Yet, you know, the A's -- and I call it like I see it.
	17:12:48	5	It's a lie. They say that there's jobs. But the jobs
	17:12:52	6	that they're referring to don't replace the jobs that
H2-2-68	17:12:55	7	will be lost. And there's -- and that's an issue.
	17:12:59	8	The last point I want to make has to do with
	17:13:03	9	the environment issues that this project will cause.
	17:13:07	10	My father was a carpenter. He was exposed to
	17:13:11	11	asbestos and eventually succumbed to that. And what I
	17:13:15	12	learned from him was that you have that kind of toxin,
	17:13:20	13	it's fine so long as it -- so long as it's kept under
	17:13:24	14	wraps. But the moment you begin to dig, develop, and
	17:13:28	15	fool with it, that kind of thing is released into the
	17:13:32	16	environment and that spells death for our community.
	17:13:35	17	So I'm rejecting the Draft EIR for all those
	17:13:38	18	reasons and I would like for them to address all that.
	17:13:41	19	Thank you.
	17:13:42	20	MS. ARMSTRONG: Thank you for your comments.
	17:13:45	21	Alex Cherin, you may make your comment.
17:13:54	22	MR. CHERIN: Hi, this is Alex Cherin. Thank	
17:13:54	23	you, commissioners.	
17:13:55	24	I currently serve as the executive director for	
17:13:57	25	the California Trucking Association Intermodal	

H2-2-67 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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. There is no evidence that substantial job losses would result if the proposed Project were approved. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

H2-2-68 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction. The LUCs and agreements note that contaminants at the Project site are encapsulated under a hardscape cap (i.e., asphalt paving and concrete foundations) that prevents the public and the environment from coming into contact with the contaminants. The LUCs and agreements require that the hardscape cap be maintained and not disturbed without authorization from DTSC.

These LUCs, agreements, and plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 preventing exposure of the public and the environment to contaminants.

H2-2

COMMENT

RESPONSE

H2-2-69 See Consolidated Response 4.5, *Truck Relocation*, regarding displacement of truck activities from Howard Terminal. Draft EIR Section 4.15, *Transportation and Circulation*, contains a comprehensive analysis of transportation impacts based on the City's adopted thresholds of significance. Draft EIR Section 4.10, *Land Use, Plans, and Policies*, contains a discussion of Seaport road and rail access and the potential for disruptions that could affect Seaport operations.

Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. Although it was not required by CEQA, a detailed transportation operation analysis of Project buildout plus a ballpark event was completed (Draft EIR, Appendix TRA.3). The analysis considered the hours from 3 p.m. to 8 p.m. with a day ballpark event ending at 3:30 p.m. and an evening ballpark event starting at 7 p.m. Through that analysis, many improvements were described to support the Project. The improvements listed in the appendix were consolidated and are described in Draft EIR Section 4.15.4. In addition, mitigation measures were identified to address the Project's CEQA impacts.

Mitigation measures identified in the Draft EIR would enhance the attractiveness of transit, walking, and bicycling to the Project site; would increase transit to the Project site for both the non-ballpark development and ballpark events; and would disperse ballpark event attendees who drive and park to underutilized parking garages within 1 to 1.5 miles of the Project site, minimizing concentrations of traffic congestion like what occurs at the Coliseum site after an event. The Draft EIR mitigation measures include:

- (1) Mitigation Measure TRANS-1a (pp. 4.15-183 to 4.15-189) 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.
- (2) Mitigation Measure TRANS-1b (pp. 4.15-193 to 4.15-197) 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 San Francisco Bay Area Water Emergency Transportation Authority) as key stakeholders in coordinating ballpark events.

61

17:14:00 1 Conference. We represent a vast majority of draymen who
 17:14:04 2 service the Port of Oakland. Together with the Harbor
 17:14:07 3 Trucking Association, we have serious concerns about the
 17:14:09 4 Draft EIR. Particularly it assumes that the existing
 17:14:13 5 truck uses at the Howard Terminal facility will simply
 17:14:16 6 disappear and do not consider with any specificity where
 17:14:20 7 they would go.
 17:14:22 8 Removing Howard Terminal for current uses for
 17:14:24 9 the maritime industry would force the 3,200 trucks that
 17:14:27 10 service that facility back into residential
 H2-2-69 17:14:29 11 neighborhoods.
 17:14:31 12 Additionally, the Draft EIR does not
 17:14:32 13 specifically outline or analyze any sort of comprehensive
 17:14:37 14 transportation plan for the 10,000-plus cars that would
 17:14:41 15 flood into the region on game days inevitably creating
 17:14:45 16 traffic congestion for residents, visitors, and conflict
 17:14:47 17 with trucks headed to and from the terminal facilities at
 17:14:50 18 the Port of Oakland.
 17:14:51 19 We've outlined a number of additional concerns
 17:14:54 20 in our comment letter.
 17:14:55 21 And thank you for your consideration.
 17:14:58 22 **MS. ARMSTRONG:** Thank you. Vincent Traverso,
 17:15:02 23 you may unmute yourself.
 17:15:06 24 **MR. TRAVERSO:** Hi. Thank you, commissioners.
 17:15:07 25 This is Vincent Traverso. I'm an owner of the

H2-2

COMMENT

RESPONSE

- (3) Mitigation Measure TRANS-1c (p. 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 site. The hub could be expanded on ballpark event days to handle up to six shuttle bus stops, with each shuttle stop handling up to 12 shuttles per hour.
- (4) Mitigation Measure TRANS-1d (p. 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 (pp. 4.15-198 to 4.15-200) 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 Measures TRANS-2a, TRANS-2b, and TRANS-2c (pp. 4.15-230 to 4.15-231) would implement bicycle improvements consistent with Oakland's Bike Plan that would connect the Project site to Oakland's bike network.
- (7) Mitigation Measures TRANS-3a and TRANS-3b (pp. 4.15-235 to 4.15-240) would implement railroad corridor improvements, including fencing along the corridor, and at-grade crossing improvements such as quad gates. These measures would also implement 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 site.

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 site, or to provide a new shuttle bus system with equivalent peak-period headways. Mitigation Measure TRANS-1b would require ballpark event shuttle buses between the Project site and the 12th Street BART station, as well as traffic control officers (or other personnel acceptable to the City) 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

H2-2

COMMENT

RESPONSE

management plan, modeled off the successful SacPark system in Sacramento, would disperse attendees who drive to underutilized parking garages in Downtown, thus reducing the amount of concentrated traffic congestion in the area.

See also responses to the Harbor Trucking Association's comment letter (designated as O-34 in this document).

H2-2

COMMENT

RESPONSE

62

17:15:11 1 Kingfish Pub and Cafe, North Oakland in the Temescal
 17:15:15 2 District.

17:15:16 3 First I just want to say how encouraged I am by
 17:15:18 4 the enthusiastic input lot of our community members and I
 17:15:22 5 understand a lot of the concerns. And I'm not going to
 17:15:24 6 address any of those specific environmental or
 17:15:26 7 transportation or infrastructure concerns. I'm confident
 17:15:29 8 that the A's and the citizens and the councilmembers can
 17:15:32 9 come up with creative solutions to not just mitigate the
 H2-2-70 17:15:36 10 impacts, but to create the kind of improvements that
 17:15:39 11 we're all looking for in the city.

17:15:44 12 I know that the -- there's a lot of community
 17:15:47 13 support for the A's. And I see it at my business. And I
 17:15:50 14 know that the positive impacts of them, you know, being
 17:15:54 15 able to relocate and continue their presence in the city
 17:15:58 16 are going to be manifold not just for the waterfront but
 17:16:01 17 for Oakland as a whole and the East Bay as a whole.

17:16:04 18 One thing I did want to mention was that I do
 H2-2-71 17:16:06 19 appreciate the Draft EIR's noting of cultural and
 17:16:12 20 historic resources -- which the Kingfish is itself -- and
 17:16:19 21 P.G.&E. station and the cranes.

17:16:21 22 And I just wanted to note that that crane
 H2-2-72 17:16:23 23 itself was moved in 1994. It's historic because it dates
 17:16:28 24 to 1970. But I would encourage us to look at cultural
 17:16:32 25 and historic resources (video stops; resuming after video

H2-2-70 See Consolidated Response 4.22, *General Non-CEQA*.

H2-2-71 The comment expresses support for consideration of cultural and historic resources, including the Pacific Gas and Electric Company Station C Area of Primary Importance (API) and Crane X-422. The Draft EIR notes that these two historic resources are located on the Project site. Adjacent historic resources included in the analysis are the Southern Pacific Railroad Industrial Landscape District API, the USS *Potomac*, the Lightship *Relief*, the West Waterfront Area of Secondary Importance, the Old Oakland API, the Western Pacific Railroad Depot (480 3rd Street), and the former Alameda County Morgue and Coroner's Office (480 4th Street). All are presented in greater depth in Draft EIR Appendix CUL.1.

The comment mentions "the Kingfish" as a historic resource. This is assumed to be the Kingfish Pub (5227 Telegraph Avenue), which is not located within the CEQA study area and is not included in the Draft EIR.

H2-2-72 The comment reiterates the point that Crane X-422 was relocated to the Project site in 1994 and compares that to the current situation with the A's seeking to relocate the team from the Coliseum site to a new ballpark location at Jack London Square. It further categorizes the A's baseball team as a cultural and historic resource for being an Oakland-based team since 1968. See Draft EIR Appendices CUL.1 and CUL.2 for further discussion regarding the cranes on the Project site, including Crane X-422.

H2-2

COMMENT

RESPONSE

			63
	19:32:19	1	glitch) also it would be interesting for the EIR to note
H2-2-72	19:33:45	2	what a cultural and historic resource the A's are. And
	19:33:47	3	they themselves are undergoing a relocation.
	19:33:49	4	And I'm confident that we can come up with
	19:33:51	5	creative solutions for some of these other cultural and
	19:33:54	6	historic resources.
	19:33:55	7	And just to note that the Kingfish itself went
	19:33:59	8	through that six years ago. And we're eternally grateful
	19:34:03	9	to the city for its cooperation and assistance in our own
H2-2-73	19:34:06	10	relocation across the street to save a bar that would
	19:34:09	11	have otherwise been torn down for condos.
	19:34:12	12	We hope the same thing doesn't happen with the
	19:34:15	13	A's and I would just encourage us to make halo sun
	19:34:18	14	shines. We don't know what's coming five years from now.
	19:34:22	15	If the Kingfish hadn't moved five years ago, we
	19:34:23	16	wouldn't have made it through the pandemic.
	19:34:28	17	MS. ARMSTRONG: That is your time. Thank you
	19:34:31	18	very much, Vincent.
	19:34:32	19	Our next comment, David McCoard, you may unmute
	19:34:36	20	yourself to make your comment.
	19:34:41	21	MR. McCOARD: This is David McCoard. I live in
	19:34:44	22	El Cerrito.
	19:34:49	23	I've got two points in the energy chapter.
H2-2-74	19:34:52	24	We've got the applicant developer that tries to
	19:35:02	25	claim that putting electric vehicle charging stations on

H2-2-73 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-2-74 See Responses to Comments O29-1-22 through O29-1-28.

H2-2

COMMENT

RESPONSE

			64
H2-2-74	19:35:05	1	the property would cause people to buy electric vehicles
	19:35:16	2	who would not otherwise. There's no support for that by
	19:35:25	3	the -- in the EIR or the -- by the developer.
H2-2-75	19:35:32	4	And second point, in the geology section. The
	19:35:41	5	EIR admits to potential for uneven settling and for
	19:35:53	6	liquefaction in an earthquake. But does not propose any
	19:36:09	7	mitigation. It simply punts that to a future consultant
	19:36:18	8	study.
	19:36:19	9	I'm done.
	19:36:20	10	MS. ARMSTRONG: Thank you for your comment.
	19:36:23	11	Dylin Redling, you may unmute yourself to make
	19:36:26	12	your comment.
	19:36:30	13	MR. REDLING: Yes, thank you. My name is Dylin
	19:36:33	14	Redling and my wife and I are homeowners, residents, and
	19:36:37	15	we work from home in Jack London Square. At the
	19:36:40	16	Ellington at Broadway and Third Street. We've lived here
	19:36:45	17	for over seven years.
H2-2-76	19:36:46	18	Overall we support this project and the rail
	19:36:49	19	safety improvements that are being suggested between
	19:36:53	20	Market Street and Broadway.
H2-2-77	19:36:59	21	But I wanted to echo what some of the previous
	19:37:02	22	speakers mentioned earlier about the fact that those
	19:37:46	23	safety improvements have not been extended from Broadway
	19:37:50	24	to Webster, Franklin and down to Oak Street.
	19:37:54	25	I think it just makes sense for residents, for

H2-2-75 A liquefaction analysis is presented in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources*, Impact GEO-1. The preliminary geotechnical analysis provided preliminary recommendations to address liquefaction. Upon completion of the CEQA documentation, the Project would be required by the California Building Code (Chapter 18A, *Soils and Foundations*), and by the City of Oakland Building Code and Grading Regulations (Section 1802B.6, *Site Map and Grading Plan*), to conduct a final geotechnical investigation that would further inform the final Project design and provide recommendations to address all identified geotechnical issues, including liquefaction. Additionally, the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021, provides an explanation and analysis of the effects of liquefaction.¹⁰

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*.

H2-2-76 See Consolidated Response 4.22, *General Non-CEQA*.

H2-2-77 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

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

H2-2

COMMENT

RESPONSE

65

H2-2-77

19:37:57 1 businesses and for fans coming from Lake Merritt to have
 19:37:59 2 that, you know, measure of safety when they're crossing
 19:38:04 3 the tracks to come to games and to enjoy the Jack London
 19:38:08 4 waterfront area.
 19:38:10 5 My wife and I walk along the waterfront just
 19:38:12 6 about every day, so we've seen, as Gary mentioned
 19:38:16 7 earlier, people sometimes doing unsafe things. We have
 19:38:20 8 seen people climbing over stalled freight cars, as Gary
 19:38:24 9 mentioned.
 19:38:25 10 We've also seen pedestrians, bicyclists and
 19:38:28 11 scooters rushing across in front of trains to get across
 19:38:31 12 even when the barriers are down.
 19:38:35 13 And we've even seen cars driving on the tracks
 19:38:38 14 because it's not very clearly delineated in that respect.
 19:38:44 15 So that's all I wanted to say. And just the
 19:38:46 16 fact that the Ellington has a lot of units in it and it
 19:38:49 17 is something that has come up in our board meetings quite
 19:38:52 18 a few times, just the safety of the railroad.
 19:38:54 19 Thank you.
 19:38:55 20 **MS. ARMSTRONG:** Thank you.
 19:38:55 21 Janani, you may unmute yourself to make your
 19:39:01 22 comment.
 19:39:04 23 **MS. RAMACHANDRAN:** Hi there. My name is Janani
 19:39:05 24 Ramachandran, I'm an attorney living in Oakland District
 19:39:09 25 2.

