

Coliseum Area Specific Plan



Final Environmental Impact Report

SCH # 2013042066

Lead Agency: City of Oakland

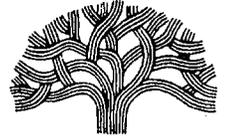
February 20, 2015

City Case #ER13-0004

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CITY OF OAKLAND



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TO: All Interested Parties

SUBJECT: Notice of Coliseum Area Specific Plan adoption public hearings: Notice of Availability of Final Environmental Impact Report and Notice of Public Hearings on FEIR, Coliseum Area Specific Plan and related General Plan, Planning Code and Zoning Map Amendments

CASE NO.: ZS13-103, ER13-0004 (CEQA State Clearing House Number 2013042066)

PROJECT SPONSOR: City of Oakland

PROJECT LOCATION: The Coliseum Area Specific Plan area (“Plan Area”) is located in the City of Oakland, and covers an area of approximately 800 acres bounded by 66th Avenue and East Creek Slough to the north, San Leandro Street and Hawley on the east, Hegenberger Road on the south, and San Leandro Bay and the Doolittle Drive to the west. The Plan Area includes the Oakland Alameda County Coliseum and Arena and the Oakland Airport Business Park. The Plan Area is located between Downtown Oakland and Oakland International Airport, proximate to the cities of Alameda and San Leandro.

PROJECT DESCRIPTION: The City of Oakland (City) is releasing a Final Environmental Impact Report (FEIR) on **February 20, 2015**, which evaluates potential environmental impacts from adopting the Coliseum Area Specific Plan. The City of Oakland proposes to adopt the Specific Plan for the approximately 800 acres consisting of the Oakland-Alameda County Coliseum complex, the Oakland Airport Business Park, and surrounding environs.

Concurrent, but separately, the project also includes adoption of: associated General Plan amendments (both to the *Estuary Policy Plan* and the *Land Use and Transportation Element* of the Oakland General Plan); Planning Code amendments (including the creation of six new zoning designations), changes to the Zoning Maps; and Design Guidelines (collectively called “Related Actions”). Staff will clarify that proposed City zoning changes will not supersede the Port of Oakland’s Land Use Development Code (LUDC) in areas under the land use jurisdiction of the Port of Oakland (i.e. the Oakland Airport Business Park).

The adoption of the Coliseum Area Specific Plan and related actions will be considered at a number of public hearings which are listed below. Further, Legislative action at public hearings is required by the Oakland City Council to adopt the Plan.

For more information on the project, including draft documents, please visit the project website at: www.oaklandnet.com/coliseumcity.

ENVIRONMENTAL REVIEW: The City of Oakland’s Bureau of Planning is releasing the FEIR, finding it to be accurate, complete and ready for public review. Starting on **February 20, 2015**, copies of the FEIR

and Final Specific Plan will be available for review or distribution to interested parties at no charge at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite #3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. Additional copies are available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612. The FEIR, the Specific Plan and all associated Plan documents may also be reviewed on the City's website: www.oaklandnet.com/coliseumcity.

Members of the public and all interested parties are welcome to attend the following public hearings and provide comments. If you challenge the EIR or other actions pertaining to this Project in court, you may be limited to raising only those issues raised at the public hearings described below or in written correspondence directed to Devan Reiff, Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite # 3315, Oakland, CA 94612, and received by **4:00 p.m. on March 4, 2015**. For further information, please contact Devan Reiff at (510) 238-3550 or via email to dreiff@oaklandnet.com. Please refer to case number ER 130004; or see the project website for additional public hearings, at <http://www.oaklandnet.com/coliseumcity>.

CONFIRMED PUBLIC HEARINGS WILL BE HELD BY THE CITY ON THE FEIR, FINAL SPECIFIC PLAN, AND RELATED ACTIONS:

1. The City of Oakland Landmarks Preservation Advisory Board will conduct a public hearing to provide cultural-resource related comments on the Coliseum Plan FEIR, Final Coliseum Area Specific Plan, and Related Actions on **February 23, 2015**, at 6:00 p.m. in Hearing Room 1, Oakland City Hall, One Frank H. Ogawa Plaza, Oakland CA 94612.
2. The City of Oakland Planning Commission will conduct a public hearing to consider certifying the Coliseum Plan FEIR, and recommending to the City Council adoption of the Final Specific Plan and Related Actions on **March 4, 2015** at 6:00 p.m., in City Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland CA 94612.

Future City Council hearings will be separately noticed, and announced on the City's website: <http://www.oaklandnet.com/coliseumcity>.



Darin Ranelletti
Environmental Review Officer

February 20, 2015

Coliseum Area Specific Plan, Final EIR

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Introduction

Purpose of the Final EIR

This Environmental Impact Report (EIR) is an informational document prepared by the City of Oakland (as Lead Agency) containing environmental analysis for public review and for City decision-makers to use in their consideration of approvals for discretionary actions needed on the proposed Coliseum Area Specific Plan (the Project).

On August 22, 2014, the City of Oakland released a Draft Environmental Impact Report (Draft EIR) for the Coliseum Area Specific Plan. The public review and comment period on that Draft EIR was extended from the required 45 days to 57 days, ending on October 17, 2014. During the public review and comment period, the City of Oakland held the following public hearings and informational meetings:

- a Public Hearing before the City of Oakland Landmarks Preservation Advisory Board on September 8, 2014 (Oakland City Hall);
- a Public Hearing before the City of Oakland Parks and Recreation Advisory Commission on September 10, 2014, at the Lake Merritt Garden Center (666 Bellevue Avenue, Oakland).
- a presentation to the Alameda County Airport Land Use Commission at a regular public meeting on September 17, 2014, at 224 West Winton Avenue, Hayward, CA;
- a Public Hearing before the Oakland Bicyclist and Pedestrian Advisory Commission on September 18, 2014 (Oakland City Hall);
- a presentation to the Oakland-Alameda County Coliseum Authority at a regular public meeting on September 24, 2014, at the Oracle Arena Plaza Club, 7000 Coliseum Way;
- a presentation to the Port of Oakland Board of Commissioners at a regular public meeting on September 25, 2014, at 530 Water Street, Oakland;
- a Public Hearing before the Oakland City Planning Commission on October 1, 2014 (Oakland City Hall); and
- a Community workshop on Thursday, October 9, 2014 at the 81st Avenue Library (1021 81st Avenue, Oakland) in East Oakland.

The purpose of these meetings and hearings was to inform the public about the contents of the Specific Plan and Draft EIR, and to receive oral comments on the Draft EIR with regard to its adequacy and accuracy.

This Response to Comments document, together with the Draft EIR and the Draft EIR Appendices, constitute the Final EIR for the Project. Due to its length, the text of the Draft EIR is not included with this Response to Comments document but is included by reference as part of the Final EIR.

Following the required 10-day agency review of this Response to Comments document, the City of Oakland Planning Commission will consider certification of the Final EIR, certifying that it adequately

discloses the environmental effects of the proposed Project and that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA). Before the Planning Commission and City Council may consider approval of the various discretionary actions recommended as part of the proposed Project, both the Commission and the Council must independently review and consider the information contained in the Final EIR.

The City of Oakland has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of that Draft,
- A list of persons, organizations, and public agencies commenting on the Draft EIR,
- Comments and recommendations received on the Draft EIR (either verbatim or in a summary),
- The response of the Lead Agency to significant environmental points raised in the review process, and
- Any other information added by the Lead Agency.

This FEIR incorporates comments from public agencies and the general public. It also contains the Lead Agency's responses to those comments.

No New Significant Information

If significant new information is added to a Draft EIR after notice of public review has been given, but before certification of the Final EIR, the lead agency must issue a new notice and re-circulate the Draft EIR for further comments and consultation.

New Zoning Districts and Amended Zoning Maps

As was indicated in the Draft EIR's Project Description (page 3-27), the Specific Plan recommended new zoning for the Project Area, as was shown in the Draft EIR on Table 3-5 and Figure 3-8. As also indicated in the Project Description (pages 3-73 and -74), a number of City permits and approvals would be required before development of the Project could proceed, and that the City of Oakland would be responsible for those subsequent approvals. A list of required approvals included:

- Approval of one General Plan Amendment and one General Plan correction to bring the area within the Coliseum District (Specifically on San Leandro Street, between 66th Avenue, 76th Avenue, Coliseum BART station and the Railroad tracks) into the Community Commercial designation;
- Approval of additional General Plan Amendments to change the existing land use designations within Sub-Areas B, C, D and E to Open Space, Community Commercial and Regional Commercial;
- Approval of new zoning districts ("D-CO-1" through "D-CO-3") and approval of a new zoning map to allow new residential, hotel, sports facilities uses, as well as add open space to the Coliseum District; and
- Approval of additional new zoning districts ("D-CO-3" through "D-CO-6") and approval of a new zoning map with zoning changes related to Sub-Areas B, C, D and E.

Consistent with this list of recognized approvals, City staff has prepared the text for new zoning districts ("D-CO-1" through "D-CO-6"), and has prepared new zoning maps to accompany the new districts. The text for these new zoning districts includes City land use regulations and requirements that would

permit future development consistent with the Specific Plan and consistent with the Project Description as provided in the Draft EIR. The text of these new zoning districts does not introduce new information that would be inconsistent with the land use description for the Project Area as presented in the Draft EIR.

City staff has also prepared new zoning maps to indicate where the boundaries of the new D-CO zones are intended to apply (see revised **Figure 3-8** in Chapter 7 of this FEIR). Generally, these new zoning maps are consistent with the proposed zoning map included in the Draft EIR (Draft EIR Figure 3-8), with two exceptions. One exception applies specifically to the property known as the Edgewater Seasonal Wetland, a wetland mitigation bank property owned by the East Bay Regional Park District (EBRPD), described below.

Edgewater Seasonal Wetland Site

The current City General Plan land use designation for the EBRPD property known as the Edgewater Seasonal Wetland is Business Mix, and the proposed new General Plan land use designation is Regional Commercial, as was fully described in the Draft EIR. The current City zoning of this property is IO: Industrial Office. The Draft Specific Plan and the Project Description contained in the Draft EIR had included a proposal to re-zone this property to the new D-CO-4 zoning district, which would have allowed mixed-use residential use as a conditionally permitted use within this zone. Under the City's current proposal, this property will instead be re-zoned to the new D-CO-3 zoning district (consistent with re-zoning of the remainder of Sub-Area B east of Edgewater Drive), which does not permit residential use but does allow business and industrial uses. This currently proposed modification to the zoning map does not introduce any new information that would fundamentally or substantially alter the Draft EIR's Project Description or its environmental analysis relative to this site, but minor changes to the Draft EIR are presented in revisions to the Project Description in Chapter 7 of this FEIR.

Under this new proposed zoning, any future development proposal for the Edgewater Seasonal Wetland property as a new mixed-use residential development site would require not only the full implementation of Mitigation Measure Bio 1B-2 (including the willing participation of EBRPD and the Port of Oakland – see Master Response to Comments #6 in Chapter 4 of this FIER), but would also require the applicant (should there be one) to submit a separate proposal to the City to re-zone this property from D-CO-3 (if adopted) to the new D-CO-4 zone. The currently proposed zoning as D-CO-3 of the Edgewater Seasonal Wetlands property essentially maintains the status-quo of the current IO zoning of the property, as updated with new regulatory requirements.

Other Changes

Although this Response to Comments document may contain corrections or clarifications to information presented in the Draft EIR, none of these corrections or clarifications constitute “significant new information” as defined under Section 15088.5 of the CEQA Guidelines. More specifically:

- No new significant environmental impacts have been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval proposed to be implemented.
- No substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval, and no additional mitigation measures or Standard Conditions of Approval are necessary to reduce such impacts to a level of insignificance.

- There is no feasible alternative, mitigation measure or Standard Condition of Approval considerably different from others previously analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project, that the Project sponsor (the City of Oakland) has declined to adopt.
- The Draft EIR was not so fundamentally or basically inadequate or conclusory in nature that meaningful public review and comment were precluded.

Information presented in the Draft EIR and in this document support the City's determination that recirculation of the Draft EIR is not required.

Organization of this Final EIR

This Final EIR contains information about the proposed Project, supplemental environmental information, and responses to comments that were raised during the public review and comment period on the Draft EIR. Following this Introduction chapter, the document is organized as described below.

- Chapter 2: Project Summary, summarizes the proposed Specific Plan and the major items of discussion presented in the EIR, including a summary of potential environmental impacts, applicable standard conditions of approval and recommended mitigation measures, and resulting levels of significance for identified environmental impact topics.
- Chapter 3: Commenters on the Draft EIR, lists all agencies, organizations and individuals that submitted written comments on the DEIR during the public review and comment period, and/or that commented at the public meetings and/or hearings.
- Chapter 4: Master Responses to Frequent Comments on the Draft EIR, provides comprehensive responses to numerous, similar comments made by several commenters on specific issues relative to the Draft EIR.
- Chapter 5: Individual Responses to Written Comments on the Draft EIR, contains each of the comment letters received on the Draft EIR and presents individual responses to the specific CEQA-related comments raised.
- Chapter 6: Comments and Responses to Comments made at Public Hearings on the DEIR, contains a summary of oral comments made at each of the public hearings on the Draft EIR, and presents responses to each of the specific CEQA-related comments raised.
- Chapter 7: Revisions to the Draft EIR, contains text changes and corrections to the Draft EIR initiated by the Lead Agency or resulting from comments received on the DEIR.

Pursuant to CEQA, this is a public information document for use by governmental agencies and the general public. The information contained in this Final EIR is subject to review and consideration by the City of Oakland prior to its decision to approve, reject or modify the proposed Specific Plan (the Project). The City of Oakland Planning Commission and City Council must ultimately independently certify that it has reviewed and considered the information in the EIR and that the EIR has been completed in conformity with the requirements of CEQA before making any decision of the proposed Project.

Executive Summary

Project Overview

The City of Oakland is considering adoption of the Coliseum Area Specific Plan (*the Project*). The Project envisions transformation of the Oakland Coliseum, the area around the Coliseum/Airport BART station, and surrounding properties (*the Coliseum District*) into a new sports and entertainment district with new residential neighborhoods and space for new science and technology businesses. The Project includes a detailed, specific and clearly defined development program representing one scenario for implementation of the Specific Plan (*the Coliseum City Master Plan*), but also provides flexibility for other potential land use outcomes. The Project also includes buildout assumptions for development and redevelopment throughout the remaining portions of the Planning Area, including the lands on the water-side of I-880 stretching toward the Oakland International Airport and located between Hegenberger Road and East Creek Slough (*Plan Buildout*). The Project seeks to retain Oakland's three major professional sports franchises with three new venues and an accompanying mixed-use residential, retail and hotel district, plus a science and technology district which transitions to airport-related uses. The Project establishes a land use and development framework, identifies needed transportation and infrastructure improvements and recommends implementation strategies.

CEQA Process

On April 19, 2013, the City of Oakland determined that an Environmental Impact Report (EIR) will be prepared for the proposed Project, and circulated a Notice of Preparation (NOP) for the Draft EIR. The public comment period on the NOP, which requested comments on the scope of this EIR, lasted through May 20, 2013. The NOP was sent to responsible agencies, neighboring cities, interested organizations and individuals, and to the State Clearinghouse. Additionally, a scoping session was held before the City Planning Commission on May 1, 2013 and a second scoping session was held before the City Landmarks Preservation Advisory Board on May 13, 2013. Both written and oral comments received by the City on the NOP and scoping sessions were taken into account during the preparation of the Draft EIR.

On August 22, 2014, the City of Oakland released a Draft Environmental Impact Report (Draft EIR) for the Coliseum Area Specific Plan. The public review and comment period on that Draft EIR was extended from the required 45 days to 57 days, ending on October 17, 2014. During the public review and comment period, the City of Oakland held the following public hearings and informational meetings:

- a Public Hearing before the City of Oakland Landmarks Preservation Advisory Board on September 8, 2014;
- a Public Hearing before the City of Oakland Parks and Recreation Advisory Commission on September 10, 2014;
- a presentation to the Alameda County Airport Land Use Commission on September 17, 2014;
- a Public Hearing before the Oakland Bicyclist and Pedestrian Advisory Commission on September 18, 2014;

- a presentation to the Oakland-Alameda County Coliseum Authority on September 24, 2014;
- a presentation to the Port of Oakland Board of Commissioners on September 25, 2014; and
- a Public Hearing before the Oakland City Planning Commission on October 1, 2014

Project Location

The Coliseum Area Specific Plan's Planning Area (the Project Area) is located in Alameda County between Downtown Oakland and Oakland International Airport, proximate to the cities of Alameda and San Leandro. The Project Area is extensively served by the interstate freeway (I-880), rail and regional transit, including the Coliseum BART station, Capitol Corridor Amtrak station, AC transit bus service and the BART Oakland Airport Connector. The Project Area is more specifically located in East Oakland and covers approximately 800 acres bounded by East Creek Slough and 66th Avenue to the north, San Leandro Street on the east, Hegenberger Road on the south, and San Leandro Bay and the Oakland International Airport to the west. The Project Area is divided into five Sub-Areas, which include:

- the Coliseum District, which includes the Oakland-Alameda County Coliseum complex (the Coliseum Stadium and Arena and associated surface parking lots), other City-owned land, additional private properties to the east along both sides of San Leandro Street, and the existing Coliseum BART Station and associated parking lot (Sub-Area A),
- the Oakland Airport Business Park north of Hegenberger Road (Sub-Areas B, C and D), and
- other adjacent properties to the north of 66th Avenue (Sub-Area E).

Coliseum City Master Plan

In June of 2012, the City of Oakland entered into an Exclusive Negotiating Agreement (ENA) with a team of architects and developers led by JRDV International to prepare a detailed Master Plan for the Oakland Coliseum site and key supporting areas, and to negotiate with the Oakland Raiders, Warriors, and A's sports franchises on behalf of the City with the goal to retain these teams at the Oakland Coliseum site. The JRDV International team prepared the Coliseum City Master Plan, which is a detailed development program for the Coliseum site and adjacent areas. The Coliseum City Master Plan accommodates the retention of all three sports franchises within three new venues, together with transit-oriented mixed-use development near the Coliseum Bay Area Rapid Transit (BART) station, new job-based development and housing opportunities surrounding the sports venues, event-based and neighborhood-serving retail uses, and plans for transit improvements intended to enhance transit usage by residents, employees and event patrons.

The Coliseum City Master Plan also includes a longer-term vision for complimentary development and redevelopment of the nearby Oakland Airport Business Park as a new regional center of science and technology, with light industrial and logistics uses in support of the science and technology center as well as supportive of the operating needs of the Oakland International Airport. The Master Plan also proposes water-oriented residential development and open space enhancement and improvements.

Coliseum Area Specific Plan

Following preparation of the Coliseum City Master Plan, the City of Oakland prepared the Draft Coliseum Area Specific Plan (i.e., the Project) based upon, and to accommodate eventual development as envisioned under the Coliseum City Master Plan, but that also provides an overall policy and regulatory

framework for the City within which future development activity would occur. While the Coliseum City Master Plan provides one clearly defined vision of development potential, it represents only one of a number of other possible development scenarios for these properties. Therefore, the Coliseum Area Specific Plan is intentionally flexible enough to accommodate all three franchises or any combination of two, one, or even no sports franchises in the future, and provides a development plan responsive to these potential sports venue scenarios.

Coliseum District

The Project's overall development program within the Coliseum District includes new sports venues and associated retail uses, transit improvements, mixed-use and residential development (including a BART area TOD) and creation of new science and technology space, as more specifically described below.

- **NFL Stadium and Multi-purpose Event Center:** The proposed stadium would have a permanent seating capacity of up to 68,000 seats and designed to expand to approximately 72,000 seats for special events. Parking for the Stadium will be accommodated in a variety of on-site surface lots, dedicated event parking garages, and shared parking facilities.
- **MLB Ballpark:** The proposed Ballpark would have a permanent seating capacity of up to 35,000 seats and will be designed to expand to approximately 39,000 seats for special occasions or large game day crowds. Operation and scheduling use of the Ballpark would be restricted from having major events (including baseball games) on the same day as football games at the adjacent Stadium. Since no large events could occur simultaneously, parking for the Ballpark would be accommodated within the same on-site parking facilities as used by the Stadium.
- **NBA / Multi-purpose Event Arena:** The proposed new indoor Arena would be constructed on an approximately 12.4-acre site on the west side of I-880. The proposed new Arena would have a permanent seating capacity of up to 20,000 seats. The design of the Arena includes up to 800 parking spaces, and a pedestrian concourse will directly link the Arena to the opposite side of I-880 where additional, off-site parking associated with the new Stadium will be available for Arena patrons.
- **Transit Hub:** A new Intermodal Transit Hub is proposed to better link BART, the Oakland Airport Connector, Amtrak, AC Transit buses and a potential new streetcar connector. The Intermodal Transit Hub is designed to facilitate interconnections, security, and legibility between each of these transit modes. A number of improvements to the Coliseum BART station are part of the proposed Project, intended to enhance the Coliseum/Airport BART Station to increase its capacity to better serve the higher attendance expected due to the improved sports venues, as well as increase daily commute demand generated by surrounding development.
- **Pedestrian Concourse:** The Project proposes to connect the Coliseum District (including the new Arena) to the improved Transit Hub via a new pedestrian concourse connection. This new pedestrian connection will be used as a concourse to the new Stadium, Ballpark and Arena, and to the surrounding development. The connector will also be a linear park that extends over I-880, providing a direct link from BART to the Bay.
- **Sports-Related Entertainment District:** The Project's proposed sports venues are integrated into an active urban center that contains retail, entertainment, arts and cultural uses, creating new opportunities for multi-use facilities that accommodate a much higher ratio of non-game events than is currently experienced. The Sports-Related Entertainment District is expected to include as much as 225,000 square feet of retail/entertainment uses and two new hotels accommodating up to 560 hotel rooms.

- **BART Adjacent Transit-Oriented District (TOD):** The area immediately surrounding the Coliseum BART station is planned to be a new, moderate- to high-density residential community. In total, the Coliseum BART TOD is expected to contain up to 2,290 new housing units with associated ground-floor commercial space.
- **Mixed Use Residential Sports Neighborhood:** Within the central portion of the Coliseum District is a proposed new mixed-use residential neighborhood. Central to the Sport Neighborhood is a proposed 2.2-acre Grand Plaza lined with retail uses that lead to the new Ballpark and Stadium. Lining the Grand Plaza on either side are mid-rise and high-rise residential towers that contain as many as 1,570 new apartment-styled housing units, with as much as 120,000 square feet of neighborhood-serving retail uses on the ground floor.
- **Science and Technology District:** Within the Coliseum District, science and technology land uses consists of a row of technology and office use buildings fronting onto the east side of I-800, between the freeway and the new sports venues, including approximately 1.5 million square feet of technology and office space, 30,000 square feet of retail use, a new 360-room hotel and on-site parking within podium structured garages.
- **Parking:** Proposed parking supply provided within the Coliseum District is based on the projected parking demand for each of the proposed land uses, as well as assumptions regarding transit-modes to be used by fans and future residents and workers. On-site parking will be provided through a combination of surface lots, dedicated event parking garages, and shared parking facilities. In total, the Coliseum District includes 4,330 surface parking spaces and 13,840 parking spaces within parking garages.
- **Other:** The proposed improvements within the Coliseum District includes parks, open space, and natural habitat improvement along Damon Slough; an internal network of new and improved streets, as well as off-site street and intersection improvements needed to provide adequate access to the site under large event conditions; and infrastructure improvements including relocation and potential under-grounding of the existing overhead high tension electrical wires, new local utility service lines, and new on-site utility mains which will connect to the larger regional infrastructure system.

Project Buildout

Buildout of the remaining portions of the Project Area (Sub-Areas B, C, D and E) includes the following additional major development program elements:

- **Sub-Area B - Mixed Use Waterfront Residential District:** A Waterfront Residential District is proposed to include approximately 1,750 new residential units within a variety of multi-family mid- and high-rise buildings. The Waterfront Residential District would be supplemented with approximately 59,000 square feet of neighborhood-serving retail uses.
- **Sub-Area B - The “Innovation Gateway” Science and Technology District:** The Science and Technology District is proposed to accommodate a total buildout of up to approximately 3.5 million square feet of net new technology and office uses.
- **Sub-Area C - Technology Support District:** The Specific Plan buildout scenario for Sub-Area C anticipates private redevelopment of this area to accommodate new development containing uses supportive of the Innovation Gateway District in Sub-Area B, with a comparatively lower-cost, lower-density, and more flexible mix of buildings. Expected buildout of Sub-Area C is anticipated to include more than 5.1 million square feet of net new space.

- **Sub-Area D - Airport and Logistics District:** The Specific Plan buildout anticipates modest redevelopment of Sub-Area D, with most of the existing uses in this area remaining in the future, and new infill development with new uses that support airport-related economic development. Buildout of Sub-Area D is expected to include approximately 2 million square feet of total non-residential development space.
- **Sub-Area E - Habitat Restoration.** The Specific Plan anticipates the renovation of the City’s Oakport soccer fields, improvements to the bay Trail, and the potential creation of new wetland habitat within Sub-Area E. The Plan assumes the continued operations of the important utility function of EBMUD’s wet weather treatment facility and recognizes EBMUD’s intention to expand its corporation yard and open storage on its vacant parcel at Oakport Street and 66th Avenue. The Plan’s vision is that this vacant parcel either be restored as open space and habitat, or made into an attractive gateway to the Coliseum Plan Area development.

Use of this EIR

City of Oakland

This EIR is intended to provide the necessary environmental review for all City of Oakland discretionary approvals and action necessary to implement the Coliseum District portion of the Project, as well as for all approvals needed from other governmental agencies related to development of the Coliseum District, including but are not limited to the following.

Coliseum District:

- Approval of the proposed Coliseum Area Specific Plan;
- Approval of one General Plan Amendment and one General Plan correction, to bring the area on San Leandro Street, between 66th Avenue, 76th Avenue, Coliseum BART station and the Railroad tracks, into the Community Commercial designation;
- Approval of three new zoning districts (“D-CO-1” through “D-CO-3”) in the Oakland Planning Code, and approval of four new zoning map amendments to allow new residential, hotel, sports facilities, as well as add open space to the Coliseum District
- Approval of a Preliminary Development Plan (PDP) for the Coliseum District;
- Approval of subsequent Final Development Plans (FDPs) for each phase of new development within the Coliseum District;
- Approval of all necessary subsequent Conditional Use Permits (CUPs) for new stadiums, ballparks and arenas, and any new housing within those portions of the Coliseum District;
- Approval of Subdivision Maps or lot line adjustments, as may be necessary to create individual development sites;
- Design Review approvals for all subsequent individual development projects within the Coliseum District, pursuant to Chapter 17.136 of the Oakland Planning Code;
- Approval of a Category IV Creek Protection Permit for exterior development and work conducted within 20 feet from the top of bank of Elmhurst Creek or Damon Slough, and/or a Category III Creek Protection Permit for development and work conducted within 100 feet from the centerline of Elmhurst Creek or Damon Slough, pursuant to Chapter 13.16 of the Oakland Municipal Code;

- Tree removal permits pursuant to the City’s Protected Trees Ordinance (Chapter 12.36 of the Oakland Municipal Code);
- Encroachment permits for work within and close to public rights-of-way (Chapter 12.08 of the Oakland Municipal Code); and
- Demolition permits, grading permits, and building permits.

To the extent possible, the City of Oakland will rely on this EIR to provide environmental review for subsequent projects or their sites that are analyzed as part of this EIR.

Plan Buildout

This EIR also provide the necessary environmental review for City of Oakland discretionary approvals and action necessary to implement portions of Plan Buildout. In addition to approval of the Specific Plan, a number of additional City approvals would be required prior to implementation of individual development projects pursuant to the Plan within Sub-Areas B, C, D or E. The City of Oakland would be responsible for the following additional approvals:

- Approval of 17 additional General Plan Amendments, changing the existing General Plan land use designations in the Plan Area to Regional Commercial, Business Mix, and Urban Park and Open Space, allowing the goals and actions of the Plan to be codified in the Oakland General Plan, Land Use and Transportation Element;
- Approval of three additional new zoning districts (“D-CO-4” through “D-CO-6”) and approval of a new zoning map with 22 zoning map changes;
- Approval of Memorandum of Understanding (MOU) or other similar instrument between the City of Oakland and the Port of Oakland, clarifying the regulatory land use jurisdiction over those properties within the Oakland Airport Business Park, or under Port ownership. Implementation of the Specific Plan within areas currently under the Port’s regulatory jurisdiction will require either the Port’s co-approval of the Specific Plan along with potential commensurate changes to its Land Use and Development Code (LUDC), or for the Port to cede it’s regulatory land use authority for those lands within the Specific Plan to the City of Oakland;

This EIR may also provide the necessary environmental review for City of Oakland discretionary approvals and action necessary for implementation of Specific Plan buildout. A number of permits and approvals would be required before full Buildout could proceed. As Lead Agency, the City of Oakland would be responsible for many of the approvals required for development. A list of required permits and approvals that may be required by the City includes, but is not limited to:

- Approval of Preliminary Development Plans (PDP) within the Science and Technology District (Sub-Areas B and C), as may be required;
- Approval of subsequent Final Development Plans (FDPs) each phase of new development within these future PUDs;
- Approval of Subdivision Maps or lot line adjustments, as may be necessary to create campus-style development sites;
- Design Review approvals for subsequent individual development projects pursuant to Chapter 17.136 of the Oakland Planning Code;

At such time as individual development proposals and public infrastructure and transportation improvements as contemplated under this Specific Plan are proposed to be implemented within Sub-

Areas B, C, D and E, those individual actions will be subject to their own environmental determination by the City.

Other Agencies Whose Approval may be Required

In addition to the City of Oakland, there are a number of other agencies whose approvals and authorizations will or may be required to implement the Specific Plan. These possible other agencies and their approvals may include, but are not limited to the following:

- Port of Oakland – Approval of Memorandum of Understanding (MOU) or other similar instrument between the City of Oakland and the Port of Oakland, clarifying the regulatory land use jurisdiction over properties within the Oakland Airport Business Park. Implementation of the Specific Plan within areas currently under the Port’s regulatory jurisdiction will require either the Port’s co-approval of the Specific Plan along with potential commensurate changes to its Land Use and Development Code (LUDC), or for the Port to cede it’s regulatory land use authority for those lands within the Specific Plan to the City of Oakland;
- County of Alameda – lease terms and other agreements related to use of their jointly-owned lands within the Coliseum District;
- California Department of Transportation – approval of encroachment permits and other permits necessary to construct interchange and intersection improvements at locations within their jurisdiction, as well as construction of the overhead pedestrian/transit “high-line” overpass over I-880;
- Bay Area Rapid Transit District – for approvals and construction of planned improvements and enhancements to the Coliseum BART station, including improved pedestrian access, increased fair gate capacity, widened and/or lengthened station platforms and an overhead canopy;
- Bay Area Air Quality Management District (BAAQMD) – Granting of permits for stationary source air emissions and compliance with Regulation 2, Rule 1 for all portable construction equipment subject to that rule;
- East Bay Municipal Utilities District (EBMUD) – Granting new water service connections and meters.
- State Water Resources Control Board (SWRCB) – Acceptance of Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit.
- Regional Water Quality Control Board – Waste Discharge Requirements (WDRs) or National Pollutant Discharge Elimination System (NPDES) permit
- Alameda County Airport Land Use Commission (and other Federal Aviation Administration approvals) for any buildings taller than 159.3 feet within the surface height-restricted area of the Oakland International Airport Land Use Compatibility Plan.

Creeks and Shorelines

Specific to work within creeks and along the shoreline:

- United States Army Corps of Engineers - Clean Water Act Section 404 Permit for all work within Elmhurst Creek, Damon Slough and San Leandro Bay shoreline improvements and/or modifications;
- California Department of Fish and Wildlife - Section 1602 Streambed Alteration Permit for work within Elmhurst Creek and Damon Slough;

- SF Regional Water Quality Control Board - Clean Water Act Section 401 Permit for work within Elmhurst Creek and Damon Slough, and for San Leandro shoreline improvements and/or modifications;
- San Francisco Bay Conservation and Development Commission – Major Permit for San Leandro shoreline improvements and/or modifications;
- Regional Water Quality Control Board – Waste Discharge Requirements (WDRs) or National Pollutant Discharge Elimination System (NPDES) permit

Bay Cut

Specific to the San Leandro Bay cut inlet concept under Specific Plan Buildout:

- Regional Water Quality Control Board – Construction General Permit Stormwater Pollution Prevention Plan (SWPPP) with a formal Risk Level designation
- California Department of Fish and Wildlife – Technical Assistance Consultation and possible MOU (for State Fully Protected species Salt Marsh Harvest Mouse, California Clapper Rail)
- United States Fish and Wildlife Service - Letter of Concurrence (for Salt Marsh Harvest Mouse, California Clapper Rail)
- US NOAA National Marine Fisheries Service - Letter of Concurrence (for steelhead and green sturgeon)
- United States Army Corps - Rivers and Harbors Act Section 10 Permit (also covers United States Coast Guard requirements)
- Interagency Dredge Material Management Office (DMMO) - Dredging-Dredged Material Reuse/Disposal Permit
- California Department of Fish and Wildlife – Incidental Take Permit (for Long fin smelt)
- United States NOAA National Marine Fisheries Service - Essential Fish Habitat (EFH) Consultation

Summary of Impacts and Mitigation Measures

The following **Table 2-1: Summary of Impacts and Mitigation Measures** provides a summary of potential environmental impacts, applicable Standard Conditions of Approval, recommended mitigation measures, and the resulting level of significance after implementation of all mitigation measures. For a more complete discussion of potential impacts and recommended mitigation measures, please refer to the specific discussions in the respective individual chapters of this Draft EIR.

Recommended Conditions of Approval

Although not required by CEQA, certain “recommendations” are included in this EIR. These recommendations are not necessary to address or mitigate any significant environmental impacts of the Project under CEQA, but are recommended by City staff to address effects of the Project. These recommendations will be considered by decision makers during the course of Project review and may be imposed as Project-Specific Conditions of Approval.

It is not yet known which of these recommendations may be implemented and if so whether it would be as part of the Project or independent of the Project. The environmental consequences of each

recommendation have been considered and none of the recommendations would result in any significant impacts under CEQA.

Summary of Alternatives

Chapter 5 presents an analysis of a range of reasonable alternatives to the Project. The following alternatives were analyzed:

- Alternative 1: No Project,
- Alternative 2: Fewer Sports Venues (i.e., 2, 1 or no new venues),
- Alternative 3: Reduced Project, and
- Alternative 4: Maximum Development Potential Alternative, and
- a Mitigated Alternative.

To the extent that the sports franchises may consider off-site alternatives for their home field venues, those off-site facilities would need to be considered on their own merit, and evaluated pursuant to CEQA in separate environmental reviews.

The No Project would be the environmentally superior alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines requires that if the No Project Alternative is identified as the environmentally superior alternative, then the EIR shall identify another alternative from among those alternatives considered as the environmentally superior alternative.

Although Alternative #3: Reduced Development Alternative is considered environmentally superior to the Project and to the other alternatives that are described above, Alternative #3 would still result in numerous significant environmental effects that either require mitigation (and in certain circumstance, mitigation whose implementation may be uncertain), or impacts which are significant and unavoidable. An additional Mitigated Alternative is defined that is able to avoid and or reduce a number of these impacts to an even further extent, and this Mitigated Alternative is considered the environmentally superior alternative. However, this Mitigated Alternative may not be able to achieve all of the basic Project objectives.

Areas of Public Concern

The following topics were raised in comments received in response to the April 19, 2013 Notice of Preparation (NOP) of this EIR and at the May 1, 2013 EIR scoping session held before the City's Planning Commission¹. Each of these topics is addressed in this EIR. Issues of concern (including some non-CEQA issues) include, but are not limited to, the following:

- land use compatibility, safety and noise and vibration impacts associated with existing and on-going rail operations, particularly at at-grade rail crossings
- including a bicycle component in the Plan and adequately addressing bicycle issues in the EIR
- providing a parking management plan for the Project that may include a Parking Benefits District
- provision of Community Benefits in exchange for increased development potential at the Project site

¹ A public scoping session on the Cultural and Historic Resources impacts of the Plan was held before the Landmarks Preservation Advisory Board on May 13, 2013.

- potential degradation of visual quality and character associated with increased building heights, particular to the Doolittle Drive gateway to the City of San Leandro
- construction-period air quality and noise concerns
- general and specifically-defined concerns regarding increased traffic and construction-period traffic
- noise and safety compatibility, airspace protection and aircraft overflights concerns associated with the Oakland International Airport
- the adequacy of logistics and warehouse acreage provided within the Plan to support Oakland International Airport operations
- impacts related to land use compatibility, the Port's land use plans and policies and Tidelands Trust incompatibilities, especially in regards to development of new residential uses within the current Airport Business Park
- adaptation and mitigation measures to address sea level rise
- retaining the Coliseum and Arena by either retrofitting them to accommodate the sports teams, or by finding alternative uses for these existing historic resources
- providing affordable housing opportunities within the Planning area
- providing publicly-accessible space that is open and enjoyable to the general public, including existing residents in the surrounding neighborhoods.

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Aesthetics		
<p>Aesthetics 1A: New development of the Coliseum District would not have a substantial adverse effect on a public scenic vista.</p> <p>Aesthetics 1B: Future development pursuant to Plan Buildout would not have a substantial adverse effect on a public scenic vista.</p>	None needed	Less than Significant
<p>Aesthetics 2: Future development would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway.</p>	None needed	No Impact
<p>Aesthetics 3: Future development would not substantially degrade the existing visual character or quality of the site and its surroundings</p>	None needed	Less than Significant
<p>Aesthetics 4: Future development could create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area.</p>	None needed SCA Aesth-1: Lighting Plan	Less than Significant
<p>Aesthetics 5A: New development of the Coliseum District could introduce structures and/or landscape that would now or in the future cast substantial shadows on existing solar collectors and could cast a shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors. New development within the Coliseum District would not cast a shadow that would substantially impair the beneficial use of a</p>	<p>MM Aesthetics 5A-1: If feasible, new structures and landscape should be sited and designed to avoid casting winter shadows specifically on the photovoltaic panels at Lion Creek Crossings apartments, such that solar effectiveness would be compromised and result in a substantial loss of power, income, or use. If the casting of shadows on the Lion Creek Crossings development cannot be avoided, the developer shall work with the owners of Lion Creek Crossings to provide compensatory funding for any extra power cost that could be incurred for increased utility bills from affected solar collectors.</p>	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>public park, lawn, garden, or open space, nor would it cast a shadow on a historic resource such that the shadow would materially impair the resource’s historic significance.</p> <p>Impact Aesthetics 5B: Future development pursuant to Plan Buildout could introduce additional new buildings and landscape (beyond that discussed above for the Coliseum District), but this new development would not cast substantial shadows on existing solar collectors; would not cast shadows that substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; would not cast shadows that substantially impair the beneficial use of a public park, lawn, garden, or open space; and would not cast shadows that materially impair the significance of an historic resource</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Aesthetics 6: Future development would not require an exception or variance to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code that causes a fundamental conflict with policies and regulations addressing the provision of adequate light related to appropriate uses.</p>	<p>None needed</p>	<p>No Impact</p>
<p>Impact Aesthetics 7A: The threshold of significance does not apply to development in the Coliseum District, as it is neither located adjacent to a substantial water body (it is ¼ miles away from the Bay shore), nor is it located in Downtown.</p> <p>Impact Aesthetics 7B: Future development pursuant to Plan Buildout could create winds</p>	<p>None needed</p> <p>MM Aesthetics 7: Any structures proposed within 100 feet of San Leandro Bay that would exceed 100 feet in height must undertake a wind study consistent with the requirements of the City of</p>	<p>No Impact</p> <p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
that exceed 36 mph for more than one hour during daylight hours during the year.	Oakland. The wind analysis must consider the project's contribution to wind impacts to on- and off-site public and private spaces. Based on the findings of the wind analysis, the structure must be redesigned to prevent it from creating winds in excess of 36 mph for more than one hour during daylight hours.	
Air Quality		
<p>Plan Level</p> <p>Impact Air-1: Adoption and implementation of the Project (at the Coliseum District and under Plan Buildout) would not fundamentally conflict with or obstruct implementation of any control measures in the CAP, and the Specific Plan demonstrates reasonable efforts to implement CAP control measures.</p>	SCA Transp-1: Parking and Transportation Demand Management	Less than Significant
<p>Impact Air-2: New development within the Project Area (for both the Coliseum District and for Plan Buildout) will be located near existing and planned sources of toxic air contaminants and within 500 feet of freeways and high-volume roadways containing 100,000 or more average daily vehicle trips. However, pursuant to City of Oakland Standard Condition of Approval SCA Air-2, special overlay zones containing development standards that minimize potential exposure to toxic air contaminants will be implemented.</p>	SCA Air-2: Exposure to Air Pollution (Toxic Air Contaminants)	Less than Significant
<p>Impact Air-3: Development in accordance with the Specific Plan (both at the Coliseum District and for Plan Buildout) would not expose a substantial number of new people to existing and new objectionable odors.</p>	None needed	Less than Significant

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Project Level Analysis</p> <p>Impact Air-4: During construction, individual development projects pursuant to the Specific Plan at the Coliseum District and under Plan Buildout will generate fugitive dust from demolition, grading, hauling and construction activities. Fugitive dust will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval.</p>	<p>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</p> <p>SCA Air-3: Asbestos Removal in Structures</p>	<p>Less than Significant</p>
<p>Impact Air-5A: During construction, subsequent development at the Coliseum District pursuant to the Project will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust that, even with implementation of City of Oakland SCAs, would exceed the City's thresholds of significance.</p> <p>Impact Air-5B: In addition to the Coliseum District emissions, construction activities pursuant to Plan Buildout will generate additional regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance.</p>	<p>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</p> <p>MM Air 6A-1: Reduced Construction Emissions (see Impact Air-6, below)</p>	<p>Even with the recommended mitigation measures, it cannot be certain that emissions of ROG and NOx can be reduced to below threshold levels.</p> <p>Conservatively deemed to be Significant and Unavoidable</p>
<p>Impact Air-6A: New sources of TAC emissions resulting from construction activity at the</p>	<p>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Coliseum District would result in an increase in cancer risk level for the maximum exposed individual of greater than 10 in one million.</p> <p>Impact Air-6B: In addition to the Coliseum District emissions, construction of other individual development projects pursuant to Plan Buildout will generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and mobile sources that could exceed thresholds for cancer risk, chronic health index, acute health index or annual average PM2.5 concentration levels. Other than the unique emissions associated with crushing or off-hauling of debris associated with demolition of the existing Coliseum (discussed above and requiring additional mitigation to achieve less than significant effects), the construction-related TAC emissions from other</p>	<p>MM Air 6A-1: Reduced Construction Emissions. Further reduce toxic air contaminant emissions from construction activities at the Coliseum District (especially DPM and PM2.5) to ensure a resulting cancer risk level of less than 10 in a million. Additional emission reduction strategies to achieve this health risk standard may include, but are not limited to requiring on-site construction equipment (including concrete and asphalt crushers and/or haul trucks) to include emission reduction technologies such as low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or add-on devices such as particulate filters that are capable of further reducing toxic air contaminants (especially DPM and PM2.5) beyond the 45% reduction as required in SCA A, such that construction emissions result in cancer risks of less than 10 in a million for off-site sensitive receptors.</p> <p>MM Air 6A-2: Construction Emission Exposure. Further reduce toxic air contaminant exposure risk to on-site sensitive receptors to ensure a resulting cancer risk level of less than 10 in a million. Additional risk reduction strategies to achieve this standard may include, but are not limited to successful combinations of the following:</p> <ul style="list-style-type: none"> a) Require that all demolition activity and any on-site crushing operation (if conducted) be completed prior to the construction of new housing units on the Coliseum District within 200 meters of the demolition or construction activity. b) Install MERV-13 filters at any new on-site residences at the Coliseum District that will be exposed to subsequent on-site construction activity within 100 meters. <p>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Plan Buildout construction will be reduced to a less than significant level with implementation of required City of Oakland Standard Conditions of Approval.		
<p>Impact Air-7A: New development at the Coliseum District would result in operational average daily emissions of more than 54 pounds per day of ROG, NOX, or PM2.5 and 82 pounds per day of PM10; and would result in maximum annual emissions of 10 tons per year of ROG, NOX, of PM2.5 and 15 tons per year of PM10.</p> <p>Impact Air-7B: In addition to the Coliseum District’s criteria pollutant emissions, new development pursuant to Plan Buildout would result in additional operational average daily emissions that would exceed the City’s thresholds of significance.</p>	SCA Trans-1: Transportation Demand Management (TDM) Program	Significant and Unavoidable
<p>Impact Air-8: Development at the Coliseum District and under Plan Buildout would not contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour.</p>	None required	Less than Significant
<p>Impact Air-9: New sources of TACs resulting from operations pursuant to Buildout of the Plan would not result in an increase in cancer risk level greater than 10 in one million, a non-cancer risk (chronic or acute) hazard index greater than 1.0, or an increase of annual average PM2.5 concentration of greater than 0.3 micrograms per cubic meter.</p>	SCA AQ-2: Exposure to Air Pollution (Toxic Air Contaminants)	Less than Significant
<p>Impact Air-10A: New development at the</p>	SCA AQ-2: Exposure to Air Pollution (Toxic Air Contaminants)	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Coliseum District would expose new sensitive receptors to substantial levels of toxic air contaminants (TACs) resulting in a cancer risk level greater than 100 in one million, a non-cancer risk (chronic or acute) hazard index greater than 10.0, or an increase of annual average PM2.5 concentration of greater than 0.8 micrograms per cubic. However, implementation of City of Oakland Standard Conditions of Approval would be capable or reducing this impact to levels of less than significant.</p> <p>Impact Air-10B: New development pursuant to Plan Buildout could expose additional new sensitive receptors to substantial levels of toxic air contaminants (TACs). However, implementation of City of Oakland Standard Conditions of Approval would be capable or reducing this impact to levels of less than significant.</p>		
Biological Resources		
<p>Impact Bio-1A: New development within the Coliseum District, particularly the proposed realignment of Elmhurst Creek and construction work related to enhancements of Damon Slough, could have a substantial adverse effect, either directly or through habitat modifications on identified candidate, sensitive, or special status species.</p>	<p>SCA Bio-12: Regulatory Permits and Authorizations</p> <p>SCA Bio-9: Erosion and Sedimentation Control Plan, SCA Bio-10: Best Management Practices for Soil and Groundwater Hazards, SCA Bio-11: Creek Protection Plan, SCA Bio-13: Creek Monitoring, SCA Bio-14: Creek Landscaping, SCA Bio-15: Creek Dewatering and Aquatic Life, and SCA Bio-16: Creek Dewatering and Diversion</p> <p>SCA Bio-1: Operational Noise-General, SCA Bio-2: Pile Driving and Other Extreme Noise Generators, SCA Bio-4: Tree Removal Permit on Creekside Properties, SCA Bio-5: Tree Removal During Breeding Season, SCA Bio-6: Tree Removal Permit, SCA Bio-7: Tree Replacement Plantings, SCA Bio-8: Tree Protection During Construction, SCA Bio-11: Creek Protection Plan, and SCA Bio-14: Creek Landscaping</p> <p>MM Bio 1A-1: Pre-construction Nesting Bird Surveys and Buffers. A qualified biologist shall conduct pre-construction surveys for construction activities between February 15th and September 30th throughout the Coliseum District to identify and subsequently avoid nesting areas for special-</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>status and migratory bird species. Surveys shall be designed and of sufficient intensity to document California rail and raptor nesting within 500 feet of planned work activities and within 50 feet for passerine species nesting activity.</p> <ul style="list-style-type: none"> a) Construction activities within 500 feet of Damon Marsh and Arrowhead Marsh shall be conducted during the period from August 1 to January 31 to protect potentially nesting California clapper rail, California black rail, Alameda song sparrow and San Francisco saltmarsh common yellowthroat. b) If California clapper rails, California black rails or raptors are found to be nesting within or adjacent to the planned work area, a minimum 100-foot wide buffer shall be maintained between construction activities and the nest location. c) For Alameda song sparrow, San Francisco saltmarsh common yellowthroat and all other protected birds a 50-foot buffer shall be maintained. d) Buffer zones may be reduced in consultation with a qualified biologist. e) Buffers shall be maintained until the young have fledged and are capable of flight or by September 30. <p>MM Bio 1A-2: In-water Work Restrictions. In-water construction shall be confined to the period between June 1 and November 30 to protect migrating steelhead from any unanticipated discharges. In-water construction activities shall be confined to low tide cycles where it allows work to be performed outside of the water to the extent practical.</p> <ul style="list-style-type: none"> a) During in-water construction, any dewatered areas, temporary culverts and temporary cofferdams shall be limited to the minimum area necessary. b) Pumps used for dewatering shall have agency approved fish screens installed to minimize intake of fish into pumps. Diversion structures shall be left in place until all in-water work is completed. c) Temporary culverts and all construction materials and debris shall be removed from the affected area prior to re-establishing flow and prior to the rainy season. <p>MM Bio 1A-3: Salt Marsh Protection. All core salt marsh harvest mouse habitat (pickleweed-dominated salt marsh habitat within Damon Marsh and Arrowhead Marsh) areas shall be avoided and protected. If construction activities are within 100 feet of these areas, site-specific buffers shall be established in coordination with a qualified biologist, approved by USFWS or CDFW as appropriate.</p>	