H2-2

COMMENT

RESPONSE

			66
	19:39:10	1	I am extremely concerned that this Draft EIR
	19:39:13	2	does not take into account what Howard Terminal is going
	19:39:16	3	to do to Oakland residents.
	19:39:19	4	Firstly, West Oakland, as explained before by
	19:39:21	5	other commenters, has borne the brunt of racist
H2-2-78	19:39:24	6	environmental policies where residents are five times
	19:39:26	7	more likely to be exposed to toxic pollution than in
	19:39:30	8	other parts of the Bay Area.
	19:39:31	9	Howard Terminal will add injury to insult,
	19:39:34	10	increasing emissions by 45 percent even after mitigation
	19:39:38	11	at a time where we should be spending our 200 plus
	19:39:41	12	million dollars of taxpayer money elsewhere.
	19:39:45	13	Second, this EIR does not sufficiently address
	19:39:48	14	the issue of 3,000 new condos, which -- for which we have
H2-2-79	19:39:53	15	absolutely no idea how many are going to be truly
	19:39:54	16	affordable, if any at all. The reality is that Howard
	19:39:58	17	Terminal condos will become a hub for (inaudible) from
	19:40:33	18	all across the bay.
	19:40:34	19	Three, the EIR does not take into consideration
H2-2-80	19:40:37	20	the project's impact on the 85,000-plus well-paying
	19:40:40	21	unionized port jobs at our nation's fifth largest port.
	19:40:45	22	Having visited Howard Terminal myself, I
H2-2-81	19:40:47	23	understand the proximity of the proposed stadium to the
	19:40:50	24	turning basin which is essential to ships and our
	19:40:53	25	commercial activity.

H2-2-78 See Response to Comment H2-2-62 and Consolidated Response 4.14, *Environmental Justice*.

H2-2-79 See Consolidated Response 4.12, *Affordable Housing*.

H2-2-80 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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 4.4, *Port Operations and Land Use Compatibility*.

H2-2-81 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

H2-2

COMMENT

RESPONSE

	Time	Line	Text
		67	
H2-2-82	19:40:54	1	I also understand the importance of a buffer
	19:40:57	2	zone between heavy industry and commercial activity in
	19:41:00	3	Jack London. We don't want companies taking their
	19:41:03	4	business somewhere else at a time where our port should
	19:41:05	5	be growing and thriving and offering more and more jobs
	19:41:08	6	to Oakland residents.
	19:41:09	7	Finally, Howard Terminal is utilized --
	19:41:11	8	contrary to a lot of media reports and popular opinion --
	19:41:15	9	not simply for trucks to idle and sit around doing
H2-2-83	19:41:20	10	nothing, but for trucks to get off West Oakland
	19:41:24	11	residential streets where they used to linger before.
	19:41:27	12	Howard Terminal offers a space for trucks to
	19:41:31	13	drive at off-peak hours which ultimately benefits the
	19:41:32	14	environment.
H2-2-84	19:41:34	15	In sum, the City should go back to the drawing
	19:41:34	16	board and redo this analysis and recirculate the --
	19:41:37	17	Thank you.
	19:41:39	18	MS. ARMSTRONG: Thank you.
	19:41:42	19	Naomi Schiff, you may unmute yourself to make
	19:41:45	20	your comment.
	19:41:48	21	MS. SCHIFF: Hello, Naomi Schiff from Oakland
	19:41:51	22	Heritage Alliance.
H2-2-85	19:41:53	23	I'm going to address some very specific points
	19:41:57	24	about historic preservation. We sent you a note earlier
	19:42:00	25	today. We will make a full comment by the 27th, although

H2-2-82 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.H2-2-83 See Consolidated Response 4.5, *Truck Relocation*.H2-2-84 See Consolidated Response 4.3, *Recirculation of the Draft EIR*.H2-2-85 See Consolidated Response 4.19, *Comment Period Extension*.

H2-2

COMMENT

RESPONSE

H2-2-86 The comment disapproves of the Aerial Gondola Variant and encourages the Project sponsor to consider improvements to pedestrian and street-level public transit as an alternative. Comments regarding the merits of the Project or variant 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

As presented in Response to Comment H-1-5, construction and operation of the Aerial Gondola Variant was analyzed to determine whether the Project would “cause a substantial adverse change in the significance” of the resources (State CEQA Guidelines Section 15064.5[b]). This analysis concluded that this threshold was met for construction of the Convention Center Station within the Old Oakland API, and that construction and operation of the Aerial Gondola Variant would result in a significant and unavoidable impact on the Old Oakland API even with Mitigation Measure CUL-7: Convention Center Station Contextual Design Review. See Response to Comment O-9-3 for more information regarding the design review process.

The comment also expresses a desire for an alternative to the Aerial Gondola Variant and advocates for consideration of a different route for the gondola. However, an EIR is not required to consider alternatives to a component of a project, only alternatives to the project as a whole. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.) Further, as noted in the description of the Aerial Gondola Variant (Draft EIR p. 5-56), the gondola may or may not be included in the proposed Project and its status as part of the Project is dependent on several factors, including its proposed location. If a different location were chosen for the Aerial Gondola Variant, with a final variant design and/or site information that substantially differs from what is considered in the Draft EIR, appropriate additional environmental analysis would be conducted as necessary in accordance with CEQA.

As described in Draft EIR Chapter 5 (pp. 5-132 through 5-133), the Aerial Gondola Variant would augment existing and proposed public transportation options between the 12th Street BART station and the Project site. These include existing bus and train transit from nearby stops, as well as pedestrian

68

H2-2-85	19:42:04	1	we would rather have more time and feel like it is a
	19:42:08	2	constrained period for commenting on such a large
	19:42:11	3	document.
	19:42:13	4	There are unavoidable impacts listed of these
	19:42:16	5	so-called variants. And there really should be a full
	19:42:19	6	addressing of not doing them.
H2-2-86	19:42:22	7	So, first of all, either don't build the
	19:42:25	8	gondola or propose an alternate route that does not take
	19:42:28	9	it down the historic main part of Old Oakland on
	19:42:34	10	Washington Street.
	19:42:36	11	Expend the huge sum of that project by
	19:42:41	12	improving the walking and transit access to the proposed
	19:42:45	13	project, perhaps incorporating some of those rail safety
	19:42:49	14	measures that you've been hearing about.
	19:42:52	15	It's just a shiny object. It's an amusement
	19:42:56	16	park ride. We don't need it. It's only for 100 days a
H2-2-87	19:43:00	17	year or less. And on the other hand, it would deface an
	19:43:03	18	important historic area every single day.
	19:43:09	19	We would like to make sure that the Peaker
	19:43:12	20	Plant is looked at for its entirety and that partial
	19:43:18	21	demolition is not assumed. There probably is a design
	19:43:21	22	solution and that should be addressed in the variant
H2-2-88	19:43:25	23	analysis. I'm not sure that it really has been fully
	19:43:29	24	discussed.
	19:43:32	25	About the cranes, the discussion is rather

H2-2

COMMENT

RESPONSE

and bicycle transportation, and improvements/programs included in Mitigation Measures TRANS-1a and TRANS-1b.

The variant is not a baseline part of the Project; all potential impacts of construction and operation of the Aerial Gondola Variant on historic resources can be avoided by not implementing the variant. Because the Draft EIR analyzes the impacts of completion of the Project without one or both variants, no additional alternatives to the Aerial Gondola Variant are required.

H2-2-87 The comment expresses the desire for all portions of the Peaker Plant (601 Embarcadero) to be retained, echoing comments made by others. Retention of the whole building is a baseline design element of the Project and is included in all alternatives presented in the Draft EIR. Impacts on the building can be avoided by not implementing the Peaker Plant Variant. Therefore, no additional alternatives are required. See Response to Comment H-1-14 for further discussion of this subject.

H2-2-88 The comment expresses support for considering one or more cranes at the site as a historic resource. As presented in the Draft EIR and in Appendices CUL.1 and CUL.2, two historical assessments of the cranes as historic resources reached differing conclusions. Out of an abundance of caution, the Draft EIR considers Crane X-422, the oldest of the four cranes on the Project site, to be a historic resource for the purpose of CEQA.

H2-2

COMMENT

RESPONSE

H2-2-89 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

69

H2-2-88

19:43:35 1 confusing and inconclusive. And we do think they
 19:43:40 2 probably should be retained as historic objects. But
 19:43:44 3 it's really connected to the fact that Oakland maritime
 19:43:49 4 past is a core reason for the city existing today.
 19:43:55 5 It was founded as a port in 1852. The
 19:43:58 6 railroads cheerfully grabbed the waterfront as soon as
 19:44:01 7 they could.
 19:44:03 8 **MS. ARMSTRONG:** Naomi, that is your two-minute
 19:44:06 9 comment period.
 19:44:08 10 **MS. SCHIFF:** If I could finish my sentence. I
 19:44:10 11 would urge that everyone work together to come up with a
 19:44:14 12 non-conflict of use solution to baseball in Oakland.
 19:44:17 13 It is ridiculous for us to build in conflicts
 19:44:20 14 of use.
 19:44:21 15 **MS. ARMSTRONG:** Thank you very much for your
 19:44:23 16 comments.
 19:44:23 17 Liana Molina, you may unmute yourself to make
 19:44:29 18 your comment.
 19:44:31 19 **MS. MOLIA:** Thank you so much.
 19:44:31 20 Good afternoon, commissioners. This is Liana
 19:44:31 21 Molina. I'm the senior campaign director for Oakland
 19:44:37 22 campaign at the East Bay Alliance for Sustainable
 19:44:39 23 Economy.
 19:44:40 24 EBASE advances economic, racial, and social
 19:44:41 25 justice by building a just economy based on good jobs and

H2-2-89

H2-2

COMMENT

RESPONSE

			70
	19:44:45	1	healthy community.
	19:44:46	2	For the last several years we've convened
	19:44:49	3	Oakland United, a coalition of residents, workers, faith
	19:44:51	4	leaders, youth, community organizations and unions
	19:44:54	5	invested in the health, economy and future of Oakland.
	19:44:57	6	You've heard concerns from my colleagues and
	19:45:00	7	numerous other speakers about air quality, greenhouse gas
	19:45:03	8	emissions, hazardous contamination, pedestrian safety,
	19:45:07	9	cultural resources, land-use compatibility and affordable
	19:45:12	10	housing this afternoon.
H2-2-90	19:45:14	11	I won't repeat a lot of what's been said except
	19:45:17	12	to urge the Planning Department and the Commission to
	19:45:19	13	provide a more rigorous analysis of the potential impacts
	19:45:22	14	of this project and stronger mitigation plans to prevent
	19:45:26	15	toxic exposure and increased air pollution.
	19:45:29	16	The city must prioritize community health and
H2-2-91	19:45:31	17	safety over the interest of private investors and real
	19:45:34	18	estate developers.
	19:45:35	19	We're calling on the City to revise and
	19:45:37	20	recirculate the study to provide the public and decision
H2-2-92	19:45:40	21	makers with a more comprehensive analysis on the
	19:45:43	22	environmental and public health impacts of this massive
	19:45:46	23	corporate-backed project.
	19:45:48	24	The City must also ensure strong community
H2-2-93	19:45:51	25	benefits agreement that includes living wage jobs, local

H2-2-90 See Responses to Comments H2-2-27, H2-2-55, H2-2-60, and H2-2-62.

H2-2-91 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-2-92 See Consolidated Response 4.3, *Recirculation of the Draft EIR*.

H2-2-93 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-2

COMMENT

RESPONSE

H2-2-94 See Consolidated Response 4.12, *Affordable Housing*.

71

H2-2-93

19:45:53 1 and fair-chance hiring programs, and a minimum of 35
 19:45:58 2 percent affordable housing units, in addition to stronger
 19:46:00 3 environmental protections.

19:46:01 4 Thank you for your time.

19:46:03 5 **MS. ARMSTRONG:** Thank you.

19:46:05 6 David White, you may unmute yourself to make
 19:46:07 7 your comment.

19:46:08 8 **MR. WHITE:** Good evening, commissioners. David
 19:46:14 9 white, UC Berkeley Environmental Law Clinic. And we've
 19:46:16 10 been working with members of Oakland United Coalition to
 19:46:20 11 review this Draft EIR.

19:46:22 12 So many points of deficiency in the Draft EIR.
 19:46:24 13 I want to speak to just one today.

19:46:27 14 Residential development is core objective of
 19:46:30 15 the project. The Draft EIR indicates as part of
 19:46:33 16 residential development there will be an affordable
 19:46:35 17 housing program.

H2-2-94

19:46:36 18 The details of this affordable housing program
 19:46:38 19 are hugely important to Oakland United, however nowhere
 19:46:41 20 in the Draft EIR is the affordable housing program
 19:46:45 21 described or analyzed at all. The only details offered
 19:46:47 22 are that the program may consist of a portion of on-site
 19:46:52 23 development or additional off-site development or only
 19:46:54 24 impact fees.

19:46:55 25 No further specifics are given about any

H2-2

COMMENT

RESPONSE

72

19:46:57 1 option.

19:46:58 2 Presenting several vague options without

19:47:01 3 committing to a plan makes it impossible for members of

19:47:03 4 the public to ascertain whether the program will actually

19:47:05 5 be effective.

19:47:07 6 For that reason, the Draft EIR is inadequate as

19:47:10 7 an informational document and should be revised and

19:47:12 8 recirculated.

19:47:13 9 A revised and recirculated EIR should commit to

19:47:16 10 a specific affordable housing plan and thoroughly

19:47:19 11 describe and analyze it. Even if the EIR were to present

19:47:22 12 multiple options for the program, each option should be

19:47:26 13 described in detail and analyzed in the EIR.

19:47:29 14 For example, the Draft EIR proposes off-site

19:47:32 15 affordable housing as an option, but doesn't even include

19:47:35 16 baseline information like where exactly the development

19:47:38 17 would be located, or how many units would be built, let

19:47:41 18 alone analyze impacts and offer mitigation measures where

19:47:45 19 necessary.

19:47:46 20 Affordable housing programs are a very

19:47:47 21 important part of the project. Members of Oakland United

19:47:51 22 just want to understand what is actually being proposed.

19:47:53 23 A revised and recirculated EIR should add the detail and

19:47:57 24 analysis to make this possible.

19:47:59 25 Thank you.