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>a) Buffers shall be designed to preclude changes to water and soil salinity and flooding/inundation regime. The buffers shall be at least 100 feet wide or extend to the current boundary of existing roads or development (includes vacant but graded lots and filled building pads). The qualified biologist may modify these buffers depending on site conditions.</p> <p>b) The construction work area shall be fenced on the side closest to salt marsh habitat to delineate the extent of construction, preclude construction personnel and equipment from entering non-work areas, and prevent debris from entering avoided habitats. The construction boundary fencing may also inhibit movement of species such as the salt marsh harvest mouse and salt-marsh wandering shrew into the construction area.</p> <p>c) The qualified biologist shall be present during work on-site until the construction barrier fencing is installed, instruction of workers has been conducted, and any direct habitat disturbance has been completed. After that time, the contractor or permittee shall designate a person to monitor on-site compliance with all minimization measures.</p> <p>d) The monitor and qualified biologist shall have the authority to halt construction that might result in impacts that exceed anticipated levels</p> <p><u>MM Bio 1A-4: Public Access Design.</u> All proposed new or additional public access to San Francisco Bay, the Bay shoreline, Damon Slough and San Leandro Creek shall be implemented in a manner consistent with the San Francisco Bay Conservation and Development Commission's Public Access Design Guidelines for the San Francisco Bay, in particular its recommendations for avoiding adverse effects on wildlife, including:</p> <p>a) <u>Preparation of individual site analyses to generate information on wildlife species and habitats existing at the site, and the likely human use of the site.</u></p> <p>b) <u>Employing appropriate siting, design and management strategies (such as buffers or use restrictions) to reduce or prevent adverse human and wildlife interactions.</u></p> <p>c) <u>Planning public access in a way that balances the needs of wildlife and people on an area-wide scale, where possible.</u></p> <p>d) <u>Providing visitors with diverse and satisfying public access opportunities to focus activities in designated areas and avoid habitat fragmentation, vegetation trampling and erosion.</u></p> <p>e) <u>Evaluating wildlife predator access and control in site design.</u></p> <p>f) <u>Retaining existing marsh and tidal flats and restoring or enhancing wildlife habitat, wherever possible.</u></p>	

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Bio-1B: Future development pursuant to Plan Buildout could have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive or special status species.</p>	<p>See all SCAs listed above for Impact Bio-1A</p> <p>See all Mitigation Measures listed above for Impact Bio-1A</p> <p>MM Bio 1B-1: In-Bay Dredge Requirements. No in-Bay dredging activities shall occur during the period from October 1 to July 31 to minimize open water turbidity during the sensitive seasons for steelhead, chinook salmon, Pacific herring, longfin smelt, California brown pelican, and California least tern.</p> <p>a) Measures to be included to reduce the possibility of entrainment of green sturgeon and longfin smelt and may include ensuring dredge drag maintains contact with substrate and potentially investigating methods to move fish out of an area of interest using nets or sounds before dredging.</p> <p>b) Measures to reduce in-water turbidity will be implemented and may include the use of impermeable silt curtains to contain sediments within a limited area until it resettles, the use of gunderbooms, and the use of operational controls for mechanical and hydraulic dredges to limit the amount of sediment released while dredging.</p> <p>MM Bio 1B-2: Seasonal Wetland Restoration Plan. To replace impacted wetlands and associated habitat for special status species at the Edgewater Seasonal Wetland, a Habitat Restoration Plan will be developed and implemented to create an approximately 15-acre seasonal wetland and associated Coastal and Valley freshwater wetland habitat in Sub-Area E. The precise boundaries of the newly created wetland have not been defined, but may include portions of the 24-acres of City-owned waterfront property in Sub-Area E, and/or portions of the adjacent EBMUD-owned property pending a negotiated acquisition of such lands.</p> <p>a) The majority of lands potentially considered for wetlands restoration within Sub-Area E Are currently ruderal areas, with some paving. Proposed improvements would include removing paved material, mitigating for potential hazardous materials or soils, and re-grading the site to create low areas that would retain freshwater and rainfall, and creating surrounding uplands to provide bird roosting habitat.</p> <p>b) The area would be planted with appropriate native plants to achieve a functioning seasonal wetland and fenced to exclude people and land-based predators.</p> <p>c) Performance standards that are accepted by the resource agencies for site re-vegetation shall be specified in the plan.</p> <p>d) The restored areas shall be monitored for a minimum of five years and remedial measures taken, such as replanting vegetation or enhancing additional areas, until the performance</p>	<p>Significant and Unavoidable</p> <p>Not until such time as the details of the project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, can any determination be made as to the efficacy of mitigation strategies.</p> <p>Impacts to special status species and their habitat resulting from the proposed Bay Inlet cut and the filling and development of Edgewater Freshwater Marsh are considered significant and unavoidable.</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>standards are met.</p> <p>e) Construction of the new wetland must be completed prior to removing the Edgewater Seasonal Wetland.</p> <p>f) The City will enter into discussions with the East Bay Regional Parks District about management of the new wetland in Sub-Area E.</p>	
<p>Impact Bio-2A: New development within the Coliseum District could have a substantial adverse effect on wetlands, riparian habitat and other sensitive natural communities.</p>	<p>SCA Bio-10: Best Management Practices for Soil and Groundwater Hazards and SCA Bio-11: Creek Protection Plan</p> <p><i>Damon Slough:</i></p> <p>SCA Bio-6: Tree Removal Permit and/or SCA Bio-8: Tree Protection Permit, SCA Bio-9: Erosion and Sedimentation Control Plan, SCA Bio-10: Best Management Practices for Soil and Groundwater Hazards, SCA Bio-11: Creek Protection Plan, SCA Bio-12: Regulatory Permits and Authorizations, SCA Bio-13: Creek Monitoring, and SCA Bio-14: Creek Landscaping Plan</p> <p>MM Bio 2A-1: Vegetation Plan for Coliseum District Sensitive Communities. A Restoration Plan shall be developed for disturbed sensitive communities.</p> <p>a) Performance standards that are accepted by CDFW and RWQCB for site re-vegetation shall be specified in the plan. The restored areas shall be monitored for a minimum of three years and remedial measures taken, such as replanting vegetation or enhancing additional areas until the performance standards are met.</p> <p>b) The “Cruise America” parcel shall be transferred to an appropriate resource management agency, such as the East Bay Regional Park District (EBRPD) or the California Department of Fish and Wildlife (CDFW).</p> <p>MM Bio 2A-2: Damon Slough Bridge Structure Placement. Place any new bridge pilings and abutments outside of coastal tidal marsh habitat.</p> <p><i>Elmhurst Creek</i></p> <p>SCA Bio-4: Tree Removal Permit on Creekside Properties, SCA Bio-6: Tree Removal Permit, SCA Bio-9: Erosion and Sedimentation Control Plan, SCA Bio-10 Best Management Practices for Soil and Groundwater Hazards, SCA Bio-11: Creek Protection Plan, SCA Bio-13: Creek Monitoring, SCA Bio-15: Creek Dewatering and Aquatic Life, and SCA Bio-16: Creek Dewatering and Diversion</p> <p>MM Bio 2A-3: Elmhurst Creek Bridge Structure Placements (only applies if Creek Option B is pursued). Place bridge pilings and abutments outside of coastal scrub habitat.</p>	<p>Less than Significant</p>

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>MM Bio 2A-4: Coastal Scrub Restoration (only applies if Creek Option B is pursued). Impacts to coastal scrub habitat at Elmhurst Creek shall be fully mitigated by restoration of the “Cruise America” parcel and the restoration of additional upland riparian habitat along Damon Slough.</p> <ul style="list-style-type: none"> a) Performance standards that are accepted by CDFW and RWQCB for site re-vegetation shall be specified in the Restoration Plan required under Mitigation Measure Bio 2A-1: Vegetation Plan for Coliseum District Sensitive Communities. b) The restored areas shall be monitored for a minimum of three years and remedial measures taken, such as replanting vegetation or enhancing additional areas, until the performance standards are met. <p>MM Bio 2A-5: Realigned Portion of Elmhurst Creek (Only applies if Creek Option C is pursued). Any newly aligned and day-lighted portion of Elmhurst Creek must have a channel design that is consistent with the City of Oakland Creek Protection, Storm Water Management and Discharge Control Ordinance.</p> <ul style="list-style-type: none"> a) A minimum 3:1 ratio for a setback based on the depth of the existing Elmhurst Creek is required for the newly aligned creek banks. b) The created banks will be enhanced to support coastal scrub habitat. Performance standards that are accepted by CDFW and RWQCB for site re-vegetation shall be specified in the Restoration Plan required by Mitigation Measure Bio 2A-1. c) The restored areas shall be monitored for a minimum of three years and remedial measures taken, such as replanting vegetation or enhancing additional areas, until the performance standards are met. <p>MM Bio 2A-6: “Cruise America” Tidal Wetland (Only applies if Creek Option C is pursued). The “Cruise America” or “former RV” parcel (796 66th Avenue) shall be restored to provide a tidal wetland designed to be self-sustaining in hydrological and habitat function. In addition to the newly aligned segment of Elmhurst Creek, approximately 2.4 acres of this new wetland will serve as mitigation for the removal of 1,500 feet of Elmhurst Creek.</p> <ul style="list-style-type: none"> a) Along with the new wetland, creation of upland coastal scrub habitat will be provided on this site as well. b) Performance standards that are accepted by CDFW and RWQCB for site re-vegetation shall be specified in the Restoration Plan required by Mitigation Measure Bio 2A-1. c) The restored areas shall be monitored for a minimum of three years and remedial measures 	

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Bio-2B: Future development pursuant to Plan Buildout could have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>	<p>taken, such as replanting vegetation or enhancing additional areas, until the performance standards are met.</p> <p>See all SCAs listed above for Impact Bio-2A</p> <p>MM Bio 1B-2: Freshwater Marsh Restoration Plan. (see full text under Impact Bio-1B)</p> <p>MM Bio 1B-1: In-Bay Dredge Requirements. (see full text under Impact Bio-1B)</p> <p>MM Bio 2A-1: Vegetation Plan for Coliseum District Sensitive Communities. (see full text under Impact Bio-2A)</p> <p>MM Bio 2A-2: Damon Slough Bridge Structure Placement. (see full text under Impact Bio-2A) (see full text under Impact Bio-2A)</p> <p>MM Bio 2A-3: Elmhurst Creek Bridge Structure Placements. (see full text under Impact Bio-2A)</p> <p>MM Bio 2A-4: Coastal Scrub Restoration. (see full text under Impact Bio-2A)</p> <p>MM Bio 2A-5: Realigned Portion of Elmhurst Creek. (see full text under Impact Bio-2A)</p> <p>MM Bio 2A-6: “Cruise America” (or “former RV” parcel at 796 66th Avenue) Tidal Wetland. (see full text under Impact Bio-2A)</p> <p>MM Bio 1A-2: In-water Work Restrictions. (see full text above under Impact Bio-1A)</p>	<p>Less than Significant</p>
<p>Impact Bio-3: Future development (at the Coliseum District and pursuant to Plan Buildout) could substantially interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>	<p>SCA Bio-9: Erosion and Sedimentation Control Plan, SCA Bio-10: Best Management Practices for Soil and Groundwater Hazards, SCA Bio-11: Creek Protection Plan, SCA Bio-12: Regulatory Permits and Authorizations, SCA Bio-13: Creek Monitoring, SCA Bio-15: Creek Dewatering and Aquatic Life, and SCA Bio-16: Creek Dewatering and Diversion</p> <p>SCA Bio-5: Tree Removal During Breeding Season (including consulting biologist’s recommendations), SCA Bio-6: Tree Removal Permit, and SCA Bio-7: Tree Replacement Plantings</p> <p>SCA Bio-3: Lighting Plan and SCA Bio-17: Bird Collision Reduction</p> <p>MM Bio 1A-1: Pre-construction Nesting Bird Surveys and Buffers.</p> <p>MM Bio 1A-2: In-water Work Restrictions</p> <p>MM Bio 1A-3: Salt Marsh Protection</p> <p>MM Bio 1B-1: In-Bay Dredge Requirements</p> <p>MM Bio 1B-2: Freshwater Marsh Restoration Plan</p>	<p>Less than Significant</p>

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>MM Bio 2A-1: Vegetation Plan for Coliseum District Sensitive Communities</p> <p>MM Bio 2A-4: Coastal Scrub Restoration (only applies if Creek Option B is pursued)</p> <p>MM Bio 2A-5: Realigned Portion of Elmhurst Creek (Only applies if Creek Option C is pursued)</p> <p>MM Bio 2A-6: “Cruise America” (or “former RV” parcel at 796 66th Avenue) Tidal Wetland (Only applies if Creek Option C is pursued)</p> <p>MM Bio 3-1: Boat docks. No future boat docks will be allowed associated with the proposed Project to avoid disturbance to migratory and resident waterfowl.</p> <p>MM Bio 3-2: Herbicide / Pesticide Control. Future maintenance shall require an herbicide/pesticide drift control plan.</p>	
<p>Impact Bio-4: Future development (at the Coliseum District and pursuant to Plan Buildout) would not fundamentally conflict with an applicable habitat conservation plan or natural community conservation plan.</p>	<p>None needed</p>	<p>No Impact</p>
<p>Impact Bio-5: Future development (at the Coliseum District and pursuant to Plan Buildout) would not fundamentally conflict with the City of Oakland Tree Protection Ordinance by removal of protected trees under certain circumstances.</p>	<p>SCA Bio-5: Tree Removal During Breeding Season (including consulting biologist’s recommendations), SCA Bio-6: Tree Removal Permit, and SCA Bio-7: Tree Replacement Plantings</p>	<p>Less than Significant</p>
<p>Impact Bio-6: New development (at the Coliseum District and pursuant to Plan Buildout) would not fundamentally conflict with the City of Oakland Creek Protection Ordinance.</p>	<p>SCA Bio-11: Creek Protection Plan, SCA Bio-12: Regulatory Permits and Authorizations, SCA Bio-13: Creek Monitoring, SCA Bio-15: Creek Dewatering and Aquatic Life, and SCA Bio-16: Creek Dewatering and Diversion</p>	<p>Less than Significant</p>
<p>Cultural Resources</p>		
<p>Impact Cultural-1A: Future development of the Coliseum District would result in ultimate demolition of the Oakland Coliseum and potentially the Arena, causing a substantial</p>	<p>Planning Code Section 17.136.075(B) requirements for Design Review approval prior to demolition or removal of historic structures</p> <p>MM Cultural 1A-1: Site Recordation. The Oakland Coliseum, the Coliseum Complex, and the Arena (should it ultimately be proposed for demolition), shall be recorded to standards established for the</p>	<p>Significant and Unavoidable</p> <p>Under the proposed Project, demolition of the</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>adverse change in the significance of the Oakland Coliseum and Arena Complex, a historical resource as defined in CEQA Guidelines Section 15064.5.</p>	<p>National Park Service’s Historic American Buildings Survey (HABS), as detailed below.</p> <ol style="list-style-type: none"> a. A HABS written report will be completed to document the physical history and description of the historical resource, the historic context for its construction and use, and its historic significance. The report will follow the outline format described in the HABS Guidelines for Historical Reports. b. Large-format, black and white photographs will be taken, showing the buildings in context, as well as details of the design or engineering features and any ancillary buildings, landscaping, fencing, and signage. The photographs will be processed for archival permanence in accordance with the HABS/HAER/HALS Photography Guidelines. The photographs will be taken by a professional with HABS photography experience. Additionally, additional color photographs or videos will be taken of the resource in consultation with OCHS staff. c. Existing drawings, where available, will be photographed with large-format negatives or photographically reproduced on Mylar or other archival paper at the direction of City staff. If existing drawings are not available, a full set of measured drawings depicting existing or historic conditions will be prepared. The drawings will be prepared in accordance with the HABS Guidelines for Recording Historic Structures and Sites with HABS Measured Drawings. The drawings will be prepared by a professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architecture or Historic Architecture. d. The HABS documentation, including the report, large-format photographs, and drawings, will be submitted to the OCHS/Oakland City Planning Department; the Oakland Public Library Oakland History Room; and the NWIC. The documentation will be prepared in accordance with the archival standards outlined in Transmittal Guidelines for Preparing HABS/HAER/HAL Documentation. A professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History will manage production of the HABS documentation, which will be reviewed and approved by the City of Oakland Landmarks Preservation Advisory Board (LPAB) prior to demolition. <p>MM Cultural 1A-2: Public Interpretation Program. The Oakland Coliseum, the Coliseum Complex, and the Arena (should it ultimately be proposed for demolition) shall be documented in a public interpretation program, as follows:</p> <ol style="list-style-type: none"> a. Interpretive materials, such as informational plaques depicting the history and design of the historical resource, will be prepared as part of a public interpretation program and be displayed in a location with high public visibility near the site. b. The public interpretation program will be developed by a professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History in consultation 	<p>Oakland Coliseum is identified as the only feasible option to move forward with development within the Coliseum District.</p> <p>Unlike the Coliseum, demolition of the existing Arena is identified as only one of several potential development options pursuant to the Specific Plan within the Coliseum District. However, because this option is possible, this EIR conservatively assumes demolition of the Arena would occur.</p>

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Cultural-1B: Other than the proposed demolition of the Oakland Coliseum and the potential demolition of the Arena as discussed above in Impact Cultural-1A, future development pursuant to Plan Buildout does not specifically propose to demolish or materially alter any other historic or potentially historic resources. Any subsequent development project that may propose demolition or alteration of a current or future-defined historic resource would be required to undergo subsequent and individual environmental review, and would also be subject to all applicable City of Oakland’s standard conditions of approval, Planning Code requirements and General Plan policy considerations relevant to historic resource preservation</p>	<p>with the LPAB and OCHS and based on a scope of work approved by the City.</p> <p>c. The LPAB will review and approve of the public interpretation program prior to demolition.</p> <p>MM Cultural 1A-3: Financial Contribution. If the Oakland Coliseum and/or Arena are demolished, the project applicant shall make a financial contribution to the City of Oakland to be used to fund historic preservation projects within or in the vicinity of the Coliseum District, as described below.</p> <p>a. The financial contributions can be applied to programs such as a Façade Improvement Program or Tenant Improvement Program, or Mills Act program.</p> <p>b) The contributions will be determined by the City at the time of the approval for specific projects based on a formula determined by the Landmarks Preservation Advisory Board may recommend a monetary value or a formula for assessing the amount of financial contribution for the City Council’s consideration, but the amount of any such contribution shall be as negotiated between the City and the developer(s), and as ultimately determined by the City Council.</p> <p>Planning Code Section 17.136.075(D) requirements for Design Review approval prior to demolition or removal of historic structures</p> <p>Policy 3.5 of the HRE requirements that the City make specific findings for additions or alterations to existing historic resources or PDHPs prior to approving discretionary permits.</p> <p>SCA Cultural-5: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition)</p> <p>SCA Cultural-6: Vibrations to Adjacent Historic Structures</p>	<p>Less than Significant</p>
<p>Impact Cultural-2: Proposed development within the Project Area could directly or indirectly destroy a unique paleontological</p>	<p>SCA Cultural-4: Archaeological Resources – Sensitive Sites</p> <p>SCA Cultural-1: Archaeological Resources, SCA Cultural-2: Human Remains, and SCA Cultural-3: Paleontological Resources</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
resource or site, cause a substantial adverse change in the significance of currently undiscovered archaeological resources, or disturb human remains.		
Geology and Soils		
Impact Geo-1: The proposed Project would not expose people or structures to substantial risk of loss, injury, or death involving strong seismic ground shaking and seismic-related ground failure including liquefaction, lateral spreading, subsidence, or collapse.	SCA Geo-2: Geotechnical Report compliance with the California Code of Regulations, Title 24, California Building Standards Code	Less than Significant
Impact Geo-2: The proposed Project would not result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.	SCA Hydro-1: Erosion and Sedimentation Control (when no grading permit is required), SCA Hydro-2: Erosion and Sedimentation Control Plan, SCA Hydro-3: Stormwater Pollution Prevention Plan (SWPPP) and SCA Hydro-4: Site Design Measures for Post-Construction Stormwater Management.	Less than Significant
Impact Geo-3: The proposed Project may be located on expansive soil, as defined in section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property.	SCA Geo-1: Soil Report, SCA Geo-2: Geotechnical Report	Less than Significant
Impact Geo-4: The proposed Project is located in a developed area above one or more of the following: well, pit, swamp, mound, tank vault, or unmarked sewer line; these features do not create substantial risks to life or property.	SCA Geo-2: Geotechnical Report	Less than Significant
Impact Geo-5: The proposed Project is not located above landfills for which there is no approved closure and post-closure plan. The proposed Project is located above fill.	SCA Geo-1: Soil Report, SCA Geo-2: Geotechnical Report	Less than Significant
Impact Geo-6: The Project Area has sewers	None needed	Less than Significant

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
available for the disposal of wastewater and therefore it is not applicable whether its soils are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.		
Greenhouse Gas Emissions		
Impact GHG-1: New development within the Coliseum District would not generate greenhouse gas emissions specifically from stationary sources, either directly or indirectly, that would produce total emissions of more than 10,000 metric tons of CO ₂ e annually.	None needed	Less than Significant
<p>Impact GHG-2A: New development at the Coliseum District would generate greenhouse gas emissions from both direct and indirect source that would have a significant impact on the environment. Specifically, development at the Coliseum District would involve land use development that would produce total emissions of more than 1,100 metric tons of CO₂e annually and more than the Project-level threshold of 4.6 metric tons of CO₂e per service population annually.</p> <p>Impact GHG-2B: New development pursuant to Plan Buildout would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. Specifically, new development pursuant to Plan Buildout (including all new development within the Coliseum District) would not produce emissions of more than the Plan-level threshold of 6.6 metric tons of CO₂e per service population annually, or more than</p>	<p>SCA GHG-1: Project-specific GHG Reduction Plans</p> <p>Other SCAs including SCA F: Compliance with the Green Building Ordinance; SCA Traf-1: Parking and Transportation Demand Management; SCA Util-1: Waste Reduction and Recycling; several SCAs regarding landscape requirements and tree replacement; and several SCAs regarding stormwater management</p> <p>SCA GHG-1: Project-specific GHG Reduction Plans</p> <p>Other SCAs including SCA F: Compliance with the Green Building Ordinance; SCA Traf-1: Parking and Transportation Demand Management; SCA Util-1: Waste Reduction and Recycling; several SCAs regarding landscape requirements and tree replacement; and several SCAs regarding stormwater management</p>	<p>Less than Significant</p> <p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
the Project-level threshold of 4.6 metric tons of CO ₂ e per service population annually.		
Impact GHG-3: New development pursuant to Plan Buildout (including the Coliseum District) would not fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.	SCA GHG-1: Project-specific GHG Reduction Plans Other SCAs including SCA F: Compliance with the Green Building Ordinance; SCA Traf-1: Parking and Transportation Demand Management; SCA Util-1: Waste Reduction and Recycling; several SCAs regarding landscape requirements and tree replacement; and several SCAs regarding stormwater management	Less than Significant
Hazards and Hazardous Materials		
Impact Haz-1: The proposed Project would result in an increase in the routine transportation, use, and storage of hazardous chemicals.	SCA Haz-1: Hazards Best Management Practices	Less than Significant
Impact Haz-2: Construction and development of the proposed Project could result in the accidental release of hazardous materials used during construction through improper handling or storage.	SCA Haz-1, Hazards Best Management Practices, SCA Haz-5, Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment, SCA Haz-6, Environmental Site Assessment Reports Remediation, SCA Haz-9, Health and Safety Plan per Assessment	Less than Significant
Impact Haz-3: The proposed Project could create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors.	SCA Haz-12: Hazardous Materials Business Plan City of Oakland Municipal Code requirements for a Hazardous Materials Assessment Report and Remediation Plan (HMARRP) -	Less than Significant
Impact Haz-4: Development of the proposed Project would require use of hazardous materials within 0.25 mile of a school.	SCA Haz-12: Hazardous Materials Business Plan City of Oakland Municipal Code requirements for a Hazardous Materials Assessment Report and Remediation Plan (HMARRP) -	Less than Significant
Impact Haz-5A: Development of the Coliseum District would be located on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard	<i>Assessments:</i> SCA Haz-3: Site Review by the Fire Services Division, Haz-4: Phase I and/or Phase II Reports, Haz-5: Lead-based Paint/Coatings, Asbestos, or PCB Occurrence Assessment, and Haz-11: Radon or Vapor Intrusion from Soil or Groundwater Sources	Less than Significant