H2-2-94

H2-3 Planning Commission Hearing (Part 3)

COMMENT

RESPONSE

73

19:48:00 1 **MS. ARMSTRONG:** Thank you.

19:48:03 2 Peter, you may unmute yourself to make your

19:48:06 3 comment.

19:48:08 4 **MR. ZAWISLANSKI:** Good afternoon. My name is

19:48:10 5 Peter Zawislanski. I'm an environmental consultant and

19:48:43 6 hydrogeologist with the firm Terraphase, based here in

19:48:46 7 Oakland. And I'm commenting on behalf of the East

19:48:49 8 Oakland Stadium Alliance.

19:48:51 9 Our experts in engineering, geology,

19:48:53 10 contaminants, hydrology, risk assessment have identified

19:48:58 11 substantial deficiencies in the Draft EIR's analysis of

19:48:59 12 the proposed project's impacts and proposed mitigation,

19:49:02 13 as they pertain to geology, soils, hazards, hazardous

19:49:07 14 materials, hydrology and water quality.

19:49:09 15 I want to highlight four of those findings

19:49:11 16 today.

H2-3-1 19:49:11 17 The first is that the Draft EIR defers analysis

19:49:14 18 and mitigation related to site remediation. This was

19:49:17 19 mentioned a couple times in this forum today.

19:49:20 20 It relies on several documents that have

19:49:23 21 neither been finalized nor approved. And these are

19:49:26 22 related to site remediation, land-use controls, future

19:49:29 23 management, subsurface foundation (inaudible) and others.

19:49:32 24 So therefore it's really impossible to evaluate

19:49:36 25 the scope of work that would be required to implement

H2-3-1 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants (LUCs), operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by the California Department of Toxic Substances Control (DTSC), the regulatory agency with jurisdiction. These LUCs and their associated plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 in the Draft EIR are actions that would be enforced by the chief building official, who would ensure that grading, building, or construction permits, and certificates of occupancy or similar operating permits for new buildings and uses, would not be issued until regulatory requirements have been met.

H2-3

COMMENT

RESPONSE

				74
H2-3-1	19:49:38	1	these documents and the associated risk of the required	
	19:49:42	2	mitigation.	
	19:49:42	3	The second point is that the Draft EIR relies	
	19:49:45	4	on a huge health and ecological risk assessment that is	
H2-3-2	19:49:49	5	fundamentally flawed because it underestimates risk in	
	19:49:53	6	several ways. And it should not be used to support risk	
	19:49:57	7	management decisions.	
	19:49:58	8	The third finding is that the Draft EIR	
	19:50:00	9	incorrectly presents the level of contamination that	
	19:50:06	10	requires mitigation at the Coliseum alternative site as	
	19:50:09	11	being equivalent to that at the project site.	
H2-3-3	19:50:12	12	In fact, the extent and the volume of	
	19:50:15	13	contaminated soil and the relative percentage of the	
	19:50:18	14	contaminated area are far greater at the proposed Howard	
	19:50:23	15	Terminal site as compared to the Coliseum site.	
	19:50:27	16	Fourth and final finding that I want to mention	
	19:50:28	17	today is that the Draft EIR understates the potential for	
	19:50:32	18	liquefaction impact and defers the analysis of the	
	19:50:35	19	mitigation of this issue to the future.	
H2-3-4	19:50:37	20	It doesn't provide sufficient detailed	
	19:50:40	21	information on, or the analysis of, the cumulative impact	
	19:50:45	22	of earthquake-induced liquefaction, site access to	
	19:50:48	23	facilities, structures, regional access, differential	
	19:50:53	24	settlement and flooding.	
	19:50:54	25	And these and other findings we would	

H2-3-2 As discussed in 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. For further explanation of the HHERA, see Consolidated Response 4.16, *Human Health and Ecological Risk Assessment, Land Use Covenants, and Site Remediation*.

H2-3-3 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

H2-3-4 A liquefaction analysis is presented in Draft EIR Section 4.6, *Geology, Soils, and Paleontological Resources*, Impact GEO-1. The preliminary geotechnical analysis provided preliminary recommendations to address liquefaction. Upon completion of the CEQA documentation, the Project would be required by the California Building Code (Chapter 18A, *Soils and Foundations*), and by the City of Oakland Building Code and Grading Regulations (Section 1802B.6, *Site Map and Grading Plan*), to conduct a final geotechnical investigation that would further inform the final Project design and provide recommendations to address all identified geotechnical issues, including liquefaction. Additionally, the Liquefaction Information memorandum prepared by ENGEO on July 7, 2021, provides an explanation and analysis of the effects of liquefaction.¹¹

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

H2-3

COMMENT

RESPONSE

75

19:50:56 1 present in detail --

19:50:58 2 **MS. ARMSTRONG:** Peter, that is your two-minute

19:51:01 3 time period.

19:51:01 4 Next I do have a caller with the last four

19:51:03 5 digits of 7022.

19:51:05 6 You may unmute yourself to make your comments.

19:51:10 7 **CALLER:** Hi, can you hear me?

19:51:12 8 **MS. ARMSTRONG:** Yes, we can.

19:51:13 9 **CALLER:** (Inaudible) Downtown resident and

19:51:16 10 daughter of a retired longshoreman of Local 10.

19:51:20 11 I oppose building a ballpark at the waterfront

H2-3-5 19:51:24 12 or anywhere in Oakland. I support the no-project

19:51:28 13 alternative.

19:51:28 14 Noise and toxic pollution from construction and

H2-3-6 19:51:30 15 increased traffic would have dramatic negative impact on

19:51:32 16 public health and safety. Dense crowds and traffic

19:51:37 17 congestion combined with railroad tracks would interfere

H2-3-7 19:51:39 18 with emergency evacuations and first responders, not to

19:51:42 19 mention physical distancing during a pandemic.

19:51:45 20 It's irresponsible to build a mass-gathering

H2-3-8 19:51:48 21 place in that location, let alone a gondola in an

19:51:52 22 earthquake zone.

19:51:53 23 The project would disturb marine ecology and

H2-3-9 19:51:56 24 wildlife and nesting and predatory birds, including

19:52:00 25 protected species, which the Draft EIR acknowledges have

H2-3-5 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-3-6 The comment is correct that several impacts related to noise and vibration and air quality were identified that cannot be reduced to less-than-significant levels. See Impacts NOI-1, NOI-2, NOI-3, NOI-1.CU, and NOI-2.CU and Impacts AIR1, AIR-2, AIR-1.CU, and AIR-2.CU in Draft EIR Section 4.11, *Noise and Vibration*, and Section 4.2, *Air Quality*. 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.

H2-3-7 This commenter expresses an opinion that the proposed Project would result in inadequate emergency access in the surrounding area.

The Project would disperse ballpark-related automobile traffic away from the Project site through the parking management plan (see the Draft EIR Additional Transportation Reference Material, *Toward a High-Performance Parking Management System for a Thriving Oakland*).¹² In addition, the Project would provide limited on-site parking for the ballpark. Dispersing automobile traffic away from the Project site would provide flexibility to emergency responders in the event of an emergency.

As discussed on Draft EIR pp. 4.15-85 and 4.15-86, the Project would provide multiple points of access for emergency responders and, if necessary, evacuation. Fire Station No. 2 is located adjacent to the Project site. At-grade railroad crossings to access the site include Market Street, Martin Luther King Jr. Way, and Clay Street. Washington Street and Broadway are additional at-grade railroad crossings south of the Project site that connect to Water Street and serve emergency vehicles crossing the railroad tracks. An additional emergency vehicle access point would be constructed on the west side of the Project site, connecting the west end of Embarcadero West to Middle Harbor Road. Middle Harbor Road connects to Adeline Street, which contains an above-grade rail overpass.

¹² Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

H2-3

COMMENT

RESPONSE

- H2-3-8 As explained in Section 4.6, *Geology, Soils, and Paleontological Resources*, the Project site is not within an established Earthquake Fault Zone.
- H2-3-9 The comment does not cite a deficiency in the Draft EIR analysis, and is noted. See Draft EIR pp. 4.3-1 through 4.3-72 for a thorough analysis and findings of significance for potential impacts of Project construction and operations on terrestrial and marine biological resources.

H2-3

COMMENT

RESPONSE

76

H2-3-9	19:52:04	1	been observed there.
	19:52:04	2	The only one who would benefit from this real
	19:52:07	3	estate land grab is billionaire A's owner John Fisher.
H2-3-10	19:52:12	4	His previous attempt targeted Laney, one of the
	19:52:14	5	last working class colleges that offers occupational
	19:52:17	6	training.
	19:52:18	7	Now his latest scheme to destroy and privatize
H2-3-11	19:52:22	8	Howard Terminal threatens maritime jobs with the
	19:52:26	9	strongest union in the region.
	19:52:28	10	As our communities are struggling economically,
	19:52:29	11	this proposal is insulting in its decadence. We don't
	19:52:34	12	need a shiny new stadium to enjoy baseball.
H2-3-12	19:52:38	13	Instead of unnecessary demolition and
	19:52:41	14	construction, pollution, fix the Coliseum to make it more
	19:52:43	15	functional for the sport, make sure sewage problems are
	19:52:47	16	resolved, and pay workers fair wages.
	19:52:49	17	What they need is actually affordable housing.
	19:52:52	18	No more over-priced luxury condos until all who are
H2-3-13	19:52:56	19	unsheltered or housing insecure have a stable home. Not
	19:53:00	20	went more penny or one more inch for development until
	19:53:04	21	all who are poor, who live on fixed incomes, who are
	19:53:07	22	disabled and aging are housed.
H2-3-14	19:53:09	23	No ballpark at the waterfront. No project.
	19:53:13	24	Thank you.
	19:53:14	25	MS. ARMSTRONG: Thank you for your comment.

- H2-3-10 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- H2-3-11 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
- H2-3-12 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.
- H2-3-13 The commenter's opinion is noted. See Consolidated Response 4.12, *Affordable Housing*.
- H2-3-14 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.22, *General Non-CEQA*.

H2-3

COMMENT

RESPONSE

77

19:53:16 1 Jassmin, you may unmute yourself to make your
 19:53:19 2 comment.
 19:53:26 3 **MS. POYAOAN:** Hello, commissioners. My name is
 19:53:28 4 Jassmin Poyaoan. I live in West Oakland. And I'm an
 19:53:31 5 attorney at the East Bay Community Law Center.
 19:53:35 6 We are working in solidarity with Oakland
 19:53:38 7 United Coalition. I'm here today because I'm concerned
 19:53:40 8 about the proposed development at the Howard Terminal and
 19:53:44 9 the inadequacy of the Draft EIR.
 19:53:48 10 First off, the Draft EIR is too long and
 H2-3-15 19:53:51 11 complicated for the average person to review and
 19:53:53 12 understand in the time provided.
 19:53:55 13 The Mayor, City Administration, really did a
 19:53:59 14 disservice to the public by not granting the public the
 19:54:02 15 maximum amount of time possible to take this in.
 19:54:05 16 The responsibility of the City is to conduct a
 H2-3-16 19:54:07 17 rigorous analysis of the likely impacts of the project
 19:54:10 18 and make sure those impacts are addressed. This DEIR is
 19:54:14 19 not adequate for this massive project on public land.
 19:54:18 20 Specifically I'm worried about jobs and
 19:54:21 21 housing.
 H2-3-17 19:54:24 22 First, the DEIR overestimates job creation in
 19:54:28 23 the project. AB-734 requires the project to create
 19:54:33 24 high-wage, high-skilled jobs, that pay living wages and
 19:54:37 25 provide permanent jobs.

H2-3-15 See Consolidated Response 4.19, *Comment Period Extension*.

H2-3-16 This comment is acknowledged. As the designated lead agency under CEQA, the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (State CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127).

H2-3-17 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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.

Draft EIR Table 4.12-8 (p. 4.12-17) presents a breakdown of employment associated with Project implementation and the assumptions used to produce the estimates. 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 agencies, and the public of the environmental impacts of implementing the proposed Project. 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). As indicated on Draft EIR p. 1-5, in February 2021 the Governor certified the Project pursuant to Public Resources Code Section 21168.6.7 (California Assembly Bill 734).

The comment provides no information about how implementing the Project would cause a loss of jobs associated with Seaport activities. As indicated on Draft EIR p. 3-3, existing tenants at the Project site currently employ approximately 40 on-site employees and 58 contractors and drivers who may work on or off the site; independent truck drivers also use the site. As indicated in Draft EIR Section 3.17 (beginning on p. 3-61), with implementation of the Project, existing tenants and users of Howard Terminal are assumed to move to other locations within the Seaport, the city, or the region where such uses are permitted. For additional information regarding Project compatibility with Seaport uses, see Draft EIR Section 4.10, *Land Use, Plans, and Policies*.

H2-3

COMMENT

RESPONSE

			78
	19:54:40	1	Unfortunately, this draft report does not
	19:54:43	2	ensure living wages with job creation. It also inflates
H2-3-17	19:54:48	3	job growth estimates by claiming preexisting jobs. It
	19:54:51	4	also fails to address the potential loss of jobs due to
	19:54:53	5	the conflicts with the Port's activities.
	19:54:56	6	In terms of housing, just to repeat what other
	19:54:59	7	speakers have said, the Draft EIR says there will be
	19:55:03	8	3,000 residential units but doesn't specify how many of
	19:55:06	9	those units will be affordable. There's too much
H2-3-18	19:55:10	10	ambiguity and too many uncertainties and contingencies.
	19:55:14	11	And by failing to provide a fixed number affordable
	19:55:17	12	housing units to be constructed, really prevents the city
	19:55:21	13	and the public from reliably evaluating the project's
	19:55:25	14	effects and impacts on displacement and gentrification.
	19:55:29	15	So for all these reasons, we urge that the DEIR
H2-3-19	19:55:32	16	is insufficient and the City should go back to the
	19:55:35	17	drawing board and redo this analysis and recirculate the
	19:55:39	18	report. Our neighborhoods deserve better.
	19:55:42	19	Thank you very much.
	19:55:44	20	MS. ARMSTRONG: Thank you.
	19:55:46	21	Mike Jacob, you may unmute yourself to make
	19:55:48	22	your comment.
	19:55:51	23	MR. JACOB: Hi, good afternoon, Mr. Chair and
	19:55:55	24	members of the Planning Commission. Mike Jacob with the
	19:55:58	25	Pacific Merchant Shipping Association. We represent

H2-3-18 See Consolidated Response 4.12, *Affordable Housing*, and Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

H2-3-19 This comment is predicated on other comments in this submittal; see Responses to Comments H2-3-1 through H2-3-18. Regarding the statement that the Draft EIR should be revised and recirculated, although 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., leading to a new significant impact or a substantial increase in the severity of an impact) has been added since publication of the Draft EIR. Consequently, the Draft EIR need not be recirculated. See Consolidated Response 4.3, *Recirculation of the Draft EIR*, for more information.