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>to the public or the environment.</p> <p>Impact Haz-5B: Development of the Project Area would be located on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment.</p>	<p><i>Remediation</i></p> <p>SCA Haz-6: Environmental Site Assessment Reports Remediation, Haz-7: Lead-based Paint Remediation, Haz-8: Other Materials Classified as Hazardous Waste, Haz-9: Health and Safety Plan per Assessment, and Haz-10: Best Management Practices for Soil and Groundwater Hazards</p> <p><i>Verification</i></p> <p>SCA Haz-3: Site Review by the Fire Services Division, Haz-10: Best Management Practices for Soil and Groundwater Hazards, and Haz-11: Radon or Vapor Intrusion from Soil or Groundwater Sources</p>	
<p>Impact Haz-6: Development of the proposed Project could result in fewer than two emergency access routes for streets exceeding 600 feet in length.</p>	<p>SCA 20, Improvements in the Public Right-of-Way (General), and SCA 21, Improvements in the Public Right-of-Way (Specific)</p>	<p>Less than Significant</p>
<p>Impact Haz-7: The Project Area is located within the Oakland International Airport Land Use Plan area and within two miles of the Oakland Airport, but would not result in a safety hazard for people residing or working in the Project Area.</p>	<p>None needed</p> <p>see also discussion under Impact Land Use-9; Compatibility with ALUCP</p>	<p>Less than Significant</p>
<p>Impact Haz-8: The Project Area is not located in the vicinity of a private airstrip.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Haz-9: Development of the Coliseum District under the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Haz-10: the proposed Project would not expose people or structures to risks involving wildland fires.</p>	<p>None needed</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Hydrology and Water Quality		
<p>Impact Hydro-1A: New development at the Coliseum District would alter drainage patterns and increase the volume of stormwater, and potentially increase the level of contamination or siltation in stormwater flows.</p>	<p><i>Work within the Creeks</i></p> <p>SCA Hydro-9: Erosion, Sedimentation, and Debris Control Measures; SCA Hydro-10: Creek Protection Plan; SCA Hydro-11: Regulatory Permits and Authorizations; SCA Hydro-12: Creek Monitoring; SCA Hydro-13, Creek Landscaping Plans; SCA Hydro-14: Creek Dewatering and Aquatic Life; and SCA Hydro-15: Creek Dewatering and Diversion</p> <p><i>Drainage and Water Quality</i></p> <p>SCA Hydro-1: Erosion and Sedimentation Control; SCA Hydro-2: Erosion and Sedimentation Control Plan; SCA Hydro-3: Stormwater Pollution Prevention Plan; SCA Hydro-4: Site Design Measures for Post-Construction Stormwater Management; SCA Hydro-5: Source Control Measures to Limit Stormwater Pollution; SCA Hydro-6: Post-construction Stormwater Management Plan, SCA Hydro-7: Maintenance Agreement for Stormwater Treatment Measures; and SCA Hydro-8: Erosion, Sedimentation, and Debris Control Measures</p>	Less than Significant
<p>Impact Hydro-1B: Future development pursuant to Plan Buildout (including the Coliseum District) would increase the volume of stormwater flows, and potentially increase the level of contamination or siltation in stormwater flows.</p>	see all SCAs listed form Impact Hydro-1A, above	Less than Significant
<p>Impact Hydro-2: New development at the Coliseum Site and pursuant to Plan Buildout would not be susceptible to flooding hazards, as no new development is proposed within a 100-year flood zone as mapped by FEMA.</p>	SCA Hydro- 16: Regulatory Permits and Authorizations; and SCA Hydro-17: Structures within a Floodplain	Less than Significant
<p>Impact Hydro-3: Future development at the Coliseum District and pursuant to Plan Buildout could be susceptible to flooding hazards in the event of dam or reservoir failure, but compliance with all dam safety regulations will reduce this relatively low risk of impact to a less than significant level.</p>	None needed	Less than Significant

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Hydro-4: Future development at the Coliseum District and pursuant to Plan Buildout could be susceptible to tsunami-related hazards, but the relatively low risk of occurrence of this impact is less than significant.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Hydro-5: Future development at the Coliseum District and pursuant to Plan Buildout could be susceptible to inundation, storm events and storm events with wind waves in the event of sea-level rise.</p>	<p>SCA Hydro-15: Regulatory Permits and Authorizations</p> <p>Recommendation Hydro-5: The following additional recommendations are suggested to provide an adaptive approach to addressing a 16 inch sea level rise above current Base Flood Elevation (BFE) for mid-term (2050) planning and design;</p> <ol style="list-style-type: none"> 1. Design gravity storm drain systems for 16 inches of sea level rise; 2. Design and construct habitable space above at-grade parking structures to allow sea level rise to impact uninhabited parking structures rather than dwelling units. 3. Design buildings to withstand periodic inundation; 4. Prohibit below grade habitable space in inundation zones; 5. Require that all critical infrastructure sensitive to inundation be located above the SLR base flood elevation; 6. Consider means for implementing an adaptive management strategy to protect against long-term sea level rise of as much as 55", potentially including constructing levees or seawalls and providing space for future storm water lift stations near outfall structures into the Bay and Estuary. 	<p>Less than Significant</p>
<p>Impact Hydro-6: Future development (at the Coliseum Site and pursuant to Plan Buildout) would not adversely affect the availability of groundwater supplies or interfere substantially with groundwater recharge.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Land Use</p>		
<p>Impact Land-1: The proposed Project would not physically divide an established community.</p>	<p>None needed</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Land-2: The proposed Project (at the Coliseum District and pursuant to Plan Buildout) would introduce new residential and other sensitive land uses at locations that could be exposed to noise, emissions and other potential land use incompatibilities associated with adjacent industrial and special event land uses.</p>	<p>SCA AQ-2: Exposure to Air Pollution - Toxic Air Contaminants Health Risk Reduction Measures, SCA Noise-4: Interior Noise, SCA Noise-5: Operational Noise-General; SCA Haz-8: Other Materials Classified as Hazardous Waste; SCA Haz-12: Hazardous Materials Business Plan</p> <p>No mitigation measures required. However, instances of nuisance complaints from new residents could potentially arise between new residential uses in the Project Area and existing industrial uses. To protect existing industrial uses from complaints that may seek to force an existing use to change or permanently restrict its operations, the following legal acknowledgement is recommended:</p> <p>Recommendation Land 2: Sellers or leasers of real property intended for residential use and located within the Coliseum District or within the proposed waterfront residential area in Sub-Area B shall provide a disclosure statement included as part of all real estate transactions. The statement shall disclose that the property is located within an area near pre-existing industrial uses, that those industrial uses will be allowed to continue, and that such uses may generate light, noise, dust, traffic and other annoyances or inconveniences incidental to and customarily associated with industrial use..</p>	Less than Significant
<p>Impact Land-3A: Development of the Coliseum District pursuant to the proposed Project would not fundamentally conflict with the City's General Plan.</p> <p>Impact Land-3B: Full development of the Project pursuant to Plan Buildout would not fundamentally conflict with the City's General Plan.</p>	<p>The Specific Plan may conflict with a number of individual land use plans and policies, but many of these conflicts would be resolved in the course of Plan implementation due to General Plan amendments proposed to be adopted concurrent with the Specific Plan.</p> <p>Recommendation 3B: Prior to approval of any residential development within Sub-Area B on land that is currently in industrial use, the developer of the proposed residential use must find a suitable replacement site acceptable to the owner/user of the industrial property in question, and facilitate acquisition of that replacement site for the displaced industrial use. In particular, an acceptable new site shall be found for the relocation of the City's corporation yard (located at 6767 Edgewater Drive) prior to residential uses being developed on that property.</p>	Less than Significant
<p>Impact Land-4: New development at the Coliseum District and pursuant to Plan Buildout would not fundamentally conflict with the City's plans and policies of the City's Estuary Policy.</p>	None needed	Less than Significant
<p>Impact Land-5A: Development of the Coliseum District pursuant to the proposed Project would conflict with the City's current Planning Code and Zoning Map.</p> <p>Impact Land-5B: New development pursuant to</p>	City zoning inconsistencies would be made consistent through implementation of the proposed new zoning districts and zoning changes proposed pursuant to the Specific Plan	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Plan Buildout would conflict with the City's current Planning Code and Zoning Map.		
<p>Impact Land-6: Development of a new Arena at the proposed Coliseum District as well as development of a residential and retail mixed use site along the waterfront pursuant to the proposed Project would fundamentally conflict with the Port of Oakland's current Land Use and Development Code (LUDC).</p>	<p>Recommendation/Project Requirement Land-6: In order to enable implementation of the Project as proposed, the Port Board of Commissioners must either:</p> <ul style="list-style-type: none"> a) adopt the Specific Plan as its new land use plan for the Business Park, or b) elect to cede land use authority over the ultimate new Arena site and the waterfront residential site to the City of Oakland, or c) choose to instead amend its own LUDC to allow the new Arena and waterfront residential / retail mixed use as permitted or conditionally permitted uses within the Business Park. 	<p>The City does not have jurisdictional authority to change or modify the Port's LUDC, and cannot ensure implementation of this measure. If the Port Board does not take any of the actions identified in Recommendation/ Project Requirement Land-6, the proposed new Arena and the proposed new waterfront residential mixed-use development would directly conflict with the LUDC, and those elements of the Project could not move forward.</p>
<p>Impact Land-7: Development of the Coliseum District could fundamentally conflict with the structural height criteria of the Oakland International Airport Land Use Compatibility Plan (ALUCP).</p>	<p>Pursuant to the State Aeronautics Act and Public Utilities Code Sections 21658 and 21659, the City of Oakland is required to inform project proponents of a project that may exceed the elevation of a Part 77 surface that notification to the FAA is required. All such projects are also required to be referred to the ALUC for determination of consistency with the ALUCP prior to their approval by the local jurisdiction.</p> <p>MM Land-7A: No structures that exceed 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, or which exceed 200 feet above the ground level of its site, will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and receives either:</p> <ul style="list-style-type: none"> a) an FAA finding that the structure is "not a hazard to air navigation" and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable instituting any alterations or curtailing of flight operations, or 	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>b) a conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.</p> <p>MM Land-7B: Sellers or leasers of real property located within the Oakland Airport Influence Area (AIA) shall <u>include a real estate disclosure notification informing all parties disclose within an aviation easement included as part of all real estate transactions within the AIA that their property is situated within the AIA, and may be subject to some of the annoyances or inconveniences associated with proximity to airport operations. <u>The City shall coordinate the wording of the disclosures with the Port of Oakland.</u></u></p> <p>MM Land-7C: An aviation easement shall be dedicated to the Port of Oakland as a condition for <u>any discretionary approvals of future residential or non-residential development within the Project Area. The aviation easement shall:</u></p> <p>a) <u>Identify the potential hazard associated with the proposed project and its location within protected airspace;</u></p> <p>b) <u>Identify the airport owner’s right to clear or maintain the airspace from potential hazards;</u></p> <p>c) <u>Identify the right to mark potential obstructions and notify aviators of such hazards;</u></p> <p>d) <u>Provide the right to pass within the identified airspace.</u></p> <p>e) <u>Restrict the heights of structures and trees on the property to conform to the Oakland International Airport Land Use Compatibility Plan, unless otherwise approved by the FAA and ALUC as described in Mitigation Measure Land-7A.</u></p> <p>f) <u>Require sponsors for fireworks displays or other aerial releases to coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Oakland International Airport.</u></p> <p>g) <u>The City shall coordinate the wording of the easements with the Port of Oakland.</u></p>	
<p>Impact Land-8: New development pursuant to Plan Buildout would not fundamentally conflict with BCDC’s Bay Plan or Sea Port Plan.</p>	<p>MM Land-8A: BCDC Issuance of Major Permit(s). Prior to implementation of the proposed Damon Slough enhancements, the Elmhurst Creek realignment, new development within 100 feet of the San Leandro Bay shoreline, and the proposed Bay Cut (and potentially other project elements found to be within BCDC jurisdiction), the project applicants for those projects shall apply for and obtain through an application review process (which may include additional public hearings and review boards) issuance of necessary BCDC permits.</p>	<p>Less than Significant</p>

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>MM Land-8B: Compliance with Bay Plan Dredging Policies. Any elements of the proposed Project subject to BCDC jurisdiction and which involve excavation and/or dredging activity (i.e., the proposed Bay Cut and potentially the Damon Slough enhancements and Elmhurst Creek realignment) shall comply with the dredging policies of the San Francisco Bay Plan, including but not limited to the following:</p> <ul style="list-style-type: none"> a) Dredging and dredged material disposal should be conducted in an environmentally and economically sound manner. b) Dredged materials should, if feasible, be reused or disposed outside the Bay and waterways, unless disposal outside these areas is infeasible and the dredged material to be disposed of is consistent with the advice of the San Francisco Bay Regional Water Quality Control Board and the inter-agency Dredged Material Management Office (DMMO); and the period of disposal is consistent with the advice of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. c) Dredged material should not be used for habitat creation, enhancement or restoration projects (except for projects using a minor amount of dredged material), until objective and scientific studies have been carried out to evaluate the advisability of disposal of dredged material in the Bay and in waterways for habitat creation, enhancement and restoration. 	
<p>Impact Land-9: Future development within Sub-Areas B, C and or D may occur on lands granted to the Port of Oakland and subject to public trust. The development of residential and neighborhood-serving retail uses would conflict with the public trust doctrine and would not otherwise be permitted. However, the potential inconsistency with the public trust doctrine can be removed through appropriate reallocation of the public trust resource.</p>	<p>MM Land-9: To remove potential conflicts with tidelands trust obligations and requirements, the developer of any future project within the Project Area that proposes to use land that is owned by the Port of Oakland must either:</p> <ul style="list-style-type: none"> a) enter into an agreement with the Port (via the Commercial Real Estate Division) to ground lease and develop such project for uses deemed by the Port Board as consistent with the public trust, or b) buy the underlying land from the Port, subject to a finding that the property is no longer needed or required for the promotion of the public trust (none of these properties would include lands granted to the City by the original legislative grants), with the proceeds of the land sale to be used at the Port Board’s discretion for public trust purposes, or c) arrange for an authorized exchange of any lands granted to the Port, subject to a finding that the land is no longer needed or required for the promotion of the public trust, for other lands not now subject to the public trust. 	<p>Less than Significant</p>
<p>Impact Land-10: The proposed Project would not fundamentally conflict with any applicable</p>	<p>None needed</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
habitat conservation plan or natural community conservation plan.		
Noise		
Impact Noise-1: Future development (at the Coliseum District and pursuant to Plan Buildout) would include pile drilling and other extreme noise generating construction activities that would temporarily increase noise levels in the vicinity of individual project sites.	SCA Noise-1 : Days/Hours of Construction Operation, SCA Noise-2: Noise Control, SCA Noise-3: Noise Complaint Procedures, SCA Noise-7: Pile Driving and Other Extreme Noise Generators	Less than Significant
<p>Impact Noise-2A: Future development of new sports and special events venues in the Coliseum District would generate operational noise that would exceed the City of Oakland Noise Ordinance at new, on-site sensitive receivers.</p> <p>Impact Noise-2B: Development of the proposed Project pursuant to Plan Buildout would not generate operational noise in violation of the City of Oakland Noise Ordinance, based upon required compliance with City of Oakland Standard Conditions of Approval.</p>	<p>SCA Noise-5: Operational Noise-General</p> <p><u>Mitigation Measure Noise 2A-1: Event Venue Noise Levels. Although noise levels from future open air sports and event venues is expected to exceed the City’s Noise Standards and there are no feasible measures that can reasonably attain these City standards, any future open-air venue (Stadium or Ballpark) shall incorporate design features that seek to maintain future event-based noise levels that are not appreciably louder than existing noise levels from the Coliseum as heard at off-site sensitive receivers.</u></p> <p>Recommendation Noise 2A-1: Sellers or leasers of real property intended for residential use and located within the Coliseum District shall provide a disclosure statement included as part of all real estate transactions. The statement shall disclose the presence of the sports and entertainment activities at the Stadium and Ballpark, and the likelihood that noise from these sources will exceed applicable City noise standards.</p> <p>SCA Noise-5: Operational Noise-General</p>	<p>There is no feasible mitigation to reduce game-day and special event noise from the new stadium and ballpark (assuming a non-roof design) at proposed new on-site sensitive receivers.</p> <p>Significant and Unavoidable</p> <p>Less than Significant</p>
Impact Noise-3: Implementation of the proposed Project will not generate traffic that will cause noise resulting in a 5 dBA permanent increase in ambient noise levels in the project	None needed	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
vicinity above levels existing without the project.		
<p>Impact Noise-4: Buildout of the proposed Project could expose persons to interior Ldn or CNEL greater than 45 dBA in proposed multi-family dwellings and hotels, motels, dormitories and long-term care facilities.</p>	SCA Noise-4: Interior Noise	Less than Significant
<p>Impact Noise-5A: Future development in the Coliseum District would expose proposed new noise-sensitive land uses to noise levels in excess of noise levels considered normally acceptable according to the land use compatibility guidelines of the Oakland General Plan.</p> <p>Impact Noise-5B: Plan Buildout would expose proposed new noise-sensitive land uses to noise levels in excess of noise levels considered normally acceptable according to the land use compatibility guidelines of the Oakland General Plan.</p>	SCA Noise-4: Interior Noise	Less than Significant
<p>Impact Noise-6: The proposed Project would not expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency.</p>	SCA Noise-5: Operational Noise-General	Less than Significant
<p>Impact Noise-7: Project construction or project operation pursuant to Plan Buildout may expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).</p>	<p>SCA Noise-6: Vibration</p> <p>SCA Noise-7: Pile Driving and Other Extreme Noise Generators,</p> <p>SCA Noise-8: Vibrations near an Historic Resource</p>	Less than Significant
<p>Impact Noise-8: The proposed Project includes areas that are located within an airport land use plan, however, it would not expose people residing or working in the project area to excessive noise levels from aircraft activity.</p>	<p>None needed</p> <p><u>Recommendation Noise-9: The developer of residential uses in the Waterfront Mixed Use District within Sub-Area B should consider conducting noise studies to determine if overflight noise may warrant sound insulation and other design measures for new homes in Sub-Area B to reduce</u></p>	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<u>outdoor aircraft noise levels.</u>	
Population and Housing		
Impact PHE-1: Development under the proposed Project would not displace existing housing units in the Project Area.	None needed	Less than Significant
Impact PHE-2: Development under the proposed Project would not displace any people residing in the Project Area.	None needed	Less than Significant
Impact PHE-3: Development under the proposed Project would displace existing businesses and jobs, but not in substantial numbers necessitating construction of replacement facilities elsewhere, in excess of that contemplated in the City's General Plan.	None needed	Less than Significant
Impact PHE-4: Development facilitated by the proposed Project would not induce substantial population growth in a manner not contemplated in the General Plan, either directly by facilitating new housing or businesses, or indirectly through infrastructure improvements such that additional infrastructure is required but the impacts of such were not previously considered or analyzed	None needed	Less than Significant
Public Services and Recreation		
Impact Public-1: The proposed Project could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities.	SCA Public-1: Conformance with other Requirements SCA Public-2: Fire Safety Phasing Plan	Less than Significant

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Public-2: The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility not would occur or be accelerated.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Public-3: The proposed Project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</p>	<p>none needed</p>	<p>Less than Significant</p>
Traffic		
<p>Existing Plus Coliseum District</p> <p>Impact Trans-1: The development of the Coliseum District would add more than 10 peak-hour trips to the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp (Intersection #3) which would meet peak hour signal warrant (Significant Threshold #6) under Existing Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-1 (Intersection #3): Implement the following measures at the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp intersection:</p> <ul style="list-style-type: none"> a) Signalize the intersection providing actuated operations, with permitted left-turns on east-west approaches (Mountain Boulevard/I-580 Westbound Off-Ramp) and split phasing on north-south (Kuhnle Avenue) approaches, and b) Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans and the City cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-2: The development of the Coliseum District would add more than 10 peak-hour trips to the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp (Intersection #4) which would meet peak hour signal warrant (Significant Threshold #6)</p>	<p>Mitigation Measure Trans-2 (Intersection #4): Implement the following measures at the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp intersection:</p> <ul style="list-style-type: none"> a) Restripe eastbound Seminary Avenue approach to provide one left-turn lane and one shared through/right lane, b) Signalize the intersection providing actuated operations, with split phasing on all approaches, 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
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Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
under Existing Plus Coliseum District conditions.	c) Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation	implemented by Caltrans and the City cannot ensure its implementation. Conservatively considered Significant and Unavoidable
Impact Trans-3: The development of the Coliseum District would add more than 10 peak-hour trips to the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp (Intersection #5) which would meet peak hour signal warrant (Significant Threshold #6) under Existing Plus Coliseum District conditions.	Mitigation Measure Trans-3 (Intersection #5): Implement the following measures at the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off-Ramp intersection: a) Signalize the intersection providing actuated operations, with protected left turns on the westbound Seminary Avenue approach and split phasing on the north/south Overdale Avenue/Off-Ramp approaches. b) Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation.	City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans and the City cannot ensure its implementation. Conservatively considered Significant and Unavoidable
Impact Trans-4: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the San Leandro Street/66th Avenue (Intersection #58) which operates at LOS F during the weekday PM peak hour under Existing Plus Coliseum District conditions	Mitigation Measure Trans-4 (Intersection #58): Implement the following measures at the San Leandro Street/66th Avenue intersection: a) Restripe eastbound 66th Avenue approach to provide one left-turn lane, one through lane, and one right-turn lane, and narrow the westbound direction to one receiving lane b) Restripe westbound 66th Avenue approach to provide one left-turn lane and one shared through/right-turn lane c) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) d) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.	Less than Significant
Impact Trans-5: Under Existing Plus Coliseum	Mitigation Measure Trans-5 (Intersection #66): Implement the following measures at the San	City of Oakland, as lead

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>District conditions, the development of the Coliseum District would cause an increase of more than 5 seconds in average delay on the worst approach for the unsignalized intersection San Leandro Boulevard/Best Avenue/Park Street (Intersection #66), which operates at LOS E or F under No Project conditions (Significant Threshold #5 in San Leandro).</p>	<p>Leandro Boulevard/Best Avenue/Park Street intersection:</p> <ul style="list-style-type: none"> a) Signalize the intersection providing actuated operations. b) Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of City of San Leandro so any equipment or facility upgrades must be approved by City of San Leandro prior to installation. 	<p>agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of San Leandro and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-6: The proposed Project would cause the San Leandro Boulevard/Marina Boulevard (intersection #69) to degrade from LOS D to LOS E (Significant Threshold #1 in San Leandro) during the PM peak hour under Existing Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-6 (Intersection #69): Implement the following measures at the San Leandro Boulevard/Marina Boulevard intersection:</p> <ul style="list-style-type: none"> a) Provide a second left-turn lane on northbound San Leandro Boulevard b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of San Leandro and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-7: The development of the Coliseum District would degrade the Coliseum Way/High Street intersection (Intersection #78) from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the AM peak hour, and increase the total</p>	<p>Mitigation Measure Trans-7 (Intersection #78): Implement the following measures at the Coliseum Way/High Street intersection:</p> <ul style="list-style-type: none"> a) Implement the planned 42nd Avenue/High Street Access Improvements which would include addition of a second left-turn lane on the eastbound High Street approach and a left-turn lane on the westbound High Street approach (see page 4.13-35 for more detail). b) Restripe the northbound Coliseum Way approach to provide one shared left/through lane and 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour during which the intersection would operate at LOS F under 2035 conditions.</p>	<p>one right-turn lane.</p> <p>c) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).</p> <p>d) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</p>	<p>and the City cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-8: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Oakland Significant Threshold #5) during the weekday AM peak hour which would operate at LOS F under Existing Plus Coliseum District conditions at the Fernside Boulevard/High Street/Gibbons Drive (Intersection #92)</p>	<p>Mitigation Measure Trans-8 (Intersection #92): Implement the following measures at the Fernside Boulevard/High Street/ Gibbons Drive intersection:</p> <p>a) Convert the left-turn movements on westbound High Street from protected operations to permitted operations during the AM and PM peak periods</p> <p>b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection)</p> <p>c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</p>	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of Alameda and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-9: The development of the Coliseum District would increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the PM peak hour which would operate at LOS E under Existing Plus Coliseum District conditions at the Fernside Boulevard/Otis Drive (Intersection #98).</p>	<p>Mitigation Measure Trans-9 (Intersection #98): Implement the following measures at the Fernside Boulevard/Otis Drive intersection:</p> <p>a) Remove the right turn island on the northbound Otis Drive approach, add a dedicated right turn lane with approximately 50 feet of storage length, and move the northbound stop-bar upstream approximately 20 feet to accommodate the right turn lane storage length.</p> <p>b) Restripe Fernside Boulevard with two receiving lanes.</p>	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of Alameda and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>2035 Plus Coliseum District</p>		

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Trans-10: The development of the Coliseum District would add more than 10 peak-hour trips to the Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard (Intersection #1) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-10 (Intersection #1): Implement the following measures at the Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard intersection:</p> <ul style="list-style-type: none"> a) Signalize the intersection providing actuated operations, with permitted phasing on all approaches. b) Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans and the City cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-11: The development of the Coliseum District would add more than 10 peak-hour trips to the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp (Intersection #3) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-11 (Intersection #3): Implement Mitigation Measure Trans-1 at the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp intersection</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-1</p>
<p>Impact Trans-12: The development of the Coliseum District would add more than 10 peak-hour trips to the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp (Intersection #4) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-12 (Intersection #4): Implement Mitigation Measure Trans-2 at the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp intersection.</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-2</p>
<p>Impact Trans-13: The development of the Coliseum District would add more than 10 peak-hour trips to the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp (Intersection #5) which would meet peak hour signal warrant (Significant Threshold #6)</p>	<p>Mitigation Measure Trans-13 (Intersection #5): Implement Mitigation Measure Trans-3 at the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off-Ramp intersection.</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-3</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
under 2035 Plus Coliseum District conditions.		
<p>Impact Trans-14: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at Camden Street/North MacArthur Boulevard/Seminary Avenue (Intersection #12) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-14 (Intersection #12): Implement the following measures at the Camden Street/North MacArthur Boulevard/Seminary Avenue Intersection:</p> <ul style="list-style-type: none"> a) Restripe the eastbound Seminary Avenue approach to provide one left-turn lane and one shared through/right-turn lane by eliminating one of the westbound receiving lanes b) Restripe the westbound Seminary Avenue approach to provide one left-turn lane, one through lane, and one right-turn lane c) Restripe the northbound Camden Street approach to provide one shared left/through/right lane and one bicycle lane d) Convert signal operations from split phasing to permitted phasing on the north/south Camden Street/North MacArthur Boulevard approaches and protected phasing on the east/west Seminary Avenue approaches e) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) f) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	Less than Significant
<p>Impact Trans-15: The development of the Coliseum District would degrade the MacArthur Boulevard/ Foothill Boulevard/73rd Avenue (Intersection #13) from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	None feasible	Significant and Unavoidable
<p>Impact Trans-16: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at</p>	None feasible	Significant and Unavoidable