H2-3

COMMENT

RESPONSE

79

19:56:00 1 ocean carriers, marine terminal operators and other
 19:56:04 2 tenants in the maritime business at the Port of Oakland.
 19:56:06 3 Obviously two minutes isn't enough time to
 19:56:09 4 discuss all the impacts. And we'll be submitting formal
 19:56:12 5 comment on marine safety, transportation, air quality
 19:56:15 6 issues and the like.
 19:56:17 7 But I would like to make a couple of comments
 19:56:19 8 just on the nature of the EIR in front of you in general.
 H2-3-20 19:56:24 9 As you've heard from many, many speakers today,
 19:56:27 10 with respect to project description, the EIR is
 19:56:31 11 inadequate. But just in general, the disclosure
 19:56:34 12 document, which was meant to facilitate a discussion and
 19:56:40 13 input from the community, this is just a really deficient
 19:56:46 14 document.
 19:56:47 15 There's really no discussion here of the
 19:56:49 16 significant cumulative impact and induced growth. That
 H2-3-21 19:56:53 17 analysis is basically omitted and missing. And that's
 19:56:56 18 important because of the nature and scale of this
 19:56:58 19 project.
 19:56:59 20 What you hear from the A's and from boosters
 19:57:01 21 time and time again -- and they're right -- is that this
 19:57:04 22 is a transformative process, to build a project that's
 H2-3-22 19:57:09 23 going to change Oakland.
 19:57:12 24 And nothing could be more true. That's exactly
 19:57:16 25 right.

H2-3-20 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 a stable, finite Project description (Chapter 3) and 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 judgment, and it provides enforceable mitigation measures for the significant impacts identified (Chapter 4). See also Consolidated Response 4.1, *Project Description*.

H2-3-21 The cumulative analysis for each environmental topic is included at the end of each section in Chapter 4 of the Draft EIR, except when the topic is inherently a cumulative effect (e.g., Section 4.7, *Greenhouse Gas Emissions*). Draft EIR Chapter 7, *Impact Overview and Growth Inducement*, evaluates the growth-inducing impacts of the proposed Project.

H2-3-22 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-3

COMMENT

RESPONSE

80

H2-3-23

19:57:16 1 The problem is that's not analyzed in the EIR.
 19:57:20 2 So, if the project is transformative and it's
 19:57:23 3 changing Oakland and takes resources away from East
 19:57:26 4 Oakland, moves them to West Oakland, completely changes
 19:57:30 5 the downtown, and obviously has significant impacts that
 19:57:36 6 are interacting with provisions of the Downtown Oakland
 19:57:41 7 Specific Plan, which are also missing, there needs to be
 19:57:44 8 a discussion about that.

H2-3-24

19:57:46 9 The place for that discussion is in this EIR.
 19:57:49 10 It's missing.
 19:57:50 11 That is the biggest overall component of this,
 19:57:54 12 is does it take away, outside of all the technical
 19:57:57 13 components, and messaging that we're going to be
 19:58:01 14 including in our letters are, where's the conversation
 19:58:04 15 about how this changes the city?
 19:58:05 16 As a resident --
 19:58:07 17 **MS. ARMSTRONG:** Mike, that's a --
 19:58:09 18 **MR. JACOB:** -- and representative of business.
 19:58:10 19 Thank you very much.
 19:58:11 20 **MS. ARMSTRONG:** Aaron Clay, you may unmute
 19:58:13 21 yourself to make your comment.
 19:58:17 22 **MR. CLAY:** Thank you. Can you hear me?
 19:58:18 23 **MS. ARMSTRONG:** Yes, we can.
 19:58:19 24 **MR. CLAY:** Great. My name is Aaron Clay. I'm
 19:58:20 25 a member of the Oakland East Bay Democratic Club. I grew

H2-3-23 See Consolidated Response 4.15, *Urban Decay*, which considers potential impacts in the vicinity of the Coliseum if the A's were to relocate.

H2-3-24 The Draft Downtown Oakland Specific Plan (DOSP) is included in the cumulative impact analysis in the Draft EIR, as explained on Draft EIR p. 4.0-9. The cumulative impact analysis for each environmental topic is included at the end of each section in Draft EIR Chapter 4, except when the topic is inherently a cumulative effect (e.g., Section 4.7, *Greenhouse Gas Emissions*).

The DOSP is currently in draft form and has not been adopted. For this reason, the Draft EIR is not required to assess the Project's consistency with the Draft DOSP or its policies. (See *Chaparral Greens v. City of Chula Vista* (1997) 50 Cal.App.4th 1134, 1145 [EIR not required to analyze consistency with draft plans].)

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

H2-3

COMMENT

RESPONSE

81

19:58:24 1 up in West Oakland and currently live in District 7, East
 19:58:28 2 Oakland. Good evening, chairman and commissioners.
 19:58:31 3 My comment, and a lot of this has been said
 19:58:33 4 already, but the planning commission should not approve
 19:58:36 5 this EIR because it does not adequately describe
 19:58:39 6 environmental, fiscal and human impacts of the project.
 19:58:42 7 There are just too many uncertainties in this skeleton
 H2-3-25 19:58:44 8 EIR. It's long on pages, but low on substance. There's
 19:58:48 9 20 pages of traffic data and no mitigation of the
 19:58:51 10 problem.
 19:58:51 11 And because of the extensive number of
 19:58:54 12 potentially significant unavoidable impacts, it's just
 19:58:57 13 not adequate at this time.
 19:58:59 14 And I support the alternative with the least
 19:59:02 15 impact, which is Number 1, the no-project alternative.
 19:59:06 16 In the EIR they mention that they recommend the
 H2-3-26 19:59:08 17 reduced project -- maybe that's in the staff report --
 19:59:11 18 but there's no comparison of alternative 3 off-site
 19:59:16 19 coliseum alternative, which already has this EIR
 19:59:20 20 discussion found to be suitable.
 19:59:23 21 And so, I don't want to -- I know I'm low on
 19:59:26 22 time, so I have several questions for the commission.
 H2-3-27 19:59:28 23 The project proposes that a change in the
 19:59:31 24 General Plan from this area from General Industrial to
 19:59:33 25 Regional Commercial. And it's my understanding that

H2-3-25 This is a general comment and does not identify specific issues other than general assertions of inadequacy, and, thus, does not require a response under CEQA. Throughout Chapter 4, the Draft EIR evaluates more than 80 Project-specific and cumulative impacts and identifies more than 70 mitigation measures to avoid or reduce the severity or magnitude of significant impacts. Several impacts that cannot be reduced to less-than-significant levels were identified for the following topics: wind, air quality, cultural resources, and transportation (see Draft EIR Section 2.2.1, p. 2-5). With regard to transportation specifically, 11 mitigation measures have been identified to avoid or reduce the severity or magnitude of significant impacts (see Section 4.15 of the Draft EIR). See also Consolidated Response 4.22, *General Non-CEQA*.

H2-3-26 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

H2-3-27 The commenter confuses the General Plan's Regional Commercial land use designation with the Regional Commercial (CR-1) zoning designation. As discussed in the Draft EIR, the Regional Commercial General Plan land use classification is intended to maintain, support, and create areas of the city that serve as region-drawing centers of activity. The desired uses for this classification include a mix of commercial, office/commercial, entertainment, arts, recreation, sports and visitor-serving activities, residential, mixed-use development, and other uses of similar character or supportive of regional drawing power (Draft EIR p. 4.10-58).

The Project sponsor proposes to develop a new site-specific "Waterfront Planned Development Zoning District" for the Project site. 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. 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 (Draft EIR p. 3-59).

H2-3

COMMENT

RESPONSE

82

H2-3-27 19:59:36 1 Regional Commercial, it prohibits heavy, high-impact and
 19:59:40 2 residential. So I may be wrong in that, if it's updated.
 19:59:44 3 So why did this project contain 3,000
 19:59:46 4 residential units if housing is prohibited under Regional
 19:59:50 5 Commercial?
 H2-3-28 19:59:51 6 And it also doesn't discuss the proposed
 19:59:55 7 residential units, how many will be affordable, deeply
 19:59:59 8 affordable housing.
 H2-3-29 20:00:01 9 And the other thing what is the long-term
 20:00:03 10 impacts on our jobs, so the global shipping job sector
 20:00:06 11 after creating a residential tourism district right next
 20:00:10 12 to a heavy industrial district that's zoned for, you
 20:00:12 13 know, hazardous material generation and storage.
 20:00:15 14 That doesn't seem to work out. It seems that
 20:00:17 15 eventually those two land uses don't work together and
 20:00:21 16 they will conflict.
 20:00:22 17 And so I would like to see the impact of that.
 H2-3-30 20:00:25 18 And also -- what is the remediation process for
 20:00:29 19 disturbing that capped toxic environmental material site
 20:00:32 20 and how will Port employees, West Oakland residents, be
 20:00:37 21 protected, considering it's already one of the most
 20:00:39 22 environmentally contaminated historically -- polluted
 20:00:43 23 area in California.
 20:00:47 24 **MS. ARMSTRONG:** Thank you very much for your
 20:00:48 25 comments.

H2-3-28 See Consolidated Response 4.12, *Affordable Housing*.

H2-3-29 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

H2-3-30 As discussed in Draft EIR Section 4.8.2, *Regulatory Setting*, under *Land Use Covenants*, and explained further in Consolidated Response 4.16, *Remediation Plans, Land Use Covenants, and Human Health and Ecological Risk Assessment*, the Project site is subject to existing land use covenants, operations and maintenance agreements, soil and groundwater management plans, and risk management plans, all enforced by DTSC, the regulatory agency with jurisdiction. The LUCs and agreements note that contaminants at the Project site are encapsulated under a hardscape cap (i.e., asphalt paving and concrete foundations) that prevents the public and the environment from coming into contact with the contaminants. The LUCs and agreements require that the hardscape cap be maintained and not disturbed without authorization from DTSC.

These LUCs, agreements, and plans would be replaced and consolidated before the start of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but they would be specifically tailored to ensure protections appropriate for the types of anticipated construction activities and 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 preventing exposure of the public and the environment to contaminants.

H2-3

COMMENT

RESPONSE

H2-3-31 See Consolidated Response 4.19, *Comment Period Extension*.

H2-3-32 See Consolidated Response 4.8, *Chinatown*, as well as Consolidated Response 4.7, *Parking*. Parking impacts are not a CEQA significance criterion according to the City of Oakland *Transportation Impact Review Guidelines*, Chapter 5, *CEQA Analysis*, but the City has produced a parking management plan for the Project, a draft of which is included in the Draft EIR's Additional Transportation Reference Materials. This 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 this Project and the EIR.

83

20:00:52 1 And I have Cheuk, if you can state your full
 20:00:55 2 name for the record. You may unmute yourself to make
 20:00:57 3 your comment.
 20:01:00 4 **MS. LI:** Hi. My name is Cheuk-Ning Li. I'm
 20:01:02 5 with the Asia Pacific Environmental Network representing
 20:01:06 6 over 300 working class Chinese families in Oakland. I'm
 20:01:09 7 also here as a member of the Oakland Chinatown Coalition
 20:01:54 8 of over 15 organizations and individuals deeply concerned
 20:01:57 9 about this proposal.
 20:01:58 10 We also had a team of a dozen volunteers
 20:02:00 11 reviewing the Draft EIR around the clock to get our
 20:02:03 12 comments in. And I want to state on the record that our
 H2-3-31 20:02:05 13 request for the DEIR extension to the full legal time
 20:02:07 14 allowed was yet again denied by City Administration.
 20:02:11 15 I want to reiterate the frustration of our
 20:02:14 16 coalition and many, many others around this dense DEIR.
 20:02:17 17 One of the most glaring problems that needs to
 20:02:19 18 be addressed is the (inaudible) of impacts to Chinatown
 20:02:22 19 in the DEIR. There's barely a mention of Chinatown
 20:02:23 20 within 6,000 pages. An egregious point of neglect given
 H2-3-32 20:02:28 21 Chinatown's location within one mile of the site.
 20:02:30 22 It appears that Chinatown will be used as the
 20:02:32 23 ballpark's parking lot and become pick-up and drop-off
 20:02:35 24 point for ride shares to the ballpark. Because 2,000
 20:02:37 25 parking spaces wouldn't even be enough at the coliseum so

H2-3

COMMENT

RESPONSE

84

	20:02:41	1	this will bring further congestion to a neighborhood
H2-3-32	20:02:43	2	already suffering from poor air quality and a
	20:02:45	3	disproportionate number of traffic-related injuries and
	20:02:49	4	deaths.
H2-3-33	20:02:50	5	Furthermore, the DEIR lacks detail about
	20:02:52	6	affordable housing on site, mitigations of negative
H2-3-34	20:02:54	7	impacts of the ballpark on Port operations and the
	20:02:57	8	waterfront, and how the economic and cultural vitality of
H2-3-35	20:02:59	9	the nearby neighborhoods of Chinatown, West Oakland, Jack
	20:03:02	10	London, and Old Oakland will be defended and drawing more
	20:03:06	11	benefits than harms in gentrification.
	20:03:08	12	As much as we wish that the project would add a
	20:03:10	13	beautiful public and open space for Oaklanders and
	20:03:12	14	visitors, from what we've seen so far this vision isn't
	20:03:15	15	environmentally sound.
H2-3-36	20:03:16	16	The Draft EIR shows that the applicants didn't
	20:03:19	17	do their homework and are instead taking advantage of
	20:03:21	18	hundreds of volunteer hours to do this homework for them.
	20:03:23	19	We've done our due diligence engaging in the
	20:03:24	20	City-led process around a CDA (phonetic) despite not
	20:03:27	21	having an EIR to work with. To be released two years
	20:03:30	22	later with so little analysis of the impact of mitigation
H2-3-37	20:03:33	23	measures needed for air quality, housing, and traffic,
	20:03:35	24	it's just disrespectful.
	20:03:37	25	So we hope to see an EIR and plans actual

- H2-3-33 See Consolidated Response 4.12, *Affordable Housing*.
- H2-3-34 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
- H2-3-35 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.
- H2-3-36 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- H2-3-37 This is a general comment and does not identify specific issues other than general assertions of inadequacy. As the designated lead agency under CEQA, the City has endeavored to prepare and circulate the Draft EIR to meet or exceed CEQA requirements, including (for example) requirements related to writing, emphasis, degree of specificity, technical detail, and discussion of environmental impacts (State CEQA Guidelines Sections 15140, 15143, 15146, 15147, and 15126 through 15127). The Draft EIR identifies mitigation measures to avoid or reduce the severity or magnitude of significant impacts related to air quality and transportation (see Draft EIR Sections 4.2 and 4.15, respectively). The Draft EIR found that impacts related to population and housing would be less than significant and no mitigation would be required.