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Foothill Boulevard/Fruitvale Avenue (Intersection #17) during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions.</p>		
<p>Impact Trans-17: The development of the Coliseum District would contribute to LOS E operations at the Foothill Boulevard/Coolidge Avenue (Intersection #18), increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions</p>	<p>None feasible</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-18: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at Foothill Boulevard/35th Avenue (Intersection #19) during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-18 (Foothill Boulevard/35th Avenue): Implement the following measures at Foothill Boulevard/35th Avenue intersection:</p> <ul style="list-style-type: none"> a) Restripe the eastbound and westbound 35th Avenue approaches to provide an exclusive left-turn lane within the existing right-of-way on each approach b) Update traffic signal equipment to provide protected left-turns on the eastbound and westbound 35th Avenue approaches c) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) d) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>Less than Significant</p>
<p>Impact Trans-19: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at Foothill Boulevard/High Street (Intersection #22) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-19 (Foothill Boulevard/High Street): Implement the following measures at Foothill Boulevard/High Street intersection:</p> <ul style="list-style-type: none"> a) Convert traffic signal from pre-timed to actuated operations b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Trans-20: The development of the Coliseum District would degrade the Foothill Boulevard/ Seminary Avenue/Walnut Street (Intersection #23) from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	<p>Mitigation Measure Trans-20 (Foothill Boulevard/ Seminary Avenue): Implement the following measures at the Foothill Boulevard/Seminary Avenue/Walnut Street):</p> <ul style="list-style-type: none"> a) Increase signal cycle length at this intersection and the adjacent and closely spaced signal at Bancroft Avenue/Seminary Avenue (Intersection #29) to 90 seconds during the PM peak hour b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>Less than Significant</p>
<p>Impact Trans-21: The development of the Coliseum District would contribute to LOS E operations at the International Boulevard/High Street (Intersection #35), increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	<p>No feasible mitigation at International Boulevard/High Street</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-22: The development of the Coliseum District would contribute to LOS E operations at the International Boulevard/Heavenscourt Boulevard (Intersection #38), increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	<p>No feasible mitigation at International Boulevard/Heavenscourt Boulevard</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-23: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the</p>	<p>No feasible mitigation at East 12th Street/Fruitvale Avenue</p>	<p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
East 12th Street/Fruitvale Avenue (Intersection #49) during the weekday AM peak hour which would operate at LOS F under 2035 conditions.		
Impact Trans-24: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the San Leandro Street/East 10th Street/Fruitvale Avenue (Intersection #54) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.	No feasible mitigation at San Leandro Street/East 10th Street/Fruitvale Avenue	Significant and Unavoidable
Impact Trans-25: The development of the Coliseum District would degrade the San Leandro Street/66th Avenue (Intersection #58) from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the weekday AM peak hour which would operate at LOS E; the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2035 Plus Coliseum District conditions.	Mitigation Measure Trans-25 (San Leandro Street/66th Avenue): Implement Mitigation Measure Trans-4 at the San Leandro Street/66th Avenue intersection.	No further mitigation feasible Significant and Unavoidable
Impact Trans-26: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the San Leandro Street/Hegenberger Road Off-	Mitigation Measure Trans-26 (San Leandro Street/Hegenberger Road Off-Ramp/75th Avenue: Implement the following measures at the San Leandro Street/ Hegenberger Road Off-Ramp/75th Avenue intersection: a) Convert signal operations for the left-turn lane on southbound San Leandro Street from permitted to protected operations	No further mitigation feasible Significant and Unavoidable

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Ramp/75th Avenue (Intersection #61) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.	<ul style="list-style-type: none"> b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	
<p>Impact Trans-27: The development of the Coliseum District would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized intersections that operates at LOS E or F under No Project conditions (Significant Threshold #5 in San Leandro) at the San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street/Park Street (Intersection #66) under 2035 Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-27 (San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street /Park Street): Implement the following measures at the San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street /Park Street intersection:</p> <ul style="list-style-type: none"> a) Signalize the intersection providing actuated operations b) Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of City of San Leandro so any equipment or facility upgrades must be approved by City of San Leandro prior to installation. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of San Leandro and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-28: The development of the Coliseum District would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized intersections that operates at LOS E or F under No Project conditions (Significant Threshold #5 in San Leandro) at the San Leandro Boulevard/Best Avenue/Park Street (Intersection #66) under 2035 Plus Coliseum District conditions.</p>	<p>Mitigation Measure Trans-28 (San Leandro Boulevard/Best Avenue/Park Street): Implement Mitigation Measure Trans-5.</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-5</p>
<p>Impact Trans-29: The development of the Coliseum District would increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland</p>	<p>Mitigation Measure Trans-29 (San Leandro Boulevard/Davis Street): Restripe the northbound San Leandro Boulevard approach to add an exclusive right-turn lane at the San Leandro Boulevard/Davis Street intersection.</p>	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Significant Threshold #4) during the PM peak hour which would operate at LOS E under 2035 Plus Coliseum District conditions at the San Leandro Boulevard/Davis Street (Intersection #67).</p>		<p>implemented by the City of Alameda and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-30: The development of the Coliseum District would degrade the intersection from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) at the Coliseum Way/I-880 Northbound Ramps/42nd Avenue (Intersection #76) during the weekday AM peak hour under 2035 Plus Coliseum District conditions.</p>	<p>No feasible mitigation at Coliseum Way/I-880 Northbound Ramps/42nd Avenue</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-31: The development of the Coliseum District would contribute to LOS E operations at the Coliseum Way/High Street (Intersection #78) during the AM peak hour and increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4); the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2035 conditions</p>	<p>Mitigation Measure Trans-31 (Coliseum Way/High Street): Implement the following measures at the Coliseum Way/High Street intersection:</p> <ul style="list-style-type: none"> a) Restripe the northbound Coliseum Way approach to provide one shared left/through lane and one right-turn lane b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans and the City cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-32: The development of the</p>	<p>Mitigation Measure Trans-32 (Oakport Street/I-880 Southbound Ramps/High Street): Implement</p>	<p>City of Oakland, as lead</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Coliseum District would degrade the intersection from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) at the Oakport Street/I-880 Southbound Ramps/High Street (Intersection #79) during the weekday PM peak hour under 2035 Plus Coliseum District conditions.</p>	<p>the following measures at the Oakport Street/I-880 Southbound Ramps/High Street intersection:</p> <ul style="list-style-type: none"> a) Convert the southbound I-880 Southbound Off-Ramp approach to provide one left-turn lane, two through lanes, and one right-turn lane. b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans and the City cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-33: The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Oakland Significant Threshold #5) during the weekday AM peak hour which would operate at LOS F; and increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the PM peak hour which would operate at LOS E under 2035 Plus Coliseum District conditions at the Fernside Boulevard/High Street/Gibbons Drive (Intersection #92).</p>	<p>Mitigation Measure Trans-33 (Fernside Boulevard/High Street/ Gibbons Drive): Implement Mitigation Measure Trans-8</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-8</p>
<p>Impact Trans-34: The development of the Coliseum District would increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the AM peak hour which would operate at LOS E under 2035 Plus Coliseum District conditions at the Fernside Boulevard/Otis Drive</p>	<p>Mitigation Measure Trans-34 (Fernside Boulevard/Otis Drive): Implement Mitigation Measure Trans-9</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-9</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
(Intersection #98).		
<p>2035 Plus Plan Buildout</p> <p>Impact Trans-35: Plan Buildout would add more than 10 peak-hour trips to the Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard (Intersection #1) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Specific Plan Buildout conditions.</p>	<p>Mitigation Measure Trans-35 (Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard): Implement Mitigation Measure Trans-10</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>see Impact Trans-10</p>
<p>Impact Trans-36: Plan Buildout would add more than 10 peak-hour trips to the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp (Intersection #3) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Specific Plan Buildout conditions.</p>	<p>Mitigation Measure Trans-36 (Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp): Implement Mitigation Measure Trans-1</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>See Impact Trans-1</p>
<p>Impact Trans-37: Plan Buildout would add more than 10 peak-hour trips to the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp (Intersection #4) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Specific Plan Buildout conditions.</p>	<p>Mitigation Measure Trans-37 (Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp) : Implement Mitigation Measure Trans-2</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>See Impact Trans-2</p>
<p>Impact Trans-38: Plan Buildout would add more than 10 peak-hour trips to the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp (Intersection #5) which would meet peak hour signal warrant (Significant Threshold #6) under 2035 Plus Specific Plan Buildout conditions.</p>	<p>Mitigation Measure Trans-38 (Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off-Ramp): Implement Mitigation Measure Trans-3</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>See Impact Trans-3</p>
<p>Impact Trans-39: Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical</p>	<p>Mitigation Measure Trans-39 (Camden Street/North MacArthur Boulevard/Seminary Avenue): Implement Mitigation Measure Trans-14</p>	<p>Less than Significant</p>

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Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
movement by 0.05 or more (Significant Threshold #5) at Camden Street/North MacArthur Boulevard/Seminary Avenue (Intersection #12) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.		
Impact Trans-40: Plan Buildout would degrade the MacArthur Boulevard/ Foothill Boulevard/73rd Avenue (Intersection #13) from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.	No feasible mitigation measures at MacArthur Boulevard/ Foothill Boulevard/73rd Avenue	Significant and Unavoidable
Impact Trans-41: Plan Buildout would degrade intersection operations from LOS C to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the AM peak hour at the Foothill Boulevard/14th Avenue (Intersection #15) under 2035 conditions.	No feasible mitigation measures at Foothill Boulevard/14th Avenue	Significant and Unavoidable
Impact Trans-42: Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at Foothill Boulevard/Fruitvale Avenue (Intersection #17) during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions.	No feasible mitigation measures at Foothill Boulevard/Fruitvale	Significant and Unavoidable
Impact Trans-43: Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay	No feasible mitigation measures at Foothill Boulevard/Coolidge Avenue	Significant and Unavoidable

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>by four or more seconds (Significant Threshold #1) during the AM peak hour at the Foothill Boulevard/Coolidge Avenue (Intersection #18), and contribute to LOS E operations, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>		
<p>Impact Trans-44: Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at Foothill Boulevard/35th Avenue (Intersection #19) during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-44 (Foothill Boulevard/35th Avenue): Implement Mitigation Measure Trans-18</p>	<p>Less than Significant</p>
<p>Impact Trans-45: Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at Foothill Boulevard/High Street (Intersection #22) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-45 (Foothill Boulevard/High Street): Implement Mitigation Measure Trans-19.</p>	<p>Less than Significant</p>
<p>Impact Trans-46: Plan Buildout would degrade the Foothill Boulevard/ Seminary Avenue/Walnut Street (Intersection #23) from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	<p>Mitigation Measure Trans-45 (Foothill Boulevard/ Seminary Avenue/Walnut Street): Implement Mitigation Measure Trans-20.</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Trans-47: Plan Buildout would degrade intersection operations from LOS D to LOS E during the PM peak hour and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) at the Bancroft Avenue / Havenscourt Boulevard (Intersection #30) under 2035 conditions.</p>	<p>No feasible mitigation measures at Bancroft Avenue / Havenscourt Boulevard</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-48: Plan Buildout would degrade intersection operations from LOS D to LOS E during the PM peak hour and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) at the Bancroft Avenue / 73rd Avenue (Intersection #31) under 2035 conditions.</p>	<p>Mitigation Measure Trans-48 (Bancroft Avenue/73rd Avenue): Implement the following measures at the Bancroft Avenue/73rd Avenue intersection:</p> <ul style="list-style-type: none"> a) Provide a second left-turn lane on the northbound Bancroft Avenue approach. b) Replace existing 6-foot gutter pans and prohibit parking on both northbound and southbound Bancroft Avenue with 2-foot gutter pans. c) Reconfigure eastbound 73rd Avenue approach to provide one left-turn lane, two through lanes, one bicycle lane, and one right-turn lane. d) Reconfigure westbound 73rd Avenue approach to provide one left-turn lane, one through lane, one shared through/right lane, and one bicycle lane. e) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) f) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>Less than Significant</p>
<p>Impact Trans-49: Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the AM peak hour, and contribute to LOS E operations during the PM peak hour and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4 at the International Boulevard/Fruitvale Avenue intersection under 2035 conditions.</p>	<p>No feasible mitigation measures at International Boulevard/Fruitvale Avenue</p>	<p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Impact Trans-50: Plan Buildout would contribute to LOS E operations at the International Boulevard/High Street (Intersection #35), increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	<p>No feasible mitigation measures at International Boulevard/High Street</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-51: Plan Buildout would contribute to LOS E operations at the International Boulevard/Heavenscourt Boulevard (Intersection #38), increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the PM peak hour under 2035 conditions.</p>	<p>No feasible mitigation measures at International Boulevard/Heavenscourt</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-52: Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the East 12th Street/Fruitvale Avenue (Intersection #49) during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions.</p>	<p>No feasible mitigation measures at East 12th Street/Fruitvale Avenue</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-53: Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) the San Leandro Street/East 10th Street/Fruitvale Avenue (Intersection #54) during the AM peak hour, and increase the total intersection V/C ratio by 0.03 or more and</p>	<p>No feasible mitigation measures at San Leandro Street/East 10th Street/Fruitvale Avenue</p>	<p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.		
Impact Trans-54: Plan Buildout would degrade intersection operations from LOS C during the AM peak hour and LOS D during the PM peak hour to LOS E during both AM and PM peak hours and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) San Leandro Street/High Street (Intersection #55) under 2035 conditions.	No feasible mitigation measures at San Leandro Street/High Street	Significant and Unavoidable
Impact Trans-55: Plan Buildout would degrade the San Leandro Street/66th Avenue (Intersection #58) from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4) during the weekday AM peak hour which would operate at LOS E; the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2035 Plus Specific Plan Buildout conditions.	Mitigation Measure Trans-55 (San Leandro Street/66th Avenue): Implement Mitigation Measure Trans-4	No further mitigation feasible Significant and Unavoidable
Impact Trans-56: Plan Buildout would degrade intersection operations from LOS C to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) the San Leandro Street/Hegenberger Road	Mitigation Measure Trans-56 (San Leandro Street/ Hegenberger Road Off-Ramp/75th Avenue intersection): Implement Mitigation Measure Trans-26	No further mitigation feasible Significant and Unavoidable

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Off-Ramp/75th Avenue (Intersection #54) during the AM peak hour, and increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.		
Impact Trans-57: Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the PM peak hour at the San Leandro Street/85th Avenue (Intersection #63) under 2035 conditions.	No feasible mitigation measures at San Leandro Street/85th Avenue	Significant and Unavoidable
Impact Trans-58: Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the PM peak hour at the San Leandro Street/98th Avenue (Intersection #64) under 2035 conditions.	No feasible mitigation measures at San Leandro Street/98th Avenue	Significant and Unavoidable
Impact Trans-59: Plan Buildout would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized intersections that operates at LOS E or F under No Project conditions (Significant Threshold #5 in San Leandro) at the San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street/Park Street (Intersection #66) under 2035 Plus Specific Plan Buildout conditions.	Mitigation Measure Trans-59 (San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street /Park Street): Implement Mitigation Measure Trans-27	Conservatively considered Significant and Unavoidable See Impact Trans-27
Impact Trans-60: Plan Buildout would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized	Mitigation Measure Trans-60 (San Leandro Boulevard/Best Avenue/Park Street): Implement Mitigation Measure Trans-5	Conservatively considered Significant and Unavoidable

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
intersections that operates at LOS E or F under No Project conditions (Significant Threshold #5 in San Leandro) at the San Leandro Boulevard/Best Avenue/Park Street (Intersection #66) under 2035 Plus Specific Plan Buildout conditions.		See Impact Trans-5
Impact Trans-61: Plan Buildout would increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the PM peak hour which would operate at LOS E under 2035 Plus Specific Plan Buildout conditions at the San Leandro Boulevard/Davis Street (Intersection #67).	Mitigation Measure Trans-61 (San Leandro Boulevard/Davis Street): Implement Mitigation Measure Trans-29	Conservatively considered Significant and Unavoidable See Impact Trans-29
Impact Trans-62: Plan Buildout would cause the San Leandro Boulevard/Marina Boulevard (intersection #69) to degrade from LOS D to LOS E (Significant Threshold #1 in San Leandro) during the PM peak hour under 2035 Plus Specific Plan Buildout conditions. In addition, Plan Buildout would increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the PM peak hour.	Mitigation Measure Trans-62 (San Leandro Boulevard/Marina Boulevard): Implement Mitigation Measure Trans-6	Conservatively considered Significant and Unavoidable See Impact Trans-6
Impact Trans-63: Plan Buildout would degrade the intersection from LOS E to LOS F, increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical	No feasible mitigation measures at Coliseum Way/I-880 Northbound Ramps/42nd Avenue	Significant and Unavoidable

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
movement by six or more seconds (Significant Threshold #4) at the Coliseum Way/I-880 Northbound Ramps/42nd Avenue (Intersection #76) during the weekday AM peak hour under 2035 Plus Specific Plan Buildout conditions.		
<p>Impact Trans-64: Plan Buildout would contribute to LOS E operations at the Coliseum Way/High Street (Intersection #78) during the AM peak hour and increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4); the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-64 (Coliseum Way/High Street): Implement Mitigation Measure Trans-31</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>See Impact Trans-31</p>
<p>Impact Trans-65: Plan Buildout would degrade the intersection from LOS D to LOS E or LOS F, and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) at the Oakport Street/I-880 Southbound Ramps/High Street (Intersection #79) during both weekday AM and PM peak hours under 2035 Plus Specific Plan Buildout conditions.</p>	<p>Mitigation Measure Trans-65 (Oakport Street/I-880 Southbound Ramps/High Street): Implement Mitigation Measure Trans-32</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>See Impact Trans-32</p>
<p>Impact Trans-66: Plan Buildout would degrade intersection operations from LOS B to LOS F and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the PM peak hour at the Oakport Street/Zhone Way (Intersection #82) under 2035</p>	<p>Mitigation Measure Trans-66 (Oakport Street/Zhone Way): Implement the following measures at the Oakport Street/Zhone Way intersection:</p> <ul style="list-style-type: none"> a) Provide a right-turn lane on the northbound Oakport Street approach. b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) 	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
conditions.	c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.	
<p>Impact Trans-67: Plan Buildout would degrade intersection operations from LOS D to LOS F and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the AM peak hour at the Hegenberger Road/I-880 Southbound Off-Ramp (Intersection #84) under 2035 conditions.</p>	<p>Mitigation Measure Trans-67 (Hegenberger Road/I-880 Southbound Ramps): Implement the following measures at the Hegenberger Road/I-880 Southbound Ramps intersection:</p> <ul style="list-style-type: none"> a) Restripe the southbound I-880 Off-Ramp approach from two exclusive right turn lanes and two exclusive left-turn lanes to two exclusive right turn lanes, one shared left/right-turn lane, and one exclusive left-turn lane. b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by Caltrans and the City cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-68: Plan Buildout would contribute to LOS F operations at the Fernside Boulevard/Blanding Avenue/Tilden Way (Intersection #91) and increase total intersection volume by three percent or more (City of Alameda Significant Threshold) during the AM peak hour under 2035 conditions. In addition, Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Oakland Significant Threshold #5) during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions.</p>	<p>Mitigation Measure Trans-68 (Fernside Boulevard/ Blanding Avenue/Tilden Way): Implement the following measures at the Fernside Boulevard/ Blanding Avenue/Tilden Way intersection:</p> <ul style="list-style-type: none"> a) Add a left-turn on the northbound Fernside Boulevard approach so that the approach would provide one left-turn lane, one through lane and one right-turn lane b) Add a left turn lane to provide on the southbound Blanding Avenue approach so that the approach would provide one left-turn lane, one through lane and one right-turn lane c) Update traffic signal equipment to convert northbound/southbound left-turn operations from split phasing to protected phasing. d) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) e) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of Alameda and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>
<p>Impact Trans-69: Plan Buildout would degrade operations from LOS E to LOS F at the Fernside Boulevard/ High Street/Gibbons Drive (Intersection #92) and increase total intersection</p>	<p>Mitigation Measure Trans-69 (Fernside Boulevard/High Street/Gibbons Drive): Implement Mitigation Measure Trans-8</p>	<p>Conservatively considered Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>volume by three percent or more (City of Alameda Significant Threshold) during the PM peak hour under 2035 conditions. In addition, Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Oakland Significant Threshold #5) during the weekday AM peak hour which would operate at LOS F under 2035 conditions, and increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the PM peak hour.</p>		<p>See Impact Trans-8</p>
<p>Impact Trans-70: Plan Buildout would increase the total intersection average delay by four seconds or more (Oakland Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Oakland Significant Threshold #4) during the AM peak hour which would operate at LOS E under 2035 conditions at the Fernside Boulevard/Otis Drive (Intersection #98).</p>	<p>Mitigation Measure Trans-70 (Fernside Boulevard/Otis Drive): Implement Mitigation Measure Trans-9</p>	<p>Conservatively considered Significant and Unavoidable</p> <p>See Impact Trans-9</p>
<p>Impact Trans-71: Plan Buildout would contribute to LOS E operations at the Hegenberger Road/Hegenberger Court/Edgewater Drive (Intersection #100) during the AM peak hour and increase the total intersection average delay by four seconds or more (Significant Threshold #3), and increase the average delay for a critical movement by six or more seconds (Significant Threshold #4); the development would also degrade intersection operations from LOS D to LOS F and increase total intersection average</p>	<p>Mitigation Measure Trans-71 (Hegenberger Road/ Hegenberger Court/Edgewater Drive): Implement the following measures at the Hegenberger Road/ Hegenberger Court/Edgewater Drive intersection:</p> <ul style="list-style-type: none"> a) Add a right-turn lane on the southbound Edgewater Drive approach b) Restripe the northbound Hegenberger Court approach to provide one left-turn lane, and one shared through/right-turn lane c) Convert traffic operations on the north/south approaches from split phasing to protected phasing. d) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic 	<p>No further mitigation feasible</p> <p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
vehicle delay by four or more seconds (Significant Threshold #1) during the PM peak hour under 2035 conditions.	<p>approaching the intersection)</p> <p>e) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</p>	
<p>Impact Trans-72: Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the PM peak hour at the Airport Access Road/Pardee Drive/Hegenberger Road (Intersection #101) under 2035 conditions.</p>	<p>Mitigation Measure Trans-72 (Airport Access Road/Pardee Drive/Hegenberger Road): Implement the following measures at the Airport Access Road/Pardee Drive/Hegenberger Road intersection:</p> <p>a) Convert left-turn operations on the north/south approaches from permitted phasing to protected phasing.</p> <p>b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection)</p> <p>c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</p>	Less than Significant
<p>Impact Trans-73: Plan Buildout would degrade intersection operations from LOS D to LOSE and increase total intersection average vehicle delay by four or more seconds (Significant Threshold #1) during the PM peak hour at the Airport Access Road/98th Avenue (Intersection #102) under 2035 conditions.</p>	No feasible mitigation measures at Airport Access Road/98th Avenue	Significant and Unavoidable
<p>Impact Trans-74: Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more (Oakland Significant Threshold #5) during the weekday AM peak hour which would operate at LOS F under 2035 conditions at the Island Drive/Otis Drive/Doolittle Drive (Intersection #103).</p>	<p>Mitigation Measure Trans-74 (Island Drive/Otis Drive/Doolittle Drive): Implement the following measures at the Island Drive/Otis Drive/Doolittle Drive intersection:</p> <p>a) Add a left-turn lane to the westbound Doolittle Drive approach so the approach would provide two left-turn lanes and two through lanes.</p> <p>b) Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection)</p> <p>c) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</p>	<p>City of Oakland, as lead agency, does not have jurisdiction at this intersection. The mitigation would need to be approved and implemented by the City of Alameda and the City of Oakland cannot ensure its implementation.</p> <p>Conservatively considered Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Freeway and Regional Roadway Impacts:</p> <p>Impact Trans-75: The proposed Coliseum District development would degrade from LOS E or better to LOS F (Significant Threshold #7), or increase the freeway volume by three percent more, for the following freeway segments operating at LOS F (Significant Threshold #8):</p> <ol style="list-style-type: none"> 1 Weave section on northbound I-880 from 98th Avenue to Hegenberger Road during the PM peak hour under 2035 conditions. 2 Diverge section on southbound I-880 at 42nd Avenue/High Street Off-Ramp during the PM peak hour under 2035 conditions. 3 Merge section on southbound I-880 at eastbound 98th Avenue On-Ramp during the PM peak hour under 2035 conditions. 4 Diverge section on southbound I-880 at Davis Street Off-Ramp during the PM peak hour under 2035 conditions. 	<p>No feasible mitigation measures are available</p>	<p>Significant and Unavoidable</p>
<p>Impact Trans-76: The proposed Coliseum District development would degrade from LOS E or better to LOS F (Significant Threshold #7) or increase the V/C ratio by 0.03 or more for segments operating at LOS F (Significant Threshold #8) on the following CMP or MTS roadway segments:</p> <ol style="list-style-type: none"> 1 Northbound I-880 from Marina Boulevard to Hegenberger Road and from High Street to 29th Avenue in 2020 and from Marina Boulevard to 66th Avenue and from High Street to 29th Avenue in 2035. 2 Southbound I-880 from 29th Avenue to 66th 	<p>Mitigation Measure Trans-76 (Regional Roadways): Implement Mitigation Measures Trans-4, Trans-26, Trans-67, Trans-71, and Trans-72.</p>	<p>No further mitigation feasible</p> <p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Avenue in 2020, and from 29th Avenue to High Street in 2035.</p> <p>3 Eastbound Hegenberger Road from I-880 Southbound Off-Ramp to Coliseum Way/ Edes Avenue in 2020, and from I-880 Southbound Off-Ramp to Coliseum Way/Edes Avenue and from San Leandro Street to International Boulevard in 2035.</p> <p>4 Westbound Hegenberger Road from I-880 Southbound Off-Ramp to Doolittle Drive in 2035.</p> <p>5 Northbound San Leandro Street from 73rd Avenue to Seminary Avenue and from 50th Avenue to High Street in 2020, and from 81st Avenue to High Street in 2035.</p> <p>6 Southbound San Leandro Street from Seminary Avenue to 73rd Avenue in 2020 and 2035.</p> <p>7 Northbound International Boulevard from 73rd Avenue to Heavenscourt Boulevard in 2020 and 2035.</p> <p>8 Southbound International Boulevard from 42nd Avenue to High Street and from 66th Avenue to Heavenscourt Boulevard in 2020, and from 23rd Avenue to Fruitvale Avenue in 2035.</p> <p>9 Eastbound 98th Avenue between Edes Avenue and San Leandro Street in 2035.</p>		
<p>Impact Trans-77: Development under Plan Buildout would degrade from LOS E or better to LOS F (Significant Threshold #7), or increase the freeway volume by three percent more, for freeway segments operating at LOS F (Significant</p>	<p>No feasible mitigation measures are available</p>	<p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Threshold #8) on the following freeway segments:</p> <ol style="list-style-type: none"> 1. Weave section on northbound I-880 from 98th Avenue to Hegenberger Road during both AM and PM peak hours under 2035 conditions. 2. Weave section on northbound I-880 from Hegenberger Road to 66th Avenue during the PM peak hour under 2035 conditions. 3. Weave section on northbound I-880 from 66th Avenue to High Street during the PM peak hour under 2035 conditions. 4. Basic section on southbound I-880 north of High Street during the AM peak hour under 2035 conditions. 5. Diverge section on southbound I-880 at 42nd Avenue/High Street Off-Ramp during both AM and PM peak hour under 2035 conditions. 6. Merge section on southbound I-880 at High Street/Oakport Avenue On-Ramp during both AM and PM peak hours under 2035 conditions. 7. Diverge section on southbound I-880 at 66th Avenue Off-Ramp during both AM and PM peak hour under 2035 conditions. 8. Weave section on southbound I-880 from Hegenberger Road to 98th Avenue during both AM and PM peak hours under 2035 conditions. 9. Merge section on southbound I-880 at eastbound 98th Avenue On-Ramp during the PM peak hour under 2035 conditions. 		