H2-3

COMMENT

RESPONSE

H2-3-38 See Responses to Comments O-29-17 and O29-1-19.

H2-3-39 See Responses to Comments O29-1-6 through O29-1-12.

Comment ID	Time	Line	Text
H2-3-37	20:03:40	1	substance more than fluff in the future.
	20:03:42	2	Thank you.
	20:03:43	3	MS. ARMSTRONG: Thank you very much for your
	20:03:44	4	comments.
	20:03:45	5	Gary Rubenstein. You may unmute yourself to
	20:03:49	6	make your comment.
	20:03:51	7	MR. RUBENSTEIN: Good evening, commissioners.
	20:03:52	8	My name is Gary Rubenstein. I'm with the Firm
	20:03:56	9	of Foulweather Consulting and I'm working on air quality
	20:04:00	10	issues in support of the East Bay Stadium Alliance.
	20:04:03	11	By way of background, I started my career at
	20:04:06	12	the California Air Resources Board in the 1970s and I've
	20:04:09	13	been working on air quality analyses related to both CEQA
	20:04:13	14	and permit processes for some 40 years.
	H2-3-38	20:04:18	15
20:04:21		16	in the Draft EIR, as several speakers have noted, the
20:04:25		17	Draft EIR does not contain an air quality impact analysis
20:04:28		18	for particulates and toxic air contaminants that would be
20:04:34		19	released during project remediation. This is not a
20:04:37		20	matter of simply disagreement with the methodology, there
20:04:40		21	is no analysis. The assumption is that the mitigation
20:04:42		22	measures will be adequate. There's actually no
20:04:45		23	quantification of what those impacts would be.
H2-3-39		20:04:49	24
	20:04:53	25	assessment was performed in a manner that's not

85

H2-3

COMMENT

RESPONSE

H2-3-40 See Responses to Comments O29-1-22 through O29-1-28.

H2-3-41 See Consolidated Response 4.5, *Truck Relocation*.

86

	20:04:55	1	consistent with guidance issued by the Bay Area Air
	20:04:57	2	Quality Management Direct with respect to the operation
	20:05:01	3	of emergency generators. Those generators are now
H2-3-39	20:05:04	4	routinely operated for things such as public safety power
	20:05:08	5	shutoffs. That operation is not reflected in the Draft
	20:05:11	6	EIR.
	20:05:13	7	Third, the project analysis improperly
	20:05:18	8	attributes to the project certain air quality and
	20:05:21	9	greenhouse gas benefits associated with the installation
	20:05:24	10	of infrastructure for electric vehicle charging.
H2-3-40	20:05:28	11	However, when you actually look at the analysis, the
	20:05:31	12	project is taking credit for actions taken by the
	20:05:35	13	California Air Resource Board and other governmental
	20:05:37	14	agencies that would occur whether the project occurs or
	20:05:40	15	not.
	20:05:43	16	As a previous speaker noted, the Draft EIR also
	20:05:46	17	improperly and does not accurately estimate the increase
H2-3-41	20:05:50	18	in truck vehicle miles traffic associated with the
	20:05:54	19	relocation of certain activities from Howard Terminal to
	20:05:58	20	other unspecified locations.
	20:06:00	21	MS. ARMSTRONG: That is your two-minute comment
	20:06:03	22	period.
	20:06:03	23	Thank you very much.
	20:06:06	24	So we are down to looks like our last nine
	20:06:08	25	comments. And the last comment I have is by Angie Tam.

H2-3

COMMENT

RESPONSE

H2-3-42 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.22, *General Non-CEQA*.

87

20:06:12 1 So any -- I'm sorry, one more, Lee Sandahl is
 20:06:16 2 the last comment for right now.
 20:06:20 3 Bill Dow, if you could unmute yourself to make
 20:06:23 4 your comment.
 20:06:35 5 Okay. Looks like we did lose Bill.
 20:06:39 6 Carla Collins, if you could unmute yourself to
 20:06:42 7 make your comment.
 20:06:46 8 **MS. COLLINS:** Hi, my name is Carla Collins and
 20:06:48 9 I'm with Signet Testing Labs, headquartered in Hayward.
 20:06:51 10 I'm the president of Construction Management Association
 20:06:51 11 of America, Northern California Chapter, an East Bay
 20:06:51 12 resident, and a proud member of Town Business, in support
 20:06:51 13 of building a new ballpark for the A's at Howard
 20:06:51 14 Terminal.
 20:07:05 15 I'm looking for the Planning Commission to
 20:07:07 16 support this Draft EIR and not further delay the project
 20:07:11 17 or the process. The A's are going through this
 20:07:13 18 responsibly, having engaged chief stakeholders. And the
 20:07:17 19 Jack London Square ballpark would be an upgrade in design
 20:07:19 20 and sustainable.
 20:07:20 21 If various city members don't do their part to
 20:07:24 22 make this ballpark happen, there would be a good
 20:07:26 23 possibility the A's could leave, just like the Warriors
 20:07:28 24 and the Raiders when they had homes elsewhere.
 20:07:31 25 As mentioned before, this is way bigger than

H2-3-42

H2-3

COMMENT

RESPONSE

			88
	20:07:33	1	baseball. It's about community and civic pride.
	20:07:35	2	And ten years ago I supported -- spoke in
	20:07:39	3	support of the Sacramento Kings staying in Sacramento and
	20:07:42	4	building a new arena there from a different public forum.
	20:07:47	5	And there was a lot of logical challenges. They had
	20:07:50	6	opposition, but they got it down.
	20:07:52	7	There was no additional parking built, but they
H2-3-42	20:07:56	8	figured it out. And now it is an amazing development
	20:07:59	9	area that has sparked new investment dollars and other
	20:08:04	10	projects, and now one of the most vibrant locations in
	20:08:07	11	Sacramento County.
	20:08:09	12	So, hopefully the City Planning Commission and
	20:08:13	13	councilmembers can help make this happen. And looking
	20:08:16	14	forward to bringing sports to the waterfront ballpark.
	20:08:20	15	Thank you.
	20:08:21	16	MS. ARMSTRONG: Thank you. Teff Reed. I'm
	20:08:27	17	sorry. Teff, you may unmute yourself to make your
	20:08:30	18	comment.
	20:08:30	19	Teff, are you there?
	20:08:46	20	MR. REED: Hello, everybody. Thanks for
	20:08:47	21	spending the time today. I am a resident of Jack London
	20:08:50	22	Square. I wanted to comment on two things at the
	20:08:56	23	stadium.
H2-3-43	20:08:57	24	I'm not in any way against the stadium, but I
H2-3-44	20:09:00	25	am concerned in Jack London Square about the traffic that

H2-3-43 See Consolidated Response 4.22, *General Non-CEQA*.

H2-3-44 The commenter expresses an opinion that the Project would generate additional traffic and result in congestion on area roadways with a concentration of traffic at the I-880/Jackson Street intersection.

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 a detailed intersection operation analysis of the Project, conducted for informational purposes (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. One element of the TMP would be a parking management plan (see the Draft EIR's 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 site.¹³ Drivers would then use the freeway access nearest their reserved parking space, which would include the I-980 interchanges at 17th/18th, 11th/12th, and Jackson Streets and the I-880 interchanges at Union, Adeline, and Market Streets, Broadway, and Jackson and Oak Streets. The Project would also provide limited on-site parking for the ballpark. The automobile traffic generated by these spaces would access I-880 via 5th and 6th Streets, while traffic destined to I-980 would access the freeway via Brush and Castro Streets. No traffic from the Project site is anticipated to access I-880 at the Jackson Street ramps because these ramps are less accessible to drivers destined to the Project site.

See the website for the Oakland Alameda Access Project (OAAP) (<https://oaklandalamedaaccessproject.com/>). The OAAP would improve access and circulation between the Webster and Posey Tubes and Oakland's local streets, as well as I-880 freeway access at Broadway and Jackson and Oak Streets. The OAAP is currently under environmental review, with design expected to begin in 2022 and construction to be completed in 2027.¹⁴

¹³ Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

¹⁴ Alameda CTC, 2021. *Oakland Alameda Access Project*. Available at: <https://www.alamedactc.org/programs-projects/highway-improvement/oakland-alameda-access-project/>.

H2-3

COMMENT

RESPONSE

H2-3-45 See Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

89

20:09:06 1 the stadium will bring. This is an area that has quite a
 20:09:09 2 few entertainment venues. Lots of -- lots of new
 20:09:14 3 breweries, bars, pubs, other places that will be
 20:09:18 4 attractive to folks coming to the stadium.
 20:09:21 5 When I look at the EIR, there definitely
 20:09:27 6 impacts called out in the area. There's definitely
 20:09:32 7 traffic counts that would believe that the Jack London
 20:09:36 8 area will be impacted. And there are two places where
 20:09:39 9 I'm quite concerned.
 20:09:41 10 I'm concerned about the intersection for 880 at
 20:09:46 11 Jackson Street. This is already an intersection that is
 20:09:50 12 quite dangerous because it does not have turn lanes. It
 H2-3-44 20:09:54 13 has people taking left turns onto the highway.
 20:09:57 14 When folks let out from the stadium, pretty
 20:10:01 15 much every intersection in the city that is going on 880
 20:10:05 16 is going to be congested. Even if people believe that
 20:10:09 17 other intersections will be used to leave the stadium, it
 20:10:13 18 is likely that car routing, you know, iPhones, Androids,
 20:10:20 19 whatever, are going to put people on to each of the
 20:10:22 20 intersections in the area. And these intersections are
 20:10:26 21 already overcrowded and already unsafe.
 20:10:30 22 So that's the concern about vehicle traffic.
 20:10:33 23 And there is no recognition of those problems and
 20:10:37 24 remediation of those problems in the EIR.
 H2-3-45 20:10:40 25 And then like some of my neighbors, I am also

H2-3

COMMENT

RESPONSE

H2-3-46 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 affected by air pollution. For a discussion of existing health impacts in West Oakland and the Project's contribution to these impacts, see Responses to Comments A-7-51, A-11-1, A-17-1, I-156-5, I-164-2, I-268-2, I-271-2, O-30-3, and O-62-43.

90

H2-3-45

20:10:44 1 concerned about the train remediation. I've witnessed,
 20:10:50 2 myself, people who will cross over the trains when the
 20:10:53 3 trains are stopped. That's a completely unsafe scenario.
 20:10:57 4 **MS. ARMSTRONG:** That's your comment period.
 20:11:02 5 **MR. REED:** Yes. I'm asking that there be
 20:11:04 6 intersections dealt with at Franklin, Webster and Oak
 20:11:06 7 Street. Thank you.
 20:11:08 8 **MS. ARMSTRONG:** Thank you. I have acronym,
 20:11:11 9 EBHO. If you could state your full name for the record.
 20:11:14 10 And you may unmute yourself to make your comment.
 20:11:18 11 **MR. SCOTT:** Hi. Hello, my name is Damion Scott
 20:11:20 12 and I'm a resident of East Oakland in District 7.
 20:11:25 13 I'm concerned about the proposed development at
 20:11:27 14 Howard Terminal. I believe that the Draft EIR does not
 20:11:30 15 adequately address the negative impacts this development
 20:11:35 16 would have on the air quality in the area near the
 20:11:37 17 proposed stadium.
 20:11:39 18 I've lived in the shadow of Oakland Coliseum
 20:11:42 19 and the AB&I Foundry for half of my life, so I understand
 20:11:45 20 firsthand the negative effects of poor air quality on
 20:11:48 21 residents in the area.
 20:11:50 22 Oakland already has a ballpark in a
 20:11:52 23 neighborhood with poor air quality. My neighborhood.
 20:11:55 24 Careful consideration should be given before another one
 20:11:58 25 is built.

H2-3-46

H2-3

COMMENT

RESPONSE

H2-3-47 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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 4.4, *Port Operations and Land Use Compatibility*.

91

20:11:58 1 Thank you.

20:11:59 2 **MS. ARMSTRONG:** Thank you.

20:12:02 3 Next is A. Luna. If you could please state

20:12:06 4 your full name for the record.

20:12:09 5 **MS. LUNA BOCANEGRA:** Yes, so my name is Andrea

20:12:11 6 Luna Bocanegra. I am an East Oakland resident. I'm also

20:12:14 7 a member of Alameda County Democratic Central Committee.

20:12:18 8 So my concern is that this report does not

20:12:20 9 mention the impact that it gives to manufacturers and to

20:12:24 10 importers that use the Port of Oakland.

20:12:27 11 So I work for a large importer for olive oil.

20:12:32 12 We're the biggest in the U.S. and we are located in

20:12:35 13 Oakland. So the Port is very important to us.

20:12:37 14 Folks don't understand that the Howard Terminal

20:12:40 15 location actually helps the Port because trucks are able

20:12:44 16 to, you know, stay there, wait their turn. And also

20:12:49 17 containers, when they're transferred and emptied out. So

20:12:53 18 that space is very important because it helps streamline

20:12:55 19 all the movement with the Port.

20:12:57 20 As many of you have seen in the news there's a

20:13:01 21 big congestion on the west coast ports.

20:13:03 22 So there -- we've been dealing with a lot of

20:13:07 23 backlogs because there's not enough movement, it's not

20:13:10 24 fast enough. So imagine if we reduce the productivity

20:13:14 25 for the Port of Oakland. It is going to reduce

H2-3-47

H2-3

COMMENT

RESPONSE

H2-3-48 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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 4.4, *Port Operations and Land Use Compatibility*. See also the future forecast of waterborne cargo demand on p. 4.10-55 of the Draft EIR.