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>10. Basic section on southbound I-880 between 98th Avenue and Davis Street during the PM peak hour under 2035 conditions.</p> <p>11. Diverge section on southbound I-880 at Davis Street Off-Ramp during the PM peak hour under 2035 conditions.</p>		
<p>Impact Trans-78: The development under the Specific Plan would degrade from LOS E or better to LOS F (Significant Threshold #7) or increase the V/C ratio by 0.03 or more for segments operating at LOS F (Significant Threshold #8) on the following CMP or MTS roadway segments:</p> <ol style="list-style-type: none"> 1. Eastbound I-580 between Keller Avenue and Golf Links Road in 2020. 2. Northbound I-880 from Marina Boulevard to 29th Avenue in 2020 and 2035. 3. Southbound I-880 from 29th Avenue to Hegenberger Road and from 98th Avenue to Davis Street in 2020 and 2035. 4. Northbound Doolittle Drive (SR 61) from Davis Street to Harbor Bay Parkway in 2020 and 2035. 5. Southbound Doolittle Drive (SR 61) from Airport Drive to Davis Street in 2020 and from Hegenberger Road to Davis Street in 2035. 6. Eastbound Hegenberger Road from Airport Access Drive to Coliseum Way/Edes Avenue in 2020, and from Airport Access Drive to Coliseum Way/Edes Avenue and from San Leandro Street to Bancroft Avenue in 2035. 	<p>Mitigation Measure Trans-76 (Regional Roadways): Implement Mitigation Measures Trans-4, Trans-26, Trans-67, Trans 48, Trans-71, and Trans-72.</p>	<p>No further mitigation feasible</p> <p>Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>7. Westbound Hegenberger Road from Edgewater Drive to Airport Access Drive in 2020, and from I-880 Southbound Off-Ramp to Doolittle Drive in 2035.</p> <p>8. Northbound San Leandro Street from 81st Avenue to Fruitvale Avenue in 2020, and from 85th Avenue to Fruitvale Avenue in 2035.</p> <p>9. Southbound San Leandro Street from Fruitvale Avenue to 73rd Avenue in 2020 and 2035.</p> <p>10. Northbound International Boulevard from 73rd Avenue to Heavenscourt Boulevard and from Fruitvale Avenue to 23rd Avenue in 2020, and from 73rd Avenue to Heavenscourt Boulevard, Seminary Avenue to High Street, and from 42nd Avenue to Fruitvale Avenue in 2035.</p> <p>11. Southbound International Boulevard from 42nd Avenue to 73rd Avenue and from Davis Street to Estudillo Avenue in 2020, and from 23rd Avenue to Fruitvale Avenue, from High Street to 73rd Avenue, and from Davis Street to Estudillo Avenue, in 2035.</p> <p>12. Eastbound 98th Avenue between Edes Avenue and San Leandro Street in 2035.</p> <p>13. Westbound 98th Avenue between I-880 Northbound Ramps and Airport Access Drive in 2035.</p>		
<p>Transit Impacts:</p> <p>Impact Trans-79: The proposed Coliseum District development would not substantially increase</p>	<p>None required</p>	<p>Less than Significant</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
travel times for AC Transit buses		
<p>Special Events Impact</p> <p>Impact Trans-80: Special events at the new sports venues may result in significant impacts on event days</p>	<p>SCA Trans-3: Parking and Transportation Demand Management</p> <p>Mitigation Measure Trans-81: Implement an Event Traffic Management Plan through the TPMA to reduce the automobile trips generated by special events and better manage the traffic traveling to and from the site. The Event Traffic Management Plan shall consider the following strategies:</p> <ul style="list-style-type: none"> a) Develop plans for roadway closures and manual control of traffic by police officers during peak congestion periods before and after the games. b) Develop way-finding plan with changeable message signs on freeways and surrounding major streets to direct patrons to available parking facilities. c) Collaborate with transit providers in the area (AC Transit, BART, Amtrak) to expand transit service for special events. d) Develop Promotional material for special events that encourage the use of transit, carpooling and other non-automobile travel modes. e) Consistent with SCA Trans-3, develop a Parking and Transportation Demand Management Program to encourage employees and spectators for special events to use non-automobile travel modes and reduce the automobile trips and parking demand of special events. f) Bundle parking pricing into the ticket price to maximize efficiencies at parking entrances. g) Coordinate parking management within the Project Area to maximize the use of available parking spaces during special events. h) Operate buses between the Project Area and major transit destinations such as West Oakland BART or East Bay BRT during weekday evening coliseum events and consider them when events overlap at the ballpark and arena i) <u>Provide pre-paid and discounted transit passes with all event tickets to encourage transit use.</u> j) <u>Offer valet bicycle parking on event days.</u> k) <u>Study possible applications of parking and road congestion pricing plans to discourage driving to events.</u> 	<p>The particular strategies and the implementation details are not known at this time.</p> <p>Conservatively considered Significant and Unavoidable</p>
Impact Trans-81: Development under the	SCA Trans-1, Improvements in the Public Right-of-Way (General), and SCA Trans-2, Improvements in	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>proposed Project would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses (Significance Threshold #10).</p>	<p>the Public Right-of-Way (Specific)</p> <p>Mitigation Measure Trans-81: Reconfigure E Street so that it curves along the alignment of F Street intersecting Loop Road opposite the access to the collector-distributor road. Alternatively, E Street could be redirected at F Street through the surface parking and connect to Hegenberger Road opposite Baldwin Street.</p>	
<p>Impact Trans-82: Development under the proposed Project would not directly or indirectly result in a permanent substantial decrease in pedestrian safety (Significance Threshold #11).</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Trans-83: Development under the proposed Project would not directly or indirectly result in a permanent substantial decrease in bicycle safety (Significance Threshold #12).</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Trans-84: Development under the proposed Project would not directly or indirectly result in a permanent substantial decrease in bus rider safety (Significance Threshold #13).</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Trans-85: Development under the proposed Project would generate substantial multi-modal traffic traveling across at-grade railroad crossings that cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard (Significance Threshold #14).</p>	<p>SCA Trans-5: Railroad Crossings</p> <p>Mitigation Measure Trans-85A: Implement the following specific improvements:</p> <ul style="list-style-type: none"> a) 66th Avenue (west): bring sidewalks into ADA compliance including detectable surface, smooth path of travel, and wider sidewalks. Consider replacing median curb and delineators with a raised median (requires road diet from four to three lanes between Coliseum Way and San Leandro Street. b) 66th Avenue/San Leandro Street: Add W10-1 signs (railroad crossing warning sign) to 66th Avenue approaching the railroad crossing and W10-2 signs (parallel railroad crossing at an intersection warning sign) on San Leandro Street. Consider vertical delineation on centerline of 66th Avenue approaching the railroad crossing. c) 69th Avenue/San Leandro Street: Add W10-2 signs on San Leandro Street and consider vertical delineation on centerline of 69th Avenue approaching the railroad crossing. 	<p>Installation of safety mechanisms may not be feasible and the consent or approval of the CPUC or Railroad is required.</p> <p>Conservatively considered Significant and Unavoidable</p>

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>d) 75th Avenue/San Leandro Street /Snell Street: Add W10-1 signs to 75th Avenue and add W10-2 signs on San Leandro Street and Snell Street. Bring sidewalks into ADA compliance including detectable surface, smooth path of travel, and curb ramps and install a sidewalk on the south side of 75th Avenue. Consider vertical delineators on centerline of 75th Avenue approaching the railroad crossing. Consider removing the pork-chop island and bringing southbound right-turns through the intersection and relocate the crossing arm to preserve sight distance for westbound traffic.</p> <p>e) Any proposed improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).</p> <p>Mitigation Measure Trans-85B: Pedestrian Safety along Rail Lines. All new development adjacent to the Niles Line (located west of San Leandro Street and used by both Amtrak and freight trains), and adjacent to the Canyon Sub-Line (located east of San Leandro Street and primarily used by freight trains) shall incorporate safety fencing along the edge of the rail right-of-way to prevent trespass, and preferably shall provide an additional open space buffer including a pedestrian/bicycle trail on the inside edge of the fence line separating the development from hazardous rail activity.</p>	
<p>Impact Trans-86: Development under the proposed Project would not fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Impact Trans-87: Development under the proposed Project would result in a substantial, though temporary adverse effect on the circulation system during construction of the Project. (Significance Threshold #16).</p>	<p>SCA Trans-4: Construction Traffic Management Plan</p> <p>To further implement SCA Trans-4, the Construction Traffic Management Plan developed for a project shall also include the following:</p> <p>a) A set of comprehensive traffic control measures for motor vehicles, transit, bicycle, and pedestrian access and circulation during each phase of construction.</p> <p>b) A construction period parking management plan to ensure that parking demands for construction workers, site employees, and customers are accommodated during each phase of</p>	<p>Less than Significant</p>

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: Coliseum Area Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	construction.	
<p>Impact Trans-88: Development under the proposed Project could result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.</p>	See Mitigation Measures Land-8A and Land-8B	Less than Significant
Utilities and Public Services		
<p>Impact Util-1A: The water demand generated by new development within the Coliseum Site will increase the average daily water demand over existing levels, but would not exceed water supplies currently available from existing entitlements and resources.</p> <p>Impact Util-1B: The water demand generated by new development pursuant to Plan Buildout (including the Coliseum District) will increase the average daily water demand over existing levels, but will not exceed water supplies projected to be available from existing entitlements and resources.</p>	<p>SCA Util-3: Compliance with the Green Building Ordinance, OMC Chapter 18.02,</p> <p>SCA Util-4: Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist</p> <p>All construction activity on-site, including construction of new water distribution lines, would be required to comply with City of Oakland standard conditions of approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1)</p>	Less than Significant
<p>Impact Util-2A: New development within the Coliseum Site would not exceed the wastewater treatment requirements of the San Francisco Regional Water Quality Control Board or result in a determination that new or expanded wastewater treatment facilities would be required.</p> <p>Impact Util-2B: New development pursuant to Plan Buildout, including the Coliseum District, would not exceed the wastewater treatment requirements of the San Francisco Regional Water Quality Control Board or result in a</p>	<p>SCA Util-2: Stormwater and Sewer</p> <p>All construction activity on-site, including construction of new sewer laterals, would be required to comply with City of Oakland Standard Conditions of Approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1)</p>	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
determination that new or expanded wastewater treatment facilities would be required.		
<p>Impact Util-3A: New development at the Coliseum Site would require construction of new stormwater drainage facilities and the potential expansion of existing facilities, the construction of which could cause significant environmental effects.</p> <p>Impact Util-3B: New development pursuant to Plan Buildout would require construction of new stormwater drainage facilities and the potential expansion of existing facilities, the construction of which could cause significant environmental effects.</p>	<p>SCA Hydro-6: Post-Construction Stormwater Pollution Prevention Plans</p> <p>SCA Util-2: Stormwater and Sewer</p> <p>As with all construction activity on-site, construction of new storm drainage improvements would be required to comply with City of Oakland Standard Conditions of Approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1)</p>	Less than Significant
<p>Impact Util-4: Future development pursuant to the Specific Plan (at the Coliseum Site and pursuant to Plan Buildout) would not violate applicable federal, state, and local statutes or regulations related to solid waste; nor would it generate solid waste that would exceed the permitted capacity of the landfills serving the area.</p>	SCA Util-1: Waste Reduction and Recycling	Less than Significant
<p>Impact Util-5: New development resulting from implementation of the specific Plan (both at the Coliseum Site and pursuant to Plan Buildout) would not violate applicable federal, state and local statutes and regulations relating to energy standards; nor result in a determination by the energy provider which serves or may serve the area that it does not have adequate capacity to serve projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or</p>	<p>SCA Util-3: Compliance with the Green Building Ordinance, OMC Chapter 18.02,</p> <p>SCA Util-4: Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist</p>	Less than Significant

**Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts:
Coliseum Area Specific Plan**

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
expansion of existing facilities.		

List of Commenters on the Draft EIR

Public Agencies Commenting In Writing

The following is a list of written correspondence received by the City of Oakland from various public agencies providing comments on the Coliseum Area Specific Plan Draft EIR:

- Letter #A1: San Francisco Bay Area Rapid Transit District (BART) – Letter from Val Joseph Menotti, Planning Department Manager; dated October 6, 2014
- Letter #A2: San Francisco Bay Conservation and Development Commission (BCDC) – Letter from Maggie Wenger, Coastal Program Analyst; dated October 3, 2013
- Letter #A3: California Department of Transportation (Caltrans) – Letter from Erik Alm, District Branch Chief, Local Government – Intergovernmental Review; dated September 26, 2014
- Letter #A4: California Public Utilities Commission (CPUC) – Letter from Ken Chiang, Utilities Engineer, Rail Crossings Engineering Branch, Safety and Enforcement Division; dated October 6, 2014
- Letter #A5: Oakland International Airport – Letter from Mark Bryant, Senior Property Manager, Airport Properties; dated September 12, 2014
- Letter #A6: San Francisco Bay Regional Water Quality Control Board (RWQCB) – Letter from Brian Wines, Water Resources Control Engineer, Watershed Division; dated October 6, 2014
- Letter #A7: Alameda County Airport Land Use Commission (ALUC) – Letter from Leander Hauri, Chair; dated October 15, 2014
- Letter #A8: East Bay Municipal Utility District (EBMUD) – Letter from William R. Kirkpatrick, Manager of Water Distribution Planning; dated October 13, 2014
- Letter #A9: East Bay Regional Park District (EBRPD) – Letter from Bryan Holt, Senior Planner; dated October 13, 2014
- Letter #A10: Alameda County Health Care Services, Public Health Department (ACPHD) – Letter from Muntu Davis, MD, MPH, Director and Health Officer; dated October 17, 2014
- Letter #A11: Bay Area Air Quality Management District (BAAQMD) – Letter from Jean Roggenkamp, Deputy Air Pollution Control Officer; dated October 17, 2014
- Letter #A12: Association of Bay Area Governments (ABAG) – email from Lee Chien Huo, Bay Trail Planner; dated October 20, 2014
- Letter #A13: Port of Oakland (Port) – Letter from Diane Heinze, Environmental Assessment Supervisor, Division of Environmental Programs and Planning; dated October 17, 2014

Organizations Commenting in Writing

In addition to the comments received from public agencies, a number of private organizations have submitted written comments on the Draft EIR. These organizations include the following:

- Letter #B1: Communities for a Better Environment – Letter dated September 4, 2014
- Letter #B2: Citizens Committee to Complete the Refuge – Letter dated October 6, 2014
- Letter #B3a: Oakland Heritage Alliance – Letter dated October 1, 2014
- Letter #B3b: Oakland Heritage Alliance – Letter dated October 17, 2014
- Letter #B4: Union Pacific Railroad – Letter dated May 20, 2013 [sic]
- Letter #B5: East Oakland Building Healthy Communities Land Use Workgroup – Letter dated October 17, 2014
- Letter #B6: Airport Area Business Association – Letter dated October 15, 2014
- Letter #B7: Public Advocates – Letter dated October 17, 2014
- Letter #B8: Ohlone Audubon Society
- Letter #B9 - Sierra Club and the Golden Gate Audubon Society, October 15, 2014

Individuals Commenting in Writing

Private individuals and companies have submitted written comments on the Draft EIR. These individuals include the following:

- Letter #C1: Marsalis Jackson – Email dated September 9, 2014
- Letter #C2: Angela Robinson – Letter dated September 22, 2014
- Letter #C3: Midori Tabata – Letter dated September 10, 2014
- Letter #C4: Oakland Commerce Corporation – Letter dated October 15, 2014
- Letter #C5: Key Source International – Letter dated October 14, 2014
- Letter #C6: Kitty Kelly Epstein – Letter dated October 16, 2014
- Letter #C7: Angie Tam – Letter dated October 17, 2014
- Letter #C8: Acumen Building Enterprise, Inc. – Letter dated October 9, 2014

Comments Received at Public Hearings

In addition to written comments, numerous opportunities for commenting on the Draft EIR were provided at noticed public hearings. The list of such public hearings includes the following:

- 9/8/2014: City of Oakland Landmarks Preservation Advisory Board (LPAB). Public and Board Member comments on the Draft EIR were received at the public hearing before the Landmark Preservation Advisory Board held on September 8, 2014.
- 9/10/2104: City of Oakland Parks and Recreation Advisory Commission (PRAC). Although there were speakers at the September 10, 2014 Parks and Recreation Advisory Commission meeting, none of their comments addressed the Draft EIR. The comments related to the Specific Plan document only.

- 9/17/2014: Alameda County Airport Land Use Commission (ALUC). Each of the ALUC Commissioners provided general comments on the Draft EIR at the public hearing held on September 17, 2014.
- 9/18/2014: Oakland Bicyclist and Pedestrian Advisory Commission (BPAC). Commission members and members of the public provided comments on the Specific Plan and the Draft EIR at the public hearing held on September 18, 2014.
- 9/24/2014: Oakland-Alameda County Coliseum Authority (JPA). Discussion by the JPA was only in regard the relative merits of the proposed Project, no comment on the Draft EIR were received during this meeting.
- 9/25/2014: Port of Oakland Board of Commissioners. Board Commissioners and Port staff provided verbal comments on the Draft EIR at the public hearing before the Port Board held on September 25, 2014.
- 10/1/2014: City of Oakland Planning Commission. Commissioners and numerous members of the public provided verbal comments on the merits of the Specific Plan and on the Draft EIR at the public hearing before the Planning Commission held on October 1, 2014.

Master Responses to Recurring Comments

This section of the Response to Comments document contains master responses to those comments on the following frequently raised issues:

- **#1: Additional Draft EIR Review Time.** Numerous letters, e-mails and phone calls received by the City during the public review period for the Draft EIR requested an extension of time to comment on the Coliseum City Specific Plan Draft EIR.
- **#2: Planning and Public Outreach Process.** Comments have been received primarily from residents of the surrounding East Oakland community, and from business operators and landowners within the Airport Business Park, commenting that the City's planning process for the Specific Plan and this EIR has not been adequately inclusive of public outreach to understand and address the needs and desires of these stakeholder groups.
- **#3: Specific Plan Merits and Related Non-CEQA Topics.** Many of the comments received in response to the Draft EIR speak to the merits of the Specific Plan. These Plan-related comments include without limitation: affordable housing, the provision of parks and open space, local hiring, urban design, economic viability, parking policy, desired improvements within the East Oakland community, the desirability of new housing on the western side of I-880 near the Airport Business Park, and the status of negotiations with the master development team and sports franchises.
- **#4: Indirect Displacement and Gentrification.** Many comments expressed concern that the Specific Plan will lead an increase in demand for housing in the existing neighborhoods adjacent to the Project Area, especially closest to the BART station, which would indirectly result in displacement of existing residents and business from East Oakland. These same comments state that the Draft EIR does not adequately analyze, disclose and mitigate these effects. As those comments relate to CEQA, they are addressed in the first Master Response.
- **#5: Jobs and Job Types.** Many comments on the Draft EIR and the Specific Plan ask about jobs and the kind of job opportunities that would result from development pursuant to the Project. Comments ask if future jobs in the Project area would be of jobs types suitable for Oakland residents and specifically for East Oakland residents from the surrounding area. These comments generally do not question the accuracy or adequacy of the information presented in the Draft EIR, but instead request additional clarification and detail regarding the jobs and employment growth as presented in the Draft EIR.
- **#6: Edgewater Seasonal Wetland.** Many comments conveyed a variety of concerns related to the proposed development of the Edgewater Seasonal Wetland in Sub-Area B and the proposed creation of a larger marsh in Sub-Area E as mitigation. Commenters discussed the unprecedented nature of this proposed swap, the unlikelihood of either property being transferred, and the inadequacy of the proposed mitigation.

- **#7: Parks.** Several comments stated that the amount and type of new parkland in the Specific Plan would be inadequate for the proposed population growth in the Project Area, and would also fail to address citywide and local shortages of parkland.
- **#8: Sea Level Rise.** Several commenters addressed the topic of sea level rise, the impacts of sea level rise on the Project, and the recommendations presented in the Draft EIR regarding an adaptive approach for addressing sea level rise effects.

Master Response #1: Additional Draft EIR Review Time

During the public review period for the Draft EIR as identified in the Notice of Availability (NOA) for this Draft EIR, the City received numerous letters, e-mails and phone calls requesting an extension of time to comment on the Coliseum City Specific Plan Draft EIR. The Notice of Availability (NOA) for the Draft EIR was released on Friday, August 22, 2014 with the 45-day review and comment period as established by CEQA Guidelines (sections 15105) ending on October 6th.

In response to these numerous requests and in recognition of the length and extent of analysis contained in the Draft EIR, the City Planning Department extended the official comment period an additional 11 days, to October 17, 2014. CEQA Guidelines, section 15105(a) provides that the public review period for a Draft EIR should not be longer than 60 days, except under unusual circumstances. Staff found there to be nothing unusual about the proposed Project or the circumstances of its review. Therefore, with the additional 11 days of public review time, the 56-day public review period for the Draft EIR is close to the maximum suggested by state statute.

Master Response #2: Planning and Public Outreach Process

Numerous comments have been received, primarily from residents of the surrounding East Oakland community, and business operators and landowners within the Airport Business Park, commenting that the City's planning process for the Specific Plan has not been adequately inclusive of public outreach to understand and address the needs and desires of these stakeholder groups.

CEQA Process

The CEQA process for this planning program has included all required notices, public review opportunities, hearings and other outreach efforts, exceeding those mandated by CEQA Guidelines. These efforts have include the following:

April 19, 2013: The City issued the Notice of Preparation of an Environmental Impact Report (NOP);

May 1, 2013: Oakland City Planning Commission EIR Scoping Session, held at Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza;

May 13, 2013: Landmarks Preservation Advisory Board EIR Scoping Session;

August 22, 2014: The Notice of Availability for the Draft EIR was released, with a 56-day extended review and comment period ending on October 17, 2014;

September 8, 2014: Landmarks Preservation Advisory Board, Comments on the Draft EIR

September 10, 2014: Parks and Recreation Advisory Commission hearing on the Draft EIR;

September 17, 2014: Alameda County Airport Land Use Commission hearing on the Draft EIR;

September 18, 2014: Bicyclist and Pedestrian Advisory Commission (BPAC) meeting on the Draft EIR;

September 24, 2014: Oakland-Alameda County Coliseum Authority (JPA) meeting on the Draft EIR;

September 25, 2014: Port of Oakland Board of Commissioners hearing on the Draft EIR; and

October 1, 2014: Oakland City Planning Commission hearing on the Draft EIR.

Non-CEQA Coliseum Area Specific Plan Process

Comments related to the City’s planning process and opportunities for public participation in developing the Specific Plan are not CEQA issues, and any response to these comments is unrelated to the EIR and the City’s environmental review process. However, the following response is provided for public and City decision-makers’ information.

City staff and consultants involved in the planning process for this Specific Plan acknowledge that the Plan and the process by which it has been prepared has been different than many of the other Specific Plans that the City has recently prepared (e.g., West Oakland, Broadway-Valdez, Lake Merritt, etc.). Unlike those other city planning processes, the Coliseum Area Specific Plan is not primarily intended as a community-based economic development strategy seeking to identify community needs and solutions within East Oakland’s neighborhoods and business areas. This is not to suggest that the City is uncaring about these issues, is not actively involved in seeking solutions to these issues in numerous other forums, or that the Specific Plan is not inclusive of planning strategies intended to address many of these issues. Rather, (as stated in the Draft EIR (page 3-15), the Coliseum Area Specific Plan is, “based upon, and intended to accommodate eventual development as envisioned under the Coliseum City Master Plan [as prepared by the City’s ENA development team], and is more generally intended to provide an overall policy and regulatory framework within which future development activity would occur.” As such, the Coliseum Area Specific Plan’s approach has been to:

- Provide a City-supported framework intended to attract and facilitate positive independent business decisions of all three of the City’s current professional sports franchises (the Raiders, the A’s and the Warriors) to remain in Oakland, and to construct new, state-of-the-art venues for their use.
- Establish a vision for acceptable and desirable new future land uses that can be accommodated within the Coliseum District and its immediate surroundings that provide the underlying real estate development value to support the substantial investment required to build these new sports venues, and
- Maintain maximum flexibility for a developer or developers to bring forward actual development proposals that are generally consistent with the mix of land uses and the development potential of the Plan, but supportive of different configurations of sports-entertainment uses and other development.

Outside of the Coliseum District, the Specific Plan seeks to foster new job-based development within the Airport Business Park, specifically a place for the emergence of an expanded science and technology district. The Specific Plan identifies the buildout priority of those areas on the water-side of the freeway as future jobs-based development, with light industrial and logistics uses in support of the science and tech center and supportive of the operating needs of the Oakland International Airport, with the potential for ancillary and associated housing development. The Specific Plan also seeks to establish the area immediately surrounding the Coliseum BART station as a transitional area, connecting the Coliseum District to existing adjacent neighborhoods and building upon the recent construction of housing at the adjacent Lion Creek Crossings development.

The broader community, city-wide and even county-wide benefits associated with this Plan are seen as:

- Retaining the professional sport teams as important elements of Oakland’s community identity,
- Maximizing the economic value for Oakland and Alameda County derived from the new sports facilities;
- Creating a regionally significant Science and Technology District that serves as a catalyst to expand Oakland’s ability to attract new businesses and to participate in the Bay Area’s dynamic ‘innovation economy’;
- Leveraging and enhancing existing transit and transportation infrastructure to create a model transit-oriented development, enabling Oakland to capture a bigger share of regional housing growth, job growth and economic investment;
- Creating a vibrant urban mixed-use district that will generate activated streets, public spaces that provide an enhanced pedestrian experience, site security and high quality development;
- Creating new open space, Bay access, and natural habitat enhancement, providing public educational and Bay accessibility opportunities for Oakland and Bay Area residents; and
- Providing a stabilizing guide for other future development of the Project Area, if one or more of the professional sports teams were to decide to leave Oakland or the Coliseum Area.

With these goals and objectives in mind, the City’s planning process has sought to educate, inform and seek community input into how these goals can best be achieved.

Specific Plan Approval Process

Prior to final consideration of certification of this EIR and approval of the Specific Plan and its associated General Plan amendments and zoning changes, the following additional opportunities for public comment and input are anticipated, with specific dates yet to be determined:

- Publication of the final Coliseum Area Specific Plan, with additions and revisions based on input to date,
- Hearing before the Oakland Zoning Update Committee,
- Hearing before the City of Oakland Planning Commission regarding the Specific Plan, General Plan amendments and zoning changes,
- Publication of the Final EIR, including all responses to comments on the Draft EIR,
- Hearing before the Oakland Landmarks Board,
- Hearing before the Oakland Parks and Recreation Advisory Board,
- Hearing before the Oakland Planning Commission to consider certification of the EIR,
- Hearing before the Oakland City Council Community and Economic Development Committee,
- Hearing before the County Airport Land Use Commission,
- Hearing before the City Council for a first reading of the zoning ordinance revisions, and consideration of adoption of the Specific Plan and related General Plan amendments,
- Hearing before the City Council for consideration of re-certification of the EIR and a second reading of the zoning ordinance revisions.

Following all of these City of Oakland processes, the Plan will also be presented for consideration before the Port Board of Commissioners, the Oakland-Alameda County Coliseum Authority (JPA), and the Alameda County Board of Supervisors.

City of Oakland’s Subsequent Approvals

As indicated in the Draft EIR Project Description (beginning at page 3-73), there are a number of additional City permits and approvals required before development of the Project could proceed. As Lead Agency for the proposed Project, the City of Oakland would be responsible for most of the approvals required for development. A list of required permits and approvals that may be required by the City includes the following.

Coliseum District

- Approval of one General Plan Amendment and one General Plan correction to bring the area on San Leandro Street (between 66th Avenue, 76th Avenue, Coliseum BART station and the Railroad tracks), into the Community Commercial land use designation;
- Approval of new zoning districts (“D-CO-1” through “D-CO-3”) as part of the Oakland Planning Code, and approval of a new zoning map to allow new residential, hotel, sports facilities uses, as well as add open space to the Coliseum District;
- Entering into a Development and Disposition Agreement (DDA) or Lease Development and Disposition Agreement (LDDA) for the transfer of City and/or City and County controlled property, that may include other agreements such as cooperative funding of infrastructure costs, purchase or lease of property, construction of a new Stadium, ballpark or arena, and other developments;
- Approval of a Preliminary Development Plan (PDP) for the Coliseum District;
- Approval of subsequent Final Development Plans (FDPs) for each phase of new development within the Coliseum District;
- Approval of all necessary subsequent Conditional Use Permits (CUPs) for new stadiums, ballparks and arenas, and any new housing within those portions of the Coliseum District;
- Approval of Subdivision Maps or lot line adjustments, as may be necessary to create individual development sites;
- Design Review approvals for all subsequent individual development projects within the Coliseum District, pursuant to Chapter 17.136 of the Oakland Planning Code;
- Approval of a Category IV Creek Protection Permit for exterior development and work conducted within 20 feet from the top of bank of Elmhurst Creek or Damon Slough, and/or a Category III Creek Protection Permit for development and work conducted within 100 feet from the centerline of Elmhurst Creek or Damon Slough, pursuant to Chapter 13.16 of the Oakland Municipal Code;
- Tree removal permits pursuant to the City’s Protected Trees Ordinance (Chapter 12.36 of the Oakland Municipal Code);
- Encroachment permits for work within and close to public rights-of-way (Chapter 12.08 of the Oakland Municipal Code); and
- Demolition permits, grading permits, and building permits.

To the extent provided in the Oakland Municipal Code or Planning Code, these subsequent approvals may include additional opportunities for public participation and/or require public hearings. However, to the extent possible, the City of Oakland intends to rely on this EIR to provide environmental review for subsequent projects or their sites that are analyzed as part of this EIR.

Plan Buildout

A number of additional City approvals would also be required prior to implementation of individual development projects pursuant to the Specific Plan within Sub-Areas B, C, D or E. Among the approvals the City of Oakland would be responsible for include:

- Approval of additional General Plan Amendments, changing the existing designations land use designations to Open Space, Community commercial and Regional Commercial;
- Approval of additional new zoning districts (“D-CO-3” through “D-CO-6”) and approval of a new zoning map with zoning changes;
- Approval of Memorandum of Understanding (MOU) or other similar instrument between the City of Oakland and the Port of Oakland, clarifying the regulatory land use jurisdiction over those properties within the Oakland Airport Business Park, or under Port ownership. Implementation of the Specific Plan within areas currently under the Port’s regulatory jurisdiction will require either the Port’s co-approval of the Specific Plan along with potential commensurate changes to its Land Use and Development Code (LUDC), or for the Port to cede it’s regulatory land use authority for those lands within the Specific Plan to the City of Oakland;
- Potential approval of Preliminary Development Plans (PDP) within the Science and Technology District (Sub-Areas B and C), and approval of subsequent Final Development Plans (FDPs) for each phase of new development within these future PUDs, as may be required;
- Approval of Subdivision Maps or lot line adjustments, as may be necessary to create campus-style development sites; and
- Design Review approvals for subsequent individual development projects pursuant to Chapter 17.136 of the Oakland Planning Code.

To the extent provided in the Oakland Municipal Code or Planning Code, these subsequent approvals may include additional opportunities for public participation and/or require public hearings.

At such time as individual actions as contemplated under the proposed Project are proposed for implementation within Sub-Areas B, C, D and E, the City will consider whether the environmental effects of those actions were fully disclosed, analyzed, and as needed, mitigated within this EIR; whether the action is exempt from CEQA; and/or what further environmental review (if any) is required.

Master Response #3: Specific Plan Merits and Related Non-CEQA Topics

Many of the comments received in response to the Draft EIR speak to the merits of the Specific Plan. These Plan-related comments include without limitation: affordable housing, the provision of parks and open space, local hiring, urban design, economic viability, parking policy, desired improvements within the East Oakland community, the desirability of new housing on the western side of I-880 near the Airport Business Park, and the status of negotiations with the master development team and sports franchises. Recognizing that most of these topics and their respective goals and policies sometimes can

affect the physical environment within the purview of CEQA, appropriate responses to comments addressing those instances are presented in Chapters 4, 5 and 6 of this document.

This Master Response specifically addresses Plan-related comments that raise issues pertaining to Specific Plan design, goals and policies that clearly do not affect the physical environment or pertain to the adequacy of the analysis in the EIR, or that addresses the Specific Plan’s physical impacts on the environment pursuant to CEQA. Primarily, Plan goals and policy concerns are not typically related to the quantifiable, physical environmental issues addressed in the EIR document. These physical environmental issues are objectively assessed against the significance criteria provided by the City of Oakland’s CEQA Thresholds and Criteria of Significance Guidelines. Many of the comments on the Specific Plan’s design, goals and policies address economic and social considerations that the City must consider. Specifically, section 15131(b) of the CEQA Guidelines provides that the economic or social impacts of a project shall be evaluated in an EIR if there is evidence that the economic or social effects of the project will produce significant physical environmental impacts. To the extent that the economic and social effects of the Plan could result in physical changes to the environment, such potential environmental impacts have been identified and fully analyzed in the relevant topical sections of the DEIR.

Each of these Plan-related comments and comments that address topics beyond the purview of the EIR or CEQA is noted in this document for the public record of this process. The City has considered, and in many cases addressed through Plan revisions, these Plan-related comments as it prepared its January 2015 Final Coliseum Area Specific Plan. Moreover, these concerns will be considered by the City decision-makers prior to taking action on the Specific Plan, as Plan goals and policy considerations pertain to discretionary matters that the City must balance in its deliberations of the Project. Additionally, certain Plan-related comments may be specifically addressed further during the City’s discretionary and design review processes, including negotiating a Development and Disposition Agreement (DDA or LDDA) with a developer or developers for individual development projects pursuant to implementation of the Plan.

Master Response #4: Displacement and Gentrification

Many letters and public hearing comments have been received by the City addressing the issues of gentrification, and the potential for direct and indirect displacement of existing residents and small businesses in East Oakland’s neighborhoods that surrounding the Coliseum Area. For purposes of this Response to Comment, the following definitions for these terms are used:¹

- “Direct displacement” is defined as an intentional outcome, at a small or broad scale, of planned changes in land use and the direct redevelopment of existing neighborhoods or business properties. Direct displacement occurs when existing homes and/or business properties are converted to new and different land uses, or when affordable rental properties are converted into less affordable use (i.e., condominiums). New or changed land use regulations that facilitate or enable such changes in land use can be the root cause of direct displacement.
- “Indirect displacement” is defined as the potential outcome of community investment that results in rising property values, benefiting homeowners and property owners but causing serious economic challenges for renters and prospective owners. These challenges may include existing residential

¹ These definitions are the same as those used in the City’s Response to Comments on the West Oakland Specific Plan and EIR.

renters and local small businesses facing higher and unaffordable rents, and potential local homebuyers trying to compete with outside cash investors for single family homes. As a result, housing or business costs may become (more) unaffordable, and existing tenants may be forced by changing economic trends to find more affordable housing or business locations elsewhere, if available.

- “Gentrification” is defined (for the purposes of this Response) as a shift in an urban community toward wealthier residents and/or businesses and increasing property values, sometimes at the expense of the poorer residents of the community. It is often associated with increases in educational attainment and household incomes, as well as an appreciation in housing prices. It is also often associated, but not directly linked to an overall change in the racial or ethnic makeup of a community. Gentrification does not necessarily include any level of displacement that may be triggered in the process.

CEQA Considerations Related to Displacement

Direct Displacement

Population and Housing

Pursuant to CEQA Guidelines, the Draft EIR analyzes the issue of direct displacement associated with implementation of the Coliseum Area Specific Plan (see DEIR beginning at page 4.11-27). The issues addressed in the Draft EIR include whether the Specific Plan would result in directly displacing substantial numbers of housing units and necessitating construction of replacement housing elsewhere in excess of that contained in the City’s Housing Element. The DEIR’s conclusions are that:

- The Coliseum District and the rest of the Project Area do not include any existing housing units. Therefore, development under the proposed Project would not require the demolition of any housing units in the Project Area.
- The Coliseum District and the rest of the Project Area do not include any residential population. Therefore, development under the proposed Project would not displace any people residing in the Project Area.

Employment

The Draft EIR also assesses whether the Specific Plan would result in direct displacement of substantial numbers of people necessitating the construction of replacement housing or employment elsewhere in excess of that contained in the City’s General Plan. The Draft EIR (page 4.11-28) concludes that;

“ . . . proposed development would replace [certain] light industrial and commercial buildings/facilities, requiring those business activities to find new locations for their business operations. Based on the full development scenario, demolitions of existing building space and the displacement of businesses and jobs would occur in locations along San Leandro Street and along Hegenberger Road in Sub-Area A. Anticipated new development would require removal of about 148,600 square feet of primarily industrial/light industrial building space in areas along San Leandro Street, between that street and the railroad, from approximately 66th to 75th Avenues. Business activities in that area include storage, warehouse, truck and auto repair, auto supply, truck transport, other industrial/light industrial uses, and a small restaurant. Business activities are estimated to employ of about 240 people. Anticipated new development would also require removal of about 126,200 square feet of primarily commercial space along the north side of Hegenberger

Road. Business activities in that area include office uses, a restaurant, a church, and a truck center, and are estimated to support about 320 jobs. As some of these parcels along San Leandro Street and Hegenberger Road are privately owned, relocation of these businesses will rely on private negotiations between the ultimate developer of the Coliseum District and the land owners.

Possible relocation implications can be generally described for businesses that rent/lease space and those that own their properties, and for situations where a public agency may acquire properties for development. The relocation issues for businesses that rent/lease space would likely focus on locating comparable space at comparable rents, and costs of relocation which can include expenses associated with searching for a new location, moving costs, and costs associated with getting re-established at a new location. Such costs can be particularly difficult for small businesses.

Businesses that own their properties would attempt to address relocation in the process of selling their properties. The objective for owners would be to try and obtain a sales price for their existing property that would cover the costs of a replacement property and improvements as well as the costs of moving and becoming re-established at a new location. The most difficulty for owner-occupants is likely to be finding another property of comparable size and location that is available for purchase. There could be adverse economic implications of relocation for some businesses and business owners, and there could be financial benefits in other cases, depending largely on sales prices for existing properties and ability to find comparable new business facilities and locations.”

Ultimately the displacement of existing businesses and jobs from the Coliseum District and the rest of the Project Area would not necessitate construction of replacement facilities in excess of that anticipated in the City’s General Plan.

Conclusions

The Coliseum Area Specific Plan does not have any policies, strategies or recommendations that would result in direct displacement of existing residents. No housing is proposed to be removed or changed, and no shift in land use plans or policies pertaining to East Oakland’s existing residential neighborhoods is recommended.

The Coliseum Area Specific Plan does have land use plans that would result in displacement of certain existing businesses. For those owner-occupied businesses, relocation will rely on private negotiations between future developers and the land/business owners. Relocation concerns for businesses that rent or lease space will likely focus on locating comparable space at comparable rents, costs of relocation, and costs associated with getting re-established at a new location.

Indirect Displacement

The Draft EIR (page 4.11-34) indicates that new development as envisioned by the Project, “could support other growth in economic activity, jobs and housing in surrounding East Oakland neighborhoods and elsewhere in Oakland.” Specifically, the Draft EIR notes that development and growth in the Project Area would, “enhance potentials for additional housing development in surrounding areas designated for residential development, in parts of the Coliseum BART Station PDA that are outside of the Project Area, including neighborhood areas to the east of the BART station and along the International Boulevard TOD corridor.” These areas, where the Project may induce additional growth and development, are already anticipated under the City’s General Plan to absorb new housing growth, and would not induce substantial population growth in a manner not already anticipated by the General Plan, either directly or indirectly (DEIR, page 4.11-34).

Comments Regarding Indirect Displacement

Comments on the Draft EIR suggest that the Project would induce, or indirectly cause economic and housing changes that are not anticipated within the City's General Plan and that are not addressed in the Draft EIR. Comments suggest that these changes are those that result from increased investment within the Coliseum project and that would cause a rise in property values in the surrounding area, suggesting that increased property values would result in increased prices for home sales, could motivate landlords to increase rents or evict existing tenants, and could motivate building owners to convert apartments to condominiums. These types of economic changes could have the effect of displacing existing residents, particularly residents with lower incomes who may already have trouble affording rent payments, and causing them to move to other less expensive communities.

Certain commenters (Communities for a Better Environment and Public Advocates) have suggested that the Project will cause or contribute to these effects, and that the EIR should model the effects of displacement. This would include identifying likely trends, areas likely to face economic pressures, the number of households likely to be affected, and the communities expected to absorb displaced households. The EIR should then analyze the environmental impacts associated with the resulting housing construction in the less expensive communities to accommodate displaced residents, the environmental consequences associated with increased commute distances, and the adverse health effects on displaced residents resulting from such a move. These comments cite CEQA court cases, such as *El Dorado Union v. City of Placerville* (where the effects of increased school enrollment and overcrowding could lead to construction of new facilities), and *Bakersfield Citizens for Local Control v. City of Bakersfield* (where the effects of construction of a new shopping center could drive local retailers out of business and result in urban decay and blight) as examples of how the courts have compelled such analyses.

Response to CEQA Considerations

CEQA Guidelines clearly define the parameters under which consideration of socio-economic impacts is to be included in an EIR. Section 15131(a) of the Guidelines states that; “. . . economic or social effects of a project shall not be treated as significant effects on the environment.” Changes in population and demographics are generally characterized for CEQA purposes as social and economic effects, not physical effects on the environment, and not a part of the City's CEQA considerations.

This section of the CEQA Guidelines continues, providing that, “An EIR may trace a chain of cause and effect from a proposed decision on a project, through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. The focus of such analysis shall be on the physical changes.”

Different from either the *El Dorado* or the *Bakersfield* court cases, an effort to trace the chain of cause (i.e., economic development of the Coliseum site) to the potential effect of residential and local business dislocation would be far too complex, with far too many variables, and relying on far too many speculative assumptions. It is well documented that economic, demographic and housing changes are already taking place throughout Oakland, especially in lower income neighborhoods such as those in East Oakland that surround the Coliseum area:

- Significant demographic changes are occurring throughout the City. According to the US Census, Oakland’s population in 2000 was approximately 399,500 people, dropped to approximately 390,700 people by 2010,² and then increased again to over 400,000 people by 2014.³
- There continues to be a significant exodus of African American population from the City. Between 2000 and 2010, the White population of Oakland increased by nearly 7,500 people, the Asian population increased by approximately 5,000 people, and the Hispanic population increased by nearly 12,000 people, whereas Oakland’s Black or African American population decreased by nearly 33,000 people.⁴
- Oakland population continues to become more diverse. Oakland’s African American population represented approximately 35% of the City total in 2000, and in 2010 represented 27% of the City’s population. Whites (who had represented approximately 23% of Oakland’s population in 2000) now represent approximately 26% of the population, Hispanics (who had represented approximately 22% of Oakland’s population in 2000) represent approximately 25%, and Asians (who had represented approximately 15% of Oakland’s population in 2000) now account for nearly 17% of the population.⁵
- Household economics of Oakland residents are also changing. The median household income of \$40,055 in 2000 has increased to \$49,721 in 2010, the median family income of \$44,384 in 2000 has increase to \$56,926, and per capita income of \$21,936 in 2000 has increased to \$30,671 in 2010. During this same time, the percentage of Oakland residents living in poverty remained relatively stable, at approximately 19%.⁶ This data indicates that while average household incomes are increasing, not all households are receiving the benefits of this increase.
- Oakland faces a severe and worsening foreclosure crisis. As of September 2009, the volume of notices of defaults continues to rise in Oakland, topping over 10,000 since 2006. The foreclosure crisis is disproportionately affecting Oakland’s flatlands neighborhoods and residents. Maps produced by the Urban Strategies Council indicate that defaults, trustee sales and bank-owned properties are all highly concentrated in City Council Districts 3, 6 and 7 (with the Coliseum Specific Plan Area located in District 7 and immediately adjacent to District 6).⁷
- “San Franciscans are fleeing rent prices in that city and heading to Oakland and its comparatively less expensive rents. San Francisco’s average rental rate for a one-bedroom apartment is \$2,825, while Oakland’s is just over \$1,500.”⁸
- Oakland is the 11th least affordable city in the United States. Residents spend, on average, 36% percent of their paycheck on rent.⁹

² State of California, Department of Finance, E-4 Population Estimates for Cities, Counties, and the State, 2001-2010, with 2000 & 2010 Census Counts. Sacramento, California, November 2012

³ Data Prepared by the Demographic Research Unit, California Department of Finance , May 2014

⁴ Census data, accessed at: <http://www.bayareacensus.ca.gov/cities/Oakland.htm>

⁵ Ibid

⁶ Ibid

⁷ Urban Strategies Council, accessed at: <http://www.urbanstrategies.org/foreclosure/>

⁸ Apartment List, Rent-onomics Data Report, April 2014

⁹ Apartment List, as reported in SF Weekly, <http://www.sfweekly.com/thesnitch/2014/04/17/confirmed-again-san-francisco-rent-is-too-damn-high-and-oakland-isnt-much-cheaper>

Isolating the potential indirect population displacement resulting from any one individual development project, even a development as large as the Coliseum City project, from these over-arching economic and demographic trends is not reasonable or feasible. Furthermore, it would be far too speculative to assess the potential secondary physical impacts (such as increased commute distances and associated increases in emissions of air pollutants, GHG emissions and traffic congestion) that might result from such indirect displacement, even if the magnitude of potential displacement could be assessed. The realization of such potential secondary physical impacts, if they were to occur, would be fully dependent upon individual decisions made by residents and businesses that may suffer from indirect displacement regarding where they may choose to live and work. Quantifying these secondary effects would be overly reliant on assumptions made without data, and too speculative to reasonably be addressed under CEQA.

The Draft EIR does not address the effects of the Coliseum Area Specific Plan on the potential for increased gentrification, a change that is measured under social and economic demographic criteria, only.

Response to Non-CEQA Considerations Related to Gentrification, Displacement and Affordable Housing

Gentrification and indirect displacement that does not have environmental effects that can reasonably be evaluated are not considered part of the permanent physical environment, and thus are not environmental issues requiring analysis under CEQA and, as a result, the City does not have thresholds of significance related to these issues. However, the following summary of comments and this master response is provided for informational purposes in an effort to provide the public and City decision-makers with relevant information on this topic. By providing this information in this Final EIR, the City of Oakland has not determined that gentrification and indirect displacement are now CEQA-threshold issues to be included in other City CEQA documents.

The extent to which the Coliseum City project may interact with and affect on-going demographic and economic trends within the City of Oakland will depend, to a large extent, on whether existing residents and businesses are able to participate in, and benefit from the project's new economic activity. As recognized in comments from Public Advocates, the City of Oakland has, "a strong record of promoting affordable housing, tenant protections and career paths for local residents." The extent to which the Project can support and expand upon these City-sponsored and equity-based programs will depend, in large measure, on two future conditions related specifically to the Project:

- The extent to which the City is able to effectively negotiate terms of a Disposition and Development Agreement (DDA) with a prospective developer or developers of the Coliseum City project, including establishment of a community benefits program that addresses economic equities between the Project developers and the community, and
- The extent to which future taxes, fees and other revenue derived from economic development activities at the Coliseum are reinvested by the City back into the local community.

Comments regarding housing affordability do not address the Specific Plan's physical impact on the environment nor other aspects pertinent to the potential effects of the Specific Plan on the environment, and thus are beyond the purview of the EIR. While not a CEQA issue, affordable housing is a policy issue that is addressed in the Specific Plan, and the provision of affordable housing choices is a concern and goal for the City of Oakland that must be addressed comprehensively, on a citywide basis.