92

H2-3-47	20:13:17	1	tremendously all the manufacturers that -- we depend on
	20:13:20	2	that port.
H2-3-48	20:13:21	3	We are also a commodity so our product also
	20:13:25	4	helps manufacture pasta, bread, other items. So it's not
	20:13:29	5	just going to impact my job and my work which has been
	20:13:31	6	there for over 100 years, it's going to impact all the
	20:13:34	7	local manufacturers and all the local companies that
	20:13:37	8	depend on that port to import and export products and
	20:13:42	9	commodity.
	20:13:42	10	So this is something not included in the report
	20:13:44	11	and a lot of us that work in the same industrial area
	20:13:48	12	have talked about this and we realize this is going to
	20:13:51	13	raise the prices because if we have to use the port down
	20:13:55	14	in Southern California or the port up in Seattle, it's
	20:13:58	15	going to cost us to put all those containers on the
	20:14:02	16	trucks and bring them to us here in the Bay Area.
	20:14:04	17	So that's something that's not included in this
	20:14:06	18	report. And I think it's tremendous. And it's going to
	20:14:10	19	impact, again, not just the local companies that are here
20:14:13	20	in the Bay Area, this is a global connection for us to	
20:14:18	21	all the rest of the world and also to other --	
20:14:23	22	MS. ARMSTRONG: Your two-minute comment period	
20:14:24	23	is --	
20:14:26	24	MS. LUNA BOCANEGRA: -- not just millions,	
20:14:27	25	billions.	

H2-3

COMMENT

RESPONSE

H2-3-49 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.22, *General Non-CEQA*.

93

20:14:28 1 **MS. ARMSTRONG:** Thank you very much for your
 20:14:29 2 comment.
 20:14:30 3 Christopher Dobbins, you may unmute yourself to
 20:14:33 4 make your comment.
 20:14:35 5 **MR. DOBBINS:** Thank you very much for doing
 20:14:35 6 this, commissioners. Chris Dobbins, president and
 20:14:40 7 co-founder, Save Oakland Sports, a grassroots
 20:14:43 8 organization that tried to keep the Raiders, A's and
 20:14:46 9 Warriors. And we are in support of this project going
 20:14:49 10 forward at the Howard Terminal site, acknowledging that
 20:14:52 11 you've heard a lot of comments today that people think
 20:14:55 12 there's other possibilities for this site or keeping it
 20:14:57 13 at the Coliseum.
 20:14:58 14 However, the A's don't want to stay there.
 20:15:00 15 While we've had this meeting, the A's had an exciting
 20:15:03 16 walk-off win today. 11 in a row. So you know, the
 20:15:06 17 excitement and the jobs that's going to bring to the
 20:15:08 18 downtown waterfront area is meaningful.
 20:15:11 19 It's not just going to help out Oakland, but
 20:15:14 20 it's going to help out the entire region.
 20:15:16 21 So we're in support of the A's moving forward
 20:15:18 22 with this process and we support this. The dialogue
 20:15:21 23 we're having here and discussing it with the community.
 20:15:23 24 I hate to say it, but the lease runs out at the Oakland
 20:15:26 25 Coliseum in 2023. And if we just push this back, push

H2-3-49

H2-3

COMMENT

RESPONSE

94

20:15:30 1 this back, I can see the A's follow what the Raiders did
 20:15:33 2 and what the Warriors did.
 20:15:34 3 The 700-plus jobs that are generated by each
 20:15:36 4 A's game, fans support that comes in and the jobs that
 20:15:39 5 it's going to generate are very important to our local
 20:15:41 6 community here.
 20:15:41 7 And I think, you know, in the interest of
 20:15:43 8 trying to get something done, the young lady said what
 20:15:46 9 happened in Sacramento. The leadership of that city was
 20:15:49 10 able to get that beautiful downtown stadium done and they
 20:15:52 11 worked through the all the issues.
 20:15:54 12 Everyone is acknowledging there's going to be
 20:15:55 13 some issues with this process. However, we don't want to
 20:15:58 14 do it at the expense of losing our last remaining sports
 20:16:00 15 team in Oakland.
 20:16:01 16 So thank you again for hosting this meeting.
 20:16:03 17 And thank you for hearing my comments.
 20:16:05 18 **MS. ARMSTRONG:** Thank you.
 20:16:05 19 Lee Sandahl, you may unmute yourself to make
 20:16:08 20 your comment.
 20:16:14 21 Lee, I'm showing that you are still muted.
 20:16:25 22 Okay. Lee?
 20:16:30 23 **MR. SANDAHL:** Can you hear me okay?
 20:16:31 24 **MS. ARMSTRONG:** Yes, now I can hear you. Go
 20:16:31 25 ahead.

H2-3-49

H2-3

COMMENT

RESPONSE

95

20:16:36 1 **MR. SANDAHL:** Okay. All right. I'm ready to
 20:16:36 2 go. Okay.
 20:16:37 3 Actually I was going to say good afternoon, but
 20:16:39 4 it's actually evening. So good evening, city
 20:16:41 5 commissioners.
 20:16:42 6 My name is Lee Sandahl. I was a 40-year member
 20:16:47 7 of the International Longshore Warehouse Association.
 20:16:50 8 And today I'm speaking on behalf of the Northern
 20:16:52 9 California District Council for the International
 20:16:56 10 Longshore and Warehouse Union.
 20:17:02 11 We have this feeling that the City/Port of
 20:17:05 12 Oakland, seems more interested in waterfront real estate
 20:17:10 13 development than commercial cargo operations. The Port
 20:17:14 14 is the largest revenue producer for the City of Oakland
 20:17:18 15 and for the entire Bay Area. We see this sacrificing of
 20:17:23 16 a stable revenue base which supports 90,000 good-paying,
 20:17:27 17 middle-class jobs for a revenue base that benefits no one
 20:17:36 18 except the Oakland A's.
 20:17:40 19 We urge you to avoid this destructive intrusion
 20:17:44 20 and build the ballpark where it belongs at the Oakland
 20:17:47 21 Coliseum.
 20:17:48 22 Thank you.
 20:17:50 23 **MS. ARMSTRONG:** Thank you.
 20:17:52 24 Brandon, please state your full name for the
 20:17:54 25 record.

- H2-3-50 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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 4.4, *Port Operations and Land Use Compatibility*.
- H2-3-51 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. See Consolidated Response 4.22, *General Non-CEQA*.

H2-3-50

H2-3-51

H2-3

COMMENT

RESPONSE

H2-3-52 The comment raises an economic issue, not an environmental issue that is subject to CEQA, and, thus, no response is required. 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 4.4, *Port Operations and Land Use Compatibility*. Ultimately, it is up to the Oakland City Council and the Board of Port Commissioners to decide whether to approve the proposed Project at Howard Terminal. They will do so based on information and analysis in the EIR regarding environmental impacts, and available sources of information about potential non-CEQA socioeconomic impacts, including those related to Port operations now and in the future.

96

20:17:59 1 **MR. MacDONALD:** Hi, Brandon MacDonald. Born in
 20:18:02 2 Oakland, lived in Oakland, worked in West Oakland at the
 20:18:04 3 Port for the last 25 years. The company I work for
 20:18:08 4 employes 300 people.
 20:18:11 5 At the end of the day, if this project is
 20:18:13 6 allowed to go through, everybody's talking about the jobs
 20:18:16 7 it will create. But I think the bigger discussion is the
 20:18:19 8 jobs that will be lost: Some of the best blue-collar,
 20:18:21 9 middle-class jobs in California, hands down. It will be
 20:18:24 10 a loss to the region. It will be a loss for a lot of the
 20:18:27 11 small businesses that rely on the Port of Oakland. And
 20:18:30 12 for nothing more than what's really a land grab by
 20:18:33 13 another billionaire.
 20:18:34 14 This project is -- the Port of Oakland is the
 20:18:41 15 only port no longer investing in their own
 20:18:44 16 infrastructure. If this project is allowed to go
 20:18:46 17 through, there simply won't be any room for the Port to
 20:18:49 18 grow. It will be a slow decline and we'll end up like
 20:18:53 19 Portland. If you look at the Port of Portland, once the
 20:18:53 20 steamship lines moved out, there was no longer a Port of
 20:18:55 21 Portland. All those jobs were lost. And read about it.
 20:18:58 22 It's very educational. The same thing will happen in
 20:19:00 23 Oakland and we'll just go backwards.
 20:19:03 24 Thank you for your time, commissioners, today
 20:19:04 25 and be well.

H2-3-52

H2-3

COMMENT

RESPONSE

97

20:19:07 1 **MS. ARMSTRONG:** Thank you.
 20:19:07 2 Okay. Scott Taylor. And let's try again. If
 20:19:12 3 you can please unmute yourself to make your comment.
 20:19:15 4 **MR. TAYLOR:** Thank you very much. Chairman
 20:19:16 5 Limon, commissioners, my name is Scott Taylor.
 20:19:20 6 I'm the CEO and chairman of the board of GSC
 20:19:23 7 Logistics. GSC handles 16 percent of all the imports at
 20:19:28 8 the Port of Oakland. I would like to use a little common
 20:19:31 9 sense for a minute.
 20:19:33 10 I read the EIR and I counted 17 times that it
 20:19:38 11 says mitigation measures would reduce the hazard but not
 20:19:41 12 to less than significant level.
 20:19:45 13 Another 19 times -- and I finally gave up
 20:19:48 14 counting -- it says mitigation measures would reduce the
 20:19:51 15 severity of this impact which would nonetheless remain
 20:19:55 16 significant and unavoidable.
 20:19:59 17 All I can tell you is that this is just a
 20:20:02 18 boondoggle that is trying to be pushed through by a
 20:20:06 19 billionaire who wants to have more land at his disposal.
 20:20:12 20 The EIR does not address where 10,000 cars on
 20:20:16 21 game day will park. 5,000 cars will also frequent the
 20:20:21 22 residential hotels and commercial space. The Port will
 20:20:25 23 be at gridlock.
 20:20:26 24 This reminds me of ten years ago when the
 20:20:30 25 Oakland Army Base and the Wayan Brothers wanted to build

H2-3-53

H2-3-54

H2-3-55

H2-3-56

H2-3-53 The commenter is correct that the severity of some impacts identified in the Draft EIR can be reduced with mitigation. Sometimes that mitigation would be effective at rendering the impact less than significant, and sometimes the impact would remain significant and unavoidable. Table 2-1 in the Summary chapter is a good place to see which impacts require mitigation and which impacts would be significant and unavoidable.

H2-3-54 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-3-55 The comment expresses an opinion that the Draft EIR does not address event-related parking and that the lack of parking would cause gridlock around the Port.

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 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 4.7, *Parking*, with regard to parking concerns. See also Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

In addition, see Draft EIR Section 4.15.5, *Port Operations*, which details the Project's transportation implications for Port operations. Draft EIR Appendix TRA.3 includes a detailed intersection operation analysis of the Project's traffic for ballpark events on a weekday daytime (14 times per year) and weekday evening (41 ballgames and nine concerts). Although the operations analysis in Appendix TRA.3 shows relatively small increases in delay on truck routes, Port traffic on Howard Terminal event days may shift if Port users pre-plan to avoid roads with event-day traffic. Therefore, a second analysis was completed (see Appendix TRA.7) to establish the level of impact that would occur if Port traffic diverted away from the Adeline Street Seaport access.

H2-3

COMMENT

RESPONSE

Although vehicular travel is expected to increase as a result of the Project, the technical analysis in Draft EIR Appendix TRA shows that Port-related traffic would not be substantially affected by anticipated travel to and from the Project site with the transportation improvements and strategies described in Draft EIR Section 4.15.4, *Transportation Improvements*. Section 4.15.4 discusses various transportation improvements that have been incorporated into the Project, would be imposed as Project mitigation measures under CEQA, or are recommended for implementation before or during development of the Project based upon the non-CEQA analysis conducted per the City's *Transportation Impact Review Guidelines*.

Draft EIR Section 4.15.4 also describes operational and management strategies that would be undertaken as part of the transportation management plan for the ballpark, which would be used to manage transportation before, during, and after ballpark events. The TMP, proposed as Mitigation Measure TRANS-1b and available in draft form in Appendix TRA.1, includes event-day transportation management practices for reducing disruption to the main Port access corridor at Adeline Street by maintaining Project-related vehicle, bike, and pedestrian traffic at or east of Market Street. The TMP also includes interventions to promote truck access on Adeline Street and the nearby I-880 on-/off-ramps at Union Street and to improve multimodal safety in both areas. Note that the TMP provides for performance measures for Port traffic, and additional strategies could be implemented if issues do arise.

The Port of Oakland would be a key stakeholder in developing, implementing, monitoring, and adjusting the TMP, while the City of Oakland would be responsible for TMP approvals and the Project sponsor would be responsible for implementation and monitoring.

H2-3-56 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-3

COMMENT

RESPONSE

			98
	20:20:34	1	a movie studio. Or another harebrained idea, auto row.
	20:20:39	2	Moving all the card dealerships from Broadway to the
H2-3-56	20:20:44	3	Port.
	20:20:44	4	You know, enough is enough. This is absolutely
	20:20:46	5	ridiculous.
	20:20:47	6	This Port operates 24 hours a day, seven days a
	20:20:51	7	week, with trucks, trains, vessels blowing their horns.
H2-3-57	20:20:55	8	It is loud.
	20:20:58	9	This is no place for a playground. This is a
	20:21:02	10	24-7 industrial area that never stops, never sleeps.
	20:21:07	11	If the A's are allowed to build their amusement
	20:21:11	12	park on Port property we all know what will happen.
	20:21:16	13	There will be lawsuits filed by residents because of all
H2-3-58	20:21:19	14	the noise.
	20:21:19	15	I just say enough is enough. And I really
	20:21:21	16	thank you for your time.
	20:21:23	17	MS. ARMSTRONG: Thank you. Melvin Mackay,
	20:21:27	18	please unmute yourself to make your comment.
	20:21:29	19	MR. MACKAY: Hi, my name is Melvin Mackay. I'm
	20:21:34	20	a longshoreman here in Oakland, California. I've been
	20:21:37	21	here over 25 years.
	20:21:39	22	I know that the DEIR has a lot of
	20:21:43	23	inconsistencies in it. And one of the things that you
H2-3-59	20:21:46	24	guys have to understand, if they cannot be forthright and
	20:21:51	25	up front, it has to be defined. There's no way that we

- H2-3-57 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*. Also, as discussed in the Draft EIR, with the inclusion of Mitigation Measure NOI-3, the Project would not expose Project residents to existing noise levels in excess of the City's Land Use Compatibility Guidelines such that a fundamental land use conflict would occur (Draft EIR p. 4.10-45).
- H2-3-58 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- H2-3-59 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.

H2-3

COMMENT

RESPONSE

				99
H2-3-59	20:21:56	1	can turn around and allow a DEIR to go through with the	
	20:22:00	2	inconsistencies and telling us that at the end of what we	
	20:22:04	3	do, we'll let you know. That's wrong.	
	20:22:08	4	It will affect the longshoremen's work. They	
	20:22:11	5	got a lot of blue-collar jobs here. Some of the best in	
H2-3-60	20:22:14	6	the country. It will affect all the longshoremen, not	
	20:22:17	7	some of them.	
	20:22:19	8	If SSA, as Susan Ransom spoke about, if her	
	20:22:23	9	terminal is affected, who moves more cargo in California	
	20:22:26	10	than anybody else, we will lose a lot of jobs.	
	20:22:29	11	You guys spoke about the turning basin. It's	
H2-3-61	20:22:32	12	very well needed. The ships are not getting any smaller.	
	20:22:35	13	They're getting larger. One of the things we need is a	
	20:22:39	14	turning basin. That's at the end of where your ballpark	
	20:22:43	15	allegedly supposed to be in Howard Terminal.	
	20:22:45	16	One of the things we do know, seven years ago	
	20:22:48	17	we decided to get the trucks off of the streets so the	
	20:22:52	18	idling trucks do not affect the people in West Oakland.	
	20:22:54	19	All the particulate matter diesel emission is no longer	
H2-3-62	20:22:58	20	around there.	
	20:23:00	21	They have a place to park their containers.	
	20:23:02	22	They go in what's called a catch-and-pitch yard. They	
	20:23:05	23	can take and get a container off the terminal in two	
	20:23:09	24	minutes, put it over at Howard Terminal. The trucker	
	20:23:11	25	comes in, picks up his container and moves on with his	

H2-3-60 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.H2-3-61 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.H2-3-62 See Consolidated Response 4.5, *Truck Relocation*.

H2-3

COMMENT

RESPONSE

				100
H2-3-62	20:23:14	1	container. They don't sit around.	
H2-3-63	20:23:16	2	If there is a ballpark, it will be a gridlock	
H2-3-64	20:23:19	3	in West Oakland. The small businesses around there will	
	20:23:22	4	close up. They won't have any business.	
	20:23:25	5	The people in West Oakland, they'll have the	
H2-3-65	20:23:27	6	trucks back on the streets, blocking the city streets,	
	20:23:31	7	won't be able to go to work or go to lunch or go home.	
	20:23:34	8	One of the things I can ask this council is to	
H2-3-66	20:23:37	9	reject this.	
	20:23:38	10	Thank you.	
	20:23:39	11	MS. ARMSTRONG: Thank you.	
	20:23:42	12	Bill Dow. You may unmute yourself to make your	
	20:23:46	13	comment.	
	20:23:48	14	MR. DOW: Can you hear me?	
	20:23:50	15	MS. ARMSTRONG: Yes, we can.	
	20:23:51	16	MR. DOW: Oh, good. I have trouble with this	
	20:23:53	17	thing all the time.	
	20:23:55	18	My name is Bill Dow, William Dow. I'm a member	
	20:23:59	19	of ILW Local 6, retired. And I was going to express some	
	20:24:04	20	of what others, Melvin and (inaudible) state.	
	20:24:07	21	And also a member of the district office.	
	20:24:10	22	You know, I have been around a long time. And	
H2-3-67	20:24:13	23	you know, you can't endanger the maritime industry by	
	20:24:18	24	creating a ballpark on a working port. With -- and	
	20:24:22	25	condominiums. You know, it just doesn't work.	

H2-3-63 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, for informational purposes (and to support the analysis of potential land use conflicts), the City did require 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. One element of the TMP would be a parking management plan (see the Draft EIR's Additional Transportation Reference Material, *Toward a High-Performance Parking Management System for a Thriving Oakland*).¹⁵ The parking management plan 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.
- A 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 site. Drivers would then use the freeway access nearest their reserved parking space, including the I-980 interchanges at 17th/18th, 11th/12th, and Jackson Streets and the I-880 interchanges at Union, Adeline, and Market Streets, Broadway, and 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.
- 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.

¹⁵ Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

H2-3

COMMENT

RESPONSE

- Limited on-site parking for the ballpark. The automobile traffic generated by these spaces would access I-880 via 5th and 6th Streets, while traffic destined to I-980 would access the freeway via Brush and Castro Streets.

A draft TMP is provided in the Draft EIR (see Draft EIR Appendix TRA.1). The TMP outlines improvements and operational strategies to optimize access to and from the ballpark within the constraints inherent in a large public event, while minimizing disruption of 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.

The TMP is intended to be a living document and amended periodically by the Project sponsor, 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 would be subject to review and approval by the City of Oakland.

H2-3-64 See Consolidated Response 4.15, *Urban Decay*.

H2-3-65 See Consolidated Response 4.5, *Truck Relocation*.

H2-3-66 See Consolidated Response 4.22, *General Non-CEQA*.

H2-3-67 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.

H2-3

COMMENT

RESPONSE

H2-3-68 See Consolidated Response 4.10, *Alternative 2: The Off-Site (Coliseum Area) Alternative*.

101

H2-3-67	20:24:26	1	It will take it out, the rest of the industry
	20:24:29	2	and warehousing and other industry down in the area will
	20:24:33	3	end up closing up. It's just -- I've seen it before.
	20:24:37	4	When you -- manufacturing is -- goes in -- I mean, when
	20:24:42	5	housing goes in where manufacturing goes, the
	20:24:45	6	manufacturing leaves. So don't let it happen.
H2-3-68	20:24:47	7	The A's have a perfectly good place to put
	20:24:49	8	their ballpark and they don't want to use it.
	20:24:51	9	Thank you very much.
	20:24:53	10	MS. ARMSTRONG: Thank you. And looks like our
	20:24:57	11	last hand for today, Angie Tam.
	20:24:59	12	You can unmute yourself to make your comment.
	20:25:10	13	Angie, you know, I do have a prompt on my
	20:25:13	14	screen that says you have to update your version of Zoom
	20:25:16	15	and your microphone is not available. So, just you do
	20:25:22	16	need to update your platform.
	20:25:27	17	I'm going to go, looks like we have a few more
	20:25:30	18	hands that went up.
	20:25:34	19	MS. PAYNE: I'm going to interrupt right there,
	20:25:34	20	since Angie is trying to connect. If you -- Angie, if
	20:25:38	21	you cannot get on by computer, if you can try calling in
	20:25:41	22	by phone, and the reminder to our phone callers that you
	20:25:45	23	use the star 9 to raise your hand I believe and star 6 to
	20:25:52	24	unmute yourself. Is that correct, Desmona?
	20:25:55	25	MS. ARMSTRONG: Yes, that is correct.

H2-3

COMMENT

RESPONSE

102

20:25:59 1 **CHAIR LIMON:** We will also post other ways of
 20:26:02 2 including your comments shortly.
 20:26:07 3 **MS. HARPER:** Hi, Mary Harper from Oakland
 20:26:10 4 Heritage Alliance. Sorry, I have a really bad cold.
 20:26:14 5 Oakland was founded as a port city in the late
 20:26:17 6 1800s. Since then, there have been many changes in
 20:26:20 7 shipping from great bulk, loading, offloading, by a
 20:26:24 8 throng of dockworkers to automatic container shipping
 20:26:29 9 with far less workers. In fact, Oakland was one of the
 H2-3-69 20:26:33 10 first ports to adapt to containers.
 20:26:35 11 Oakland must keep its connection to its
 20:26:38 12 maritime roots. Keep the cranes. They could be part of
 20:26:41 13 the Port's interpretive history. No matter their age,
 20:26:46 14 the cranes are part of Oakland's image. Think souvenirs,
 20:26:48 15 T-shirts, coffee cups and the like.
 20:26:50 16 I worry that the industrial land such as Howard
 H2-3-70 20:26:53 17 Terminal is being chipped away by mixed-use development
 20:26:57 18 such as the ballpark. And I don't want to see it
 20:26:59 19 happened.
 20:27:00 20 Thank you.
 20:27:01 21 **MS. ARMSTRONG:** Thank you, Mary.
 20:27:04 22 Jim Zelinski, you may unmute yourself to make
 20:27:08 23 your comment.
 20:27:19 24 Jim, are you there?
 20:27:22 25 **MR. ZELINSKI:** Yeah, hi, can you hear me?

H2-3-69 The comment expresses support for retaining the cranes and acknowledges the use of shipping cranes as a popular icon associated with the city of Oakland and the Port of Oakland. With regard to retention of the cranes on the Project site, see Comment H-1-19 for further discussion.

H2-3-70 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-3

COMMENT

RESPONSE

H2-3-71 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 State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

103

20:27:23 1 **MS. ARMSTRONG:** Yes, I can now.

20:27:24 2 **MR. ZELINSKI:** This is Jim Zelinski. I a

20:27:25 3 co-founder of Save Oakland Sports, lifelong Oakland A's,

20:27:31 4 Raiders, Warriors fan. Went to the very first game in

20:27:35 5 Oakland in 1968. And I currently reside in San Ramon.

20:27:42 6 And I just -- you know, I think there's been

20:27:44 7 some great comments here, but I kind of want to reiterate

20:27:48 8 something that Chris Dobbins said. And that is that, you

20:27:52 9 know, I understand about the Coliseum. It's convenient.

20:27:55 10 It's off the freeway.

20:27:57 11 But the bottom line is the A's don't want to

20:28:00 12 build there. I mean they want to build their stadium

20:28:03 13 project at Howard Terminal. And it's kind of like me

20:28:08 14 telling a neighbor who wants to buy a house five doors

20:28:11 15 down, say, well, you know, what? I don't think you

20:28:13 16 should buy that. Buy the one three doors down.

20:28:17 17 Moreover, I think the A's are an invaluable

20:28:23 18 community partner. Not just in Oakland, but the East

20:28:25 19 Bay. You cannot replicate the type of advertising, the

20:28:30 20 positive PR, that the A's bring on Sundays, Saturdays,

20:28:36 21 you know, four, five times a week when they're in town.

20:28:38 22 You can't replicate that.

20:28:41 23 So I just -- I guess on behalf of the entire

20:28:45 24 East Bay, I hope you will make the right decision and

20:28:48 25 approve this because I think it would be terrible for

H2-3-71

H2-3

COMMENT

RESPONSE

H2-3-72 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

104

H2-3-71	20:28:52	1	Oakland and the East Bay to lose the last of its --
	20:28:55	2	really its professional sports empire.
	20:28:58	3	Thank you.
	20:29:00	4	MS. ARMSTRONG: Thank you.
	20:29:01	5	MS. PAYNE: And again, apologies, this is the
	20:29:02	6	secretary here. My attorney reminded me that we should
	20:29:05	7	provide you with the phone number as we know a couple of
	20:29:08	8	you are having issues with your Zoom.
	20:29:10	9	And the phone number to call in just as a
	20:29:14	10	reminder, I'll just give one of them out, but you can go
	20:29:18	11	look at the agenda. One number would be 1(669)900-6833.
	20:29:25	12	That's 1(669)900-6833.
	20:29:30	13	You can try calling in if you're having trouble
	20:29:34	14	connecting on Zoom, on the Zoom app. Thank you.
	20:29:38	15	MS. ARMSTRONG: Thank you, Catherine.
	20:29:40	16	Iris Corina. You may unmute yourself to make
	20:29:43	17	your comment.
	20:29:50	18	MS. CORINA: Hello, can you hear me?
	20:29:53	19	MS. ARMSTRONG: I can now thank you.
	20:29:55	20	MS. CORINA: Thank you so much. I've listened
	20:29:57	21	to so much. I live on 9th and Market. And to the last
	20:30:00	22	person that just called, I would like you to live here
H2-3-72	20:30:04	23	and enjoy the five to seven days a week of entertainment
	20:30:09	24	that will be going on at Howard Terminal.
	20:30:15	25	We still have trucks that idle here. And we

H2-3

COMMENT

RESPONSE

H2-3-73

The commenter expresses an opinion that the Project would generate additional parking congestion in the neighborhoods surrounding the Project. The Parking Management Plan in the Transportation Management Plan (Mitigation Measure TRANS-1b) is a key required component to minimize automobile congestion from the Project. A draft parking management plan is provided in the Draft EIR's Additional Transportation Reference Materials (*Toward a High-Performance Parking Management System for a Thriving Oakland: A Plan*) and was modeled after the successful SacPark system in Sacramento.¹⁶

The parking management plan would implement an advance parking reservation system that ballpark attendees would use to reserve a parking space before 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 from ballpark attendees parking in their neighborhood. Other on-street parking outside of residential areas would be metered, and the City would be able to control parking meter duration to manage the number of ballpark attendees who park on-street. The TMP also requires traffic control officers (or similar personnel acceptable to the City of Oakland) for pre- and post-event management of attendees traveling to and from the ballpark event. These officers would have ticketing capabilities to address ballpark attendees' parking behaviors that violate the parking management plan, such as illegally parking in a residential parking permit area or violating on-street parking meter limits.

H2-3-74

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

105

H2-3-72

20:30:18 1 have to go outside and ask them to move because our
 20:30:23 2 bedrooms are right there on Market Street.
 20:30:27 3 There are times when there have been games and
 20:30:29 4 things going on at the Coliseum and also in San Francisco
 20:30:33 5 and we cannot park either in front of our house or the
 20:30:37 6 back of our house. And call the police? We can't get
 20:30:41 7 the police to come out when someone breaks into our homes
 20:30:46 8 in Oakland. And that's a matter of fact, a proven fact.

H2-3-73

20:30:51 9 So what's going to happen when they park, which
 20:30:55 10 happens now, in our driveways and we can't leave our
 20:30:59 11 home? Or the fire department can't get into our home?
 20:31:02 12 Because we are -- we have traffic from one end of Market
 20:31:08 13 to the other.

H2-3-74

20:31:09 14 There are criminals -- I believe it's going to
 20:31:12 15 draw more crime. I had someone knocking on my door and
 20:31:17 16 kicking on my door and window the other day. I couldn't
 20:31:20 17 get the police to come out. How are we going to get
 20:31:23 18 response from the police when their response to us is
 20:31:28 19 blame your mayor for the reason that we can't do certain
 20:31:31 20 things.

20:31:32 21 That's not enticing for me. That's not
 20:31:35 22 encouraging for me. I'm a senior -- disabled senior
 20:31:39 23 citizen and have had to park two blocks from my house
 20:31:42 24 when things were going on either -- even downtown Oakland
 20:31:47 25 or at the Coliseum.

¹⁶ Primus Consulting, 2020. *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan*, January 2020.

H2-3

COMMENT

RESPONSE

H2-3-75 See Consolidated Response 4.13, *Gentrification and Indirect Housing Displacement*.