City Reinvestment of Taxes and Other Project-Generated Revenues

Affordable Housing

Due to declining federal assistance to support new affordable housing construction, the recent statewide dissolution of California’s Redevelopment Agencies (including the Oakland Redevelopment Agency) and a still-recovering City revenue projection, a creative menu of strategies is needed to provide additional affordable housing to accommodate the City’s projected population growth and maintain a balanced mix of incomes in the area. Several existing City and other non-profit programs provide various forms of effective (though limited by reduced funding availability) assistance. These programs could be further subsidized through the City’s reinvestment of taxes and other revenue derived from the Coliseum development back into the local community. City programs which could benefit from revenues derived from the Coliseum Area development projects include:

- **City of Oakland Housing Programs:** These housing programs support and fund housing rehabilitation, provide assistance to first time home buyers, help fund housing development, and provide other miscellaneous housing services for low- and moderate-income households. Although these housing programs no longer have access to the former Redevelopment Agency’s locally-generated redevelopment funds, the City does receive funding support from federal HOME funds and Community Development Block Grant funds.
- **First Time Homebuyer Assistance:** The City is engaged in a variety of efforts to provide opportunities for first-time homebuyers to purchase homes. The City’s Mortgage Assistance Programs provides deferred payment second mortgages to low and very low income homebuyers. The City develops new and rehabilitates existing housing units for purchase at affordable prices to low income families through collaboration with non-profits such as Habitat for Humanity, Oakland Community Land Trust, and East Bay Asian Local Development Corporation (EBALDC). Other programs provided by the City and by organizations, such as the Unity Council, with whom the City has developed partnerships include counseling and education for first-time homebuyers.
- **Tenant Protections:** Several tenant protection ordinances currently exist in Oakland that includes Rent Adjustment and Just Cause for Eviction. These ordinance largely benefit current tenants, and eligible residents regardless of income levels, but do not guarantee that rents will be affordable to the households currently living in the units.
- **Residential Lending Programs:** One key component of equitable housing development and prevention of displacement of existing Oakland residents are programs to improve existing smaller residential buildings, particularly those owned by low to moderate income households, and/or seniors. The Residential Lending Division of the City’s Department of Housing provides technical and financial assistance for repairs to owner-occupied homes and grants for accessibility modifications to 1-4 unit owner-occupied and rental properties.
- **Affordable Housing Development Programs:** Under these programs, City staff works with for-profit and non-profit developers to revitalize neighborhoods and increase housing opportunities through new construction, substantial rehabilitation and preservation of rental and ownership housing for very low-, low- and moderate income households. Staff implements the City’s annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects and monitors the City’s portfolio, including 18 developments and 1,437 units in West Oakland, to ensure proper management and maintenance and compliance with rent and income limits.

- **Oakland Community Land Trust (OakCLT):** The mission of OakCLT is to help provide permanently affordable homes and to stave off blight in Oakland’s neighborhoods. The Oakland Community Land Trust (OakCLT) was established through the joint efforts of Urban Strategies Council and other community partners to acquire and rehabilitate vacant, foreclosed homes and then sell the renovated homes to new homebuyers at a price affordable to working families earning 50 to 80% of the area’s median income.
- **Jobs/Housing Impact Fee.** The City of Oakland has an established Jobs/Housing Impact Fee, whereby applicants for office development projects and/or warehouse/distribution development projects must pay an impact fee based on the size of the project, or must provide housing production mitigation measures in lieu of the impact fee, as a condition of approval of building permits. The purpose of the fee is to eliminate, mitigate or reduce to an acceptable level, the increased demand for affordable housing which is anticipated to be generated by or attributable to such development projects.
- **Affordable Housing Fee Program:** The City of Oakland just recently initiated preparation of a required Nexus Study to consider adoption of a City-wide affordable housing fee, which would be applied to all new development within the City. The outcome of an affordable housing fee is unknown at this time.

Local Workforce

Similar to affordable housing programs, the City’s Department of Economic and Workforce Development (EWD) manages several programs intended to facilitate workforce development and job training. These programs could be further subsidized through the City’s reinvestment of taxes and other revenue derived from the Coliseum development back into the local community. Department of Economic and Workforce Development programs that could benefit from revenues derived from the Coliseum Area development projects include:

- **Workforce Investment Board:** As mandated by the Workforce Investment Act of 1998, the Oakland Workforce Investment Board (OWIB) oversees federally-funded employment and training programs and services in Oakland. These programs and services help job seekers gain employment and connect businesses with a qualified workforce. The OWIB also coordinates with other groups and agencies also involved in job training efforts, including the Oakland Unified School District’s Office of Workforce and Economic Development (which conducts extensive outreach to employers in Oakland to offer resources, training or work-based learning opportunities to students, including Career Pathway programs provided across all OUSD high schools); the various programs of Oakland’s community colleges (including collaboration on competitive grants to strengthen the connection between employer needs and training, as well as promoting the alignment of workforce development and community college resources); the efforts of local labor unions (in training, matching and retaining employees, helping build the youth pipeline to employment through pre-apprenticeship programs, and promotes policies and labor agreements that provide wages and benefits that create self-sufficiency and job security); and On-the-Job Training programs to assist employers with the cost of hiring and training new employees.
- **Business Assistance Center:** The Oakland Business Assistance Center is a one-stop information and referral center for businesses, offering help to business owners in navigating the City government and providing referrals to local organizations, county, and state agencies, and other resources to start, operate, and grow businesses in Oakland.

- **Business Development:** EWD has an experienced staff of industry specialists to assist business owners with challenges to their business growth. Oakland’s Business Development Officers creatively address business clients’ concerns and issues by connecting businesses to locations and new opportunities, helping businesses participate in City incentive programs, reaching out to Oakland business-community resources, and facilitating discussions with City officials.
- **One-Stop Careers Centers:** One-Stop Careers Centers provide free services such as access to local, regional and national job listings; contacts with local employers who are seeking workers; tools to help assess interests, aptitudes, skills and values; seminars to help improve qualifications and job search skills; assistance in preparing strong and effective resumes; connections to Bay Area organizations for further training and education; job and career coaching; and up-to-date information on jobs, careers, companies and the labor market. There are five, One-Stop network centers in Oakland.
- **West Oakland Job Resource Center:** Sponsored by the City of Oakland and California Capital Investment Group, the West Oakland Job Resource Center is a place to learn about careers in the building and construction trades, specifically seeking to recruit individuals interested in construction trades apprenticeship programs and employment opportunities with the City of Oakland, Port of Oakland, Oakland Army Base project, and other construction opportunities as they arise.

Disposition and Development Agreement

As indicated in the Implementation and Administration chapter of Coliseum Area Specific Plan (page 137), it is anticipated that the City of Oakland and the County of Alameda (which jointly own and control the Oakland Coliseum, Arena and underlying property and governed by the Coliseum Authority) will seek to enter into a Disposition and Development Agreement (DDA) or a Lease Disposition and Development Agreement (LDDA) with a developer or developers within the Coliseum Area. The purpose of such a DDA or LDDA would provide for the transfer of City and/or City and County controlled property, and may include other agreements such as cooperative funding of infrastructure costs, purchase or lease of property, construction of a new Stadium, ballpark or arena, and other developments. Among these other items is an anticipated community benefits program, whereby the development would commit to certain equity-based efforts to address economic benefits (potentially including affordable housing and job creation opportunities) that are to accrue to the surrounding community.

Master Response #5: Non-CEQA Response Re: Jobs and Job Types

Many comments received by the City request additional information about jobs and the kind of job opportunities that would result from development pursuant to the Project. Comments ask if future jobs in the Project area would be of jobs types suitable for Oakland residents, and specifically for East Oakland residents from the surrounding area. These comments do not question the accuracy or adequacy of the information presented in the Draft EIR, but instead request additional clarification and detail regarding the jobs and employment growth as presented in the Draft EIR. The Draft EIR analyzes potential impacts regarding population, housing and employment using established City thresholds, and concludes that there would be no significant effects.

Since these comments do not raise a CEQA issue, this response is provided for public and City decision-maker information purposes only, and serves to clarify and amplify upon information already provided in Chapter 3 (Project Description) and Chapter 4.11 (Population, Housing and Employment) of the Draft EIR. No new information which may raise a new significant environmental impact, or increase the

severity of an impact previously identified in the Draft EIR would result from more detailed description of jobs and job types anticipated to be generated by the Project.

Draft EIR Context regarding Jobs

Chapter 3 of the Draft EIR (the Project Descriptions) presents a total projection of jobs resulting from buildout of the Project. Specifically, Table 3-12 of the Draft EIR (see page 3-63) indicates that there are currently approximately 2,920 existing jobs within the Coliseum District, and that at buildout of the Coliseum District the number of jobs are projected to increase to 9,870, or an increase of approximately 6,950 jobs. Further, Table 3-15 of the Draft EIR (see page 3-71) indicates that there are currently approximately 11,015 existing jobs within the entire Project area (including Sub-Areas B, C, D and E), and that at Project Buildout the number of jobs are projected to increase to 31,985, or an increase of approximately 20,970 jobs. The Population, Housing, and Employment chapter of the Draft EIR (Chapter 4.11) presents a more detailed analysis of potential job growth in the Project Area. Specifically, Table 4.11-9 (on page 4.11-17 of the Draft EIR) presents employment growth potential by Sub-Areas, and Table 4.11-10 (on page 4.11-20) presents employment growth potentials by land use and business activity.

Supplemental Jobs Information

Revisions and additions to the Draft EIR's Chapter 4.11: Population, Housing and Employment are presented in Chapter 7 of this Final EIR. This additional information specifically addresses comments regarding the types of jobs represented in this analysis, and identifies the potential for these jobs to be accessible to Oakland residents. The information presented in additions to the Draft EIR's Chapter 4.11: as included in Chapter 7 of this Final EIR converts the employment estimates from the Draft EIR to estimates of employment by occupation, based on the industries for the Project Area's business activities, and data from the California Employment Development Department (EDD).¹⁰ The occupation categories are useful for identifying the types of jobs anticipated in the Project Area, and the education/training levels and median wages that are typical for different occupations in Oakland and the East Bay.¹¹

As demonstrated in the additional information presented in Chapter 7 of this FEIR, employment in the Project Area would increase substantially over time, and would provide greater job opportunities for workers with a broad range of skills, experience, and education. The employment opportunities would be of benefit to residents of surrounding areas of East Oakland. They also would be of benefit to Oakland residents throughout the City. Overall, the large number of jobs anticipated in the Project Area (32,000 jobs) and the large growth of jobs under the Specific Plan (+21,000 jobs) would result in more employment of Oakland residents and less unemployment in Oakland over what would occur without the development envisioned under the Plan. The numbers of jobs are significant and represent 25

¹⁰ The industries for existing business activities in the Project Area were derived from U.S. Department of Commerce Census Bureau data. The industries for future business activities were estimated by Hausrath Economics Group based on the business activities existing in, and proposed for the Project Area under the Specific Plan. The data for occupations by industry are from the CA Employment Development Department Labor Market Division, California Industry-Occupation Matrix 2010-2020. In addition, special, local information was available for the types of jobs in the sports facilities and existing Coliseum complex.

¹¹ The employment described herein is permanent employment in the Project Area, currently and in the future under build-out of development envisioned under the Specific Plan. The employment associated with construction activity for infrastructure improvements and new development in the Project Area is not included in the employment described in this section. The construction period jobs would be in addition to the employment described herein.

percent of citywide employment growth over the next 30 years as targeted for Oakland by the regional projections.

Development of new sports facilities that retain the sports teams in Oakland would retain up to 2,400 jobs in the Project Area that would be lost without the new development. The large majority of those jobs (85 percent) are in entry-level occupations, and many pay higher than median wages for their occupations overall because they are unionized positions. Many of those jobs are held by Oakland residents, some of whom testified at the Planning Commission in favor of retaining these jobs.

The broad range of employment opportunities anticipated under the Specific Plan would provide employment options for a wide range of Oakland residents with different skills, experience, and education.

- The majority of jobs in the Project Area (56 percent, or about 18,000 of the total estimated 32,000 jobs), are anticipated to employ workers in entry-level, mid-level, and “blue collar” occupations. Many of these jobs provide on-the-job training and offer advancement opportunities for workers. Employment in these occupations is anticipated to increase by over 10,000 jobs under the Specific Plan. Oakland residents will benefit from a share of those jobs.
- A large share of the jobs in the Project Area (44 percent, or about 14,000 of 32,000 jobs) are anticipated to employ workers in management, business and financial operations, and professional, technical, and scientific occupations. Jobs in these occupations typically employ workers with higher education. They include jobs for experienced workers and jobs for workers beginning their careers and developing their expertise through work experience. The creation of a new science and technology district would expand job opportunities for workers in professional, technical, and scientific occupations that would not otherwise exist in Oakland without the development envisioned under the Specific Plan. Employment in occupations in this group is anticipated to increase by nearly 11,000 jobs under the Specific Plan. Oakland residents will benefit from a share of those jobs.
- The broader the mix of types of jobs in the Project Area as well as the greater the number of jobs, the more opportunities there would be for Oakland residents to work in Oakland. There also would be less need for residents to seek employment in other parts of the Bay Area, reducing the need to commute to and from jobs outside the City. In this regard, there would be benefits for Oakland residents, both unemployed residents and residents employed outside of Oakland, to find employment locally and reduce commute times and costs.

Master Response #6: Impacts and Mitigation Measures Related to the Edgewater Freshwater Marsh

Several commenters (in particular the San Francisco Bay Regional Water Quality Control Board [RWQCB] and Citizens’ Committee to Complete the Refuge) have criticized the Draft as lacking adequate discussion of impacts and mitigation measures that could support issuance of necessary subsequent permits for the proposed Project, specifically related to the proposed fill of the Edgewater Seasonal Wetland. These comments suggest that, since mitigation measures to address this impact are conceptual and not presented in detail, the Draft EIR should be revised and recirculated.

General Response:

As noted in the Introduction chapter of the Draft EIR (page 1-3); *“The degree of specificity in an EIR corresponds to the degree of specificity in the underlying activity described in the EIR (CEQA Guidelines Section 15168)*

The Draft EIR’s Project Description (page 3-34) specifically indicates that; *“this EIR provides a comparably detailed and specific environmental analysis of the Master Plan’s development program for [the Coliseum District]”,* and (on page 3-63) that; *“the development program analyzed in this EIR for future buildout of those portions of the Specific Plan Area outside of the Coliseum District . . . is commensurate with the level of detail currently available.”* The structure for each of the analytical chapters of the Draft EIR follows this principle, generally that more detailed and project-specific analysis is conducted for the Coliseum District, and that less detailed and more programmatic analysis is conducted for Buildout, corresponding to the degree of specificity of underlying Project Description.

Specific to the issues of the Edgewater Seasonal Wetland, the wetland is located within the Plan’s Sub-Area B for which future development is defined pursuant to Buildout, and analyzed in the Draft EIR at a lesser level of detail than the analysis of the Coliseum District. Accordingly, the Draft EIR analysis (starting on page 4.3-51 and 4.3-61) provides a more programmatic assessment of the impacts associated with removal of this wetland mitigation site as a site for new waterfront residential use, and provides programmatic mitigation for habitat loss through creation of replacement freshwater seasonal wetland in Sub-Area E, at a replacement ratio of 2:1. At this programmatic level, the Draft EIR indicates that this mitigation strategy could:

- increase the total acreage of contiguous breeding and wintering habitat along the eastern shoreline of San Leandro Bay; and
- have a stronger hydrologic connection to the Bay than does the existing Edgewater Seasonal Wetland, such that the replacement habitat could have tidal influences and be restored as a tidal coastal salt marsh, thereby providing additional habitat benefit for Ridgway rail (formally California clapper rail) and increase habitat for the endangered salt marsh harvest mouse.

The City believes that implementation of the Draft EIR’s programmatic mitigation strategy (including preparation and implementation of a Seasonal Wetland Restoration Plan, pursuant to Mitigation Measure Bio 1B-2) could result in substantial environmental benefits, and that such benefits could mitigate for the adverse consequences of filling in the Edgewater Seasonal Wetland. The City also recognizes (as stated in the Draft EIR, page 4.3-56) that implementation of this mitigation strategy is subject to *“numerous subsequent permitting and regulatory requirements of regional, state and federal agencies”,* and is *“dependent upon the [future] details of the project elements . . . and the requirements and conditions of the responsible regulatory agencies . . .”* Because the City cannot implement many of the requirements of Mitigation Measure Bio 1B-2 (e.g., the City does not own the land, cannot and would not seek to compel the land owner – EBRPD - to consider participation in implementation of this mitigation measure unless they were a willing party, is not a signatory to the grant deed and its requirements and restrictions over the property and thus cannot effect any changes necessary to implement a land exchange, and does not have ultimate permit authority), the Draft EIR concludes that any future development of the Edgewater Seasonal Wetland site would be significant and unavoidable.

As recognized in the Draft EIR (page 1-8), *“In some cases, the formulation of site-specific issues will not be known until subsequent design occurs, leading to the preparation of later, project-level environmental documentation. . . . At such time as individual actions . . . contemplated under the proposed Project are proposed for implementation, the City will consider whether the action’s environmental effects were fully disclosed, analyzed, and as needed, mitigated within this EIR; . . . whether the action warrants*

preparation of a subsequent or supplemental environmental document; or whether the action warrants preparation of focused environmental review limited to certain site-specific issues.”

Specific to the proposed fill and development of the Edgewater Seasonal Wetland, the City agrees that preparation of more detailed and subsequent project-level environmental documentation will be necessary to fully address the fill of these wetlands and the relative value of the replacement habitat required pursuant to Mitigation Measure Bio 1B-2. That more detailed and subsequent environmental documentation can only occur at such time as more details are made available pursuant to an actual development proposal. Until such time as the City may receive such a development proposal, the more programmatic or conceptual analysis presented in the Draft EIR is appropriate, and there are no more details that the City can make available now (in a recirculated Draft EIR, or otherwise), that would provide greater clarity or certainty on this topic.

Efficacy of the Seasonal Wetland Restoration Plan (Mitigation Measure Bio 1B-2)

As indicated in the Draft EIR (page 4.3-9) the Edgewater Seasonal Wetlands is a designated mitigation site for the Oakland Airport Runway 11-29 Rehabilitation Project. It was a joint project between the Port of Oakland, EBRPD, Golden Gate Audubon Society, San Francisco Bay Conservation and Development Commission (BCDC), Save the Bay, the U.S. Army Corps of Engineers (USACE), URS Corporation, the City of Oakland, the RWQCB, and the Federal Aviation Administration. The mitigation included creating and enhancing wetland features on the site, and construction of the mitigation site was completed in April 2004. Over 7,000 native plants were planted at the mitigation site to create nesting and foraging habitat for wildlife. The Port of Oakland undertook design, restoration and monitoring of the site for five years. The project was approved by USACE, RWQCB, and BCDC and involved community support and involvement from the Golden Gate Audubon Society, Save the Bay, Sierra Club, and Citizens for Alameda’s Last Marshlands. The Edgewater Seasonal Wetlands is also adjacent to, but not hydrologically connected to the Martin Luther King Jr. Regional Shoreline, a previous restoration effort that restored tidal flow to 71 acres of tidal and seasonal wetlands that had been previously filled. In 2012, the Port of Oakland transferred the property underlying the Edgewater Seasonal Wetland to the EBRPD for long-term management.

As noted on the Draft EIR (see pages 3-9, 4.3-9, 5-85 and elsewhere), Edgewater Seasonal Wetlands is owned and managed by the EBRPD. Any proposal to fill and develop this wetland site would be subject to acquisition of the site from EBRPD (if willing) in exchange for a larger and environmentally beneficial replacement site, securing a replacement freshwater seasonal wetland site that is large enough to achieve a replacement ratio of 2:1 (presumably a site within Sub-Area E), as well as approvals by numerous other regulatory agencies. At this point, no formal discussions with EBRPD or with EBMUD (which owns large portions of a potential mitigation site property in Sub-Area E) have been initiated, and no formal consultation with any of the responsible regulatory agencies have begun.

Site Acquisition

The City of Oakland recognizes that it cannot compel (and would not seek to compel) EBRPD to enter into any negotiations or discussions regarding the sale or exchange of ownership of the Edgewater Seasonal Wetland site. The only likely reason EBRPD may be interested in such a proposal is if they, along with their partner regulatory agencies (e.g., US Army Corps, RWQCB and BCDC) and non-profit organizations (e.g., Golden Gate Audubon Society, Save the Bay, Sierra Club, and Citizens for Alameda’s Last Marshlands) see potential for greater environmental benefits resulting from implementation of the Seasonal Wetland Restoration Plan as recommended in Mitigation Measure Bio 1B-2. These potential environmental benefits (as listed on pages 4.3-62 and 5-85 of the Draft EIR) include:

- improving local water quality by removing pavement and increasing the infiltration capacity of the mitigation site in Sub-Area E,
- providing larger acreage of migratory bird habitat with similar, if not better proximity to a larger area of high quality habitat within Arrowhead Marsh;
- increasing the total acreage of contiguous, non-fragmented breeding and wintering migratory bird habitat along the eastern shoreline of San Leandro Bay; and potentially
- creating a hydrologic connection of the replacement habitat site to the Bay, such that tidal influences could allow for its restoration as a salt marsh and thereby also benefit federally endangered Ridgway rail and salt marsh harvest mouse.

Even if EBRPD were to find the potential environmental benefits associated with greater acreage of replacement habitat compelling, there are additional factors associated with consideration of exchanging the current Edgewater Seasonal Wetlands site for the replacement habitat site. Both the Port of Oakland and EBRPD signed grant deeds that transferred the Edgewater Seasonal Wetlands property ownership to EBRPD, and these grant deeds include the provision that the “Damon Slough property” (now known as the Edgewater Seasonal Wetlands), are to be “maintained in perpetuity for wildlife habitat preservation; resource enhancement; wetland preservation, creation and enhancement; and public access.”¹² Furthermore, the EBRPD has submitted to the US Army Corps a written commitment to maintain the Damon Slough site as a protected wetlands area in perpetuity.¹³ Section 5540.5 of the Public Resources Code does provide that the EBRPD Board may, “by unanimous vote, exchange up to 10 acres per year of dedicated land under specified circumstances.”¹⁴ Such an exchange would also likely require approval by the Port Board (as co-signatures to the original transfer) and potentially approval by other regulatory agencies holding EBRPD commitments for maintaining the property in perpetuity. If the EBRPD, the Port of Oakland, and potentially other regulatory agencies are all not in agreement with any potential future exchange proposal that may come forward, the Edgewater Seasonal Wetland site could not be developed.

Replacement Habitat Acquisition and Exchange

Any such land exchange is dependent upon securing an appropriate replacement freshwater seasonal wetland site, presumably within Sub-Area E. While the City of Oakland owns some lands within Sub-Area E that could potentially be made available for such an exchange, it does not own enough land to fully achieve the 2:1 replacement ratio. The other major landowner in Sub-Area E is EBMUD. In EBMUD’s comment letter on the Draft EIR, they have indicated that they have plans to use their property for materials storage, in particular the storage of soil and construction materials associated with trenching and maintenance of their pipeline systems. Acquisition of EBMUD properties that may be necessary to achieve the 2:1 replacement ratio would likely include acceptance of financial compensation for the value of the land, plus resolution of an alternative location for their materials storage needs and corporation yard expansion. If EBMUD was not in agreement with the terms of any potential site acquisition proposal that may come forward, there may not be enough suitable acreage available to

¹² Property Transfer and Acceptance Agreement by and between the Port of Oakland and EBRPD, July 19, 2012

¹³ Ibid, Exhibit C

¹⁴ EBRPD *Master Plan 2013*, page 86, accessed at:
http://www.ebparks.org/Assets/Nav_Categories/Park_Planning/Master+Plan/Master+Plan+2013+Final+-+Web.pdf

offer as a replacement site, implementation of Mitigation Measure Bio 1B-2 may not be feasible, and the Edgewater Seasonal Wetland site would not be developed.

Furthermore, there has been a substantial financial investment made into the restoration and maintenance of Edgewater Seasonal Wetlands. This financial investment included the planting of over 7,000 native plants to create nesting and foraging habitat for wildlife; design, restoration and monitoring of the site by the Port of Oakland; and the establishment of an endowment to fund on-going maintenance and habitat value. It is assumed that any land exchange for a replacement freshwater seasonal wetland site would need to include at least a commensurate financial investment into the design, restoration and monitoring of the replacement site, and a commensurate endowment for long-term maintenance.

Regulatory Permitting

If all of the steps necessary to acquire a suitable replacement freshwater seasonal wetland site were accomplished, and all of the steps necessary to negotiate an exchange of the Edgewater Seasonal Wetlands for this replacement site were also accomplished, implementation of this mitigation strategy would then be subject to numerous subsequent permitting and regulatory requirements of regional, state and federal agencies. The list of permitting and regulatory agencies and their requirements includes, but is not limited to the following (as indicated on page 3-76 of the Draft EIR):

- United States Army Corps of Engineers - Clean Water Act Section 404 Permit;
- United States Fish and Wildlife Service - Letter of Concurrence (for salt marsh harvest mouse and Ridgway rail);
- California Department of Fish and Wildlife - Section 1602 Streambed Alteration Permit, and potentially Technical Assistance Consultation and possible MOU (for State fully protected species including the salt marsh harvest mouse and Ridgway rail) ;
- SF Regional Water Quality Control Board - Clean Water Act Section 401 Permit, Waste Discharge Requirements (WDRs) or National Pollutant Discharge Elimination System (NPDES) permits, and Construction General Permit Stormwater Pollution Prevention Plan (SWPPP); and
- San