106

	20:31:48	1	I know it's about money. The A's sent a black
	20:31:52	2	young man to one of our NCPC meetings and he swore he
	20:31:57	3	would not do anything that would cause problems for the
	20:32:00	4	City of Oakland because he was raised here.
	20:32:04	5	That was a lie. What happened is I asked him:
H2-3-74	20:32:07	6	Why do they not want to be at the Coliseum? And I quoted
	20:32:12	7	him verbatim. Because at the Coliseum, they don't have
	20:32:16	8	full control. They have to deal with the City and
	20:32:19	9	County.
	20:32:21	10	If they build at Howard Terminal, they can do
	20:32:24	11	what they want to do. If they want to have a concert
	20:32:28	12	five days a week, they can do it.
	20:32:31	13	MS. ARMSTRONG: Iris, that is your two-minute
	20:32:33	14	comment period.
	20:32:34	15	MS. CORINA: Thank you for listening.
	20:32:35	16	MS. ARMSTRONG: Thank you.
	20:32:37	17	Next I do have a caller with the last four
	20:32:39	18	digits of 0794.
	20:32:42	19	Please state your full name for the record.
	20:32:50	20	MS. CUNNINGHAM: Thank you, commissioners. My
	20:32:51	21	name is Ms. Cecilia Cunningham, member of East Bay
	20:32:57	22	Housing Organizations.
H2-3-75	20:33:01	23	The draft environment impact report doesn't
	20:33:06	24	analyze the impact of displacement and gentrification.
	20:33:12	25	However, this report doesn't tell us what it

H2-3

COMMENT

RESPONSE

107

H2-3-75	20:33:17	1	looks like. Thank you.
	20:33:22	2	MS. ARMSTRONG: Thank you. Okay. I'm not sure
	20:33:24	3	if this is a caller. I'll just read the last four digits
	20:33:28	4	3081.
	20:33:30	5	If you can unmute yourself, star 6, we'll allow
	20:33:36	6	you to talk.
	20:33:45	7	I don't have a full number, but the last four
	20:33:50	8	digits are 3081 and you are still muted.
	20:34:00	9	Okay. Once again if you do want to make your
	20:34:02	10	comment, we will post -- we will share our screen and
	20:34:06	11	post some e-mails and numbers where you can make a
	20:34:09	12	comment. Thank you.
	20:34:14	13	Next Evie. You may unmute yourself to make
	20:34:18	14	your comment. Evie, if you can unmute yourself to make
	20:34:34	15	your comment.
	20:34:45	16	Okay. You are still muted and we can't hear
	20:34:47	17	you.
	20:34:56	18	Okay. Looks like Evie is the last caller. If
	20:35:01	19	anyone else wishes to make a comment, this will be the
	20:35:05	20	last call.
	20:35:25	21	Commissioner Limon, I do not see any other
	20:35:27	22	hands.
	20:35:28	23	CHAIR LIMON: Okay. Well, thank you
	20:35:31	24	Ms. Armstrong, for handling that so well.
	20:35:34	25	And so, we will close the public hearing with

H2-3

COMMENT

RESPONSE

108

20:35:40 1 respect to comments and bring it back to the commission.
 20:35:43 2 Commissioner Hegde has to go, so let's hear
 20:35:46 3 from her.
 20:35:48 4 **COMMISSIONER HEGDE:** Thank you. So I was
 20:35:49 5 hoping that we could, you know, for the final EIR address
 20:35:53 6 two things. Analysis of job loss due to the loss of
 20:35:57 7 industrial and Port uses over time.
 20:36:00 8 And I really appreciated the comment about
 20:36:04 9 understanding the housing and analysis. If we could do
 20:36:08 10 that, that would be helpful.
 20:36:09 11 I recall when we did the discussion about
 20:36:13 12 several -- myself and maybe even another commissioner
 20:36:17 13 talked about the fact that the DEIR was ignoring
 20:36:23 14 Chinatown. That has not changed and I would really -- I
 20:36:28 15 mean this will affect the Chinatown community and we
 20:36:33 16 really need to make sure that we are studying that.
 20:36:36 17 And finally, I really appreciated hearing from
 20:36:42 18 residents who talked about mitigation efforts for train
 20:36:49 19 safety and crossing.
 20:36:52 20 Generally speaking, I wanted to appreciate
 20:36:54 21 everybody who came to this meeting to talk just because
 20:36:56 22 this is such a complicated project and I don't think it's
 20:37:06 23 just about the waterfront, it is also about East Oakland.
 20:37:10 24 And today's meeting is not about the merits of
 20:37:17 25 the project -- although it does feel like it is about

H2-3-76 See Consolidated Response 4.4, *Port Operations and Land Use Compatibility*.
 H2-3-77 See Consolidated Response 4.12, *Affordable Housing*.
 H2-3-78 See Consolidated Response 4.8, *Chinatown*.
 H2-3-79 This comment expresses support for the safety mitigation measures and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures 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 also Consolidated Response 4.6, *Rail Safety, Grade Crossing, and Grade Separation*.

H2-3

COMMENT

109

20:37:20 1 that -- it is about the environmental analysis and
 20:37:24 2 whether or not the environment -- the draft is -- the
 20:37:26 3 draft environmental impact report is adequate.
 20:37:29 4 So, there are many more opportunities for
 20:37:32 5 people to talk and try to effect the kind of changes they
 20:37:37 6 want to see through this process and thank you for being
 20:37:41 7 there.
 20:37:43 8 **CHAIR LIMON:** Thank you, Commissioner Hegde.
 20:37:44 9 And thank you for staying on a little longer.
 20:37:48 10 And thank you to everyone who participated
 20:37:52 11 today.
 20:37:52 12 I wanted to share my screen, let's see, I would
 20:38:01 13 like to share my screen with everyone.
 20:38:03 14 So we mentioned, you know, I know two minutes
 20:38:06 15 wasn't enough time for a lot of people. So if you have
 20:38:09 16 more to share, you know, I want to post this. Let's see.
 20:38:28 17 Here we go. So I wanted to post this.
 20:38:30 18 So, if you still have -- comments that you
 20:38:34 19 would like to submit, you have until Friday, 4:00 p.m.
 20:38:39 20 And submit any comments to the Draft EIR. The City is
 20:38:44 21 encouraging you submit them electronically via this link,
 20:38:50 22 which is
 20:38:51 23 comment-tracker@esassoc/oaklandspportseir/index.html.
 20:39:02 24 Comments may also be directed in writing to
 20:39:03 25 City of Oakland Bureau of Planning, attention Peterson

110

20:39:09 1 Vollman, Planner 4, 250 Frank H. Ogawa Plaza, Suite 2214,
 20:39:15 2 Oakland 94612.
 20:39:18 3 And if you could reference case file number
 20:39:20 4 ER18-016 on all correspondence.
 20:39:26 5 I've leave that up for a few more seconds.
 20:39:30 6 **MS. PAYNE:** Yes, and I notice that the case
 20:39:32 7 planner, Pete Vollman, is raising his hand. He may a
 20:39:36 8 comment on this. Would you like to hear from him?
 20:39:36 9 **CHAIR LIMON:** Sure.
 20:39:37 10 **MR. VOLLMAN:** Yeah, I just wanted to clarify
 20:39:38 11 that the end of the comment is not Friday, it is actually
 20:39:41 12 Tuesday, April 27th. I just wanted to clarify that.
 20:39:46 13 **CHAIR LIMON:** Thank you, Pete.
 20:39:47 14 Okay. I'm going to stop sharing now and bring
 20:39:49 15 it back to the commission.
 20:39:53 16 Okay. So let's see, so there was a hand up on
 20:39:59 17 the attendee side, Ms. Tam, we closed the oral
 20:40:03 18 presentation from the public. So please if you could
 20:40:07 19 submit your comments to the link that I just posted or if
 20:40:12 20 you can contact Pete Vollman directly with that
 20:40:16 21 information as well.
 20:40:26 22 So Commissioner Fearn?
 20:40:29 23 **COMMISSIONER FEARN:** I think -- so, Pete, just
 20:40:29 24 to kind of (inaudible), can you describe once again what
 20:40:31 25 the commission is being asked to respond to and comment

H2-3

COMMENT

111

20:40:34 1 on regarding this?

20:40:37 2 Because to the Chairman's point we're not

20:40:40 3 commenting on -- also Commissioner Hegde's point, we're

20:40:43 4 not commenting on the merits of the project.

20:40:46 5 So just so everybody's kind of clear, can you

20:40:47 6 just describe once again what you're looking for

20:40:49 7 commission comment on?

20:40:50 8 **MR. VOLLMAN:** Yeah, so, I mean if the

20:40:52 9 Commission doesn't have any comments, that's fine.

20:40:53 10 Basically it's just providing comments with regard to

20:40:56 11 adequacy on the Draft EIR.

20:40:59 12 So if you feel that additional information

20:41:01 13 needs to be studied or provided or if mitigation should

20:41:06 14 include some additional measures, I mean, the list could

20:41:11 15 go on and on. But it's really just with regard to the

20:41:14 16 adequacy of the document as it's prepared.

20:41:20 17 **COMMISSIONER FEARN:** Okay. Thank you.

20:41:24 18 **CHAIR LIMON:** Okay. Commissioner Shirazi?

20:41:26 19 **COMMISSIONER SHIRAZI:** Sorry, I couldn't find

20:41:32 20 my mouse. Thank you.

20:41:34 21 And I just want to add one more question, I

20:41:38 22 guess, or clarification, which is that the folks that

20:41:41 23 called in or dialed in today and left their comments on

20:41:46 24 public records, those will already be incorporated into

20:41:49 25 the comments, is that correct?

112

20:41:52 1 **MR. VOLLMAN:** Yes, that's correct. So we'll

20:41:54 2 have a video of this. Our consultant will have it

20:41:57 3 transcribed and that will be included in the response to

20:41:59 4 comments.

20:42:00 5 So comments, whether they're at the public

20:42:02 6 hearing today from Landmark's board meeting or anything

20:42:06 7 that's been submitted by email or through comment tracker

20:42:10 8 will all be responded to.

20:42:14 9 **COMMISSIONER SHIRAZI:** Thank you.

20:42:16 10 **CHAIR LIMON:** Okay. Vice Chair Manus.

20:42:26 11 **VICE CHAIR MANUS:** Chair Limon, I have two

20:42:27 12 things. So again, I just want to thank everybody that

20:42:28 13 came out to testify. There is certainly a lot to get

20:42:32 14 from this draft document.

20:42:35 15 Two things that I think are necessary part of

20:42:38 16 the assessment. And I guess the first one is I would

20:42:43 17 probably compare it to this Commission's ongoing review

20:42:48 18 of the Oakland -- proposed Oakland Downtown Plan in its

20:42:54 19 depth and analysis in so many ways.

20:42:56 20 And I would have to say that the scope of this

20:43:01 21 project that is being reviewed under CEQA is sort of like

20:43:06 22 a napkin sketch. There's a lot of things that I asked

20:43:10 23 earlier that are -- and Pete, you know, you're the one

20:43:14 24 reviewing this, so I understand that -- just don't seem

20:43:19 25 to resolve with a lot of things we're hearing. And there

H2-3

COMMENT

RESPONSE

113

20:43:22 1 seems to be a lot of difference opinion on a lot of
 20:43:25 2 technical things, which is very troubling considering the
 20:43:29 3 nature of this impact.

H2-3-80 20:43:31 4 So I would like to see reflection of the
 20:43:37 5 parallel effort on the Oakland Downtown Plan that's going
 20:43:41 6 on, because if you look at the Downtown Plan, the site is
 20:43:45 7 literally on the edge of it. And the scope of what we're
 20:43:48 8 proposing is a huge part of it.

20:43:50 9 So that would be item number one.
 20:43:53 10 Item number two, and I think I probably have
 20:43:56 11 asked this before, but if we look across the bay to the
 20:44:00 12 20-year duration that the San Francisco Giants have gone
 20:44:03 13 through in the creation of the stadium and adjacent
 20:44:07 14 development, I feel that we need to be looking at
 20:44:11 15 comparable examples.

H2-3-81 20:44:13 16 The duration of this project and its initial
 20:44:20 17 request on CEQA review and analysis basically is a
 20:44:25 18 bundled stadium and probably 12 individual development
 20:44:31 19 sites that I'm certainly not sure how they actually fit
 20:44:35 20 together.

20:44:36 21 So I would like to see some discussion about
 20:44:39 22 how other major league teams, particularly in the Bay
 20:44:43 23 Area, as an example, have approached similar problems
 20:44:46 24 relative to doing that.

20:44:47 25 So, beyond that, Chair Limon, those are the two

H2-3-80 The Draft Downtown Oakland Specific Plan (DOSP) is included in the cumulative analysis of the Draft EIR (see Section 4.0). This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

The DOSP is currently in draft form and has not been adopted. For this reason, the Draft EIR is not required to assess the Project's consistency with the Draft DOSP or its policies.

H2-3-81 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.

H2-3

COMMENT

114

20:44:51 1 things that I do think the document needs to incorporate
 20:44:55 2 beyond those that were identified by many of the
 20:44:58 3 speakers. So thank you.
 20:45:01 4 **CHAIR LIMON:** Thank you. And I think there was
 20:45:03 5 quite a bit covered today. And I concur with my fellow
 20:45:11 6 commissioners as well.
 20:45:12 7 So, again, I thank everyone for their
 20:45:15 8 participation today. We had about 200 people today and
 20:45:20 9 almost 60 speakers.
 20:45:22 10 So, I appreciate everyone's participation in
 20:45:24 11 this public process and it's a long way from being over.
 20:45:28 12 There will be other opportunities to comment on the
 20:45:32 13 project, and you know, the merits of the project at a
 20:45:39 14 later date. So thank everyone for their participation.
 20:45:42 15 Moving on with the agenda.
 20:45:46 16 ...
 20:45:46 17 (Requested proceedings concluded.)
 20:45:46 18 ---o0o---

115

20:45:46 1
 20:46:07 2 State of California)
 20:46:07 3) ss.
 20:46:07 3 County of Alameda)
 20:46:07 4
 20:46:07 5
 20:46:07 6 I, Connie J. Parchman, CSR #6137, do hereby
 20:46:07 7 certify: That I am a certified shorthand reporter of the
 20:46:07 8 State of California; that I was provided access to audio
 20:46:07 9 files; that a verbatim record of the proceedings was made
 20:46:07 10 by me using machine shorthand which was thereafter
 20:46:07 11 transcribed under my direction; further, that the
 20:46:07 12 foregoing is an accurate transcription thereof.
 20:46:07 13 I further certify that I am neither financially
 20:46:07 14 interested in the action nor a relative or employee of
 20:46:07 15 any attorney or any of the parties.
 20:46:07 16 IN WITNESS WHEREOF, I have subscribed my
 20:46:07 17 name.
 20:46:07 18 
 20:46:07 19
 20:46:07 20 Connie J. Parchman, CSR #6137
 20:46:07 21
 20:46:07 22
 20:46:07 23
 20:46:07 24
 20:46:07 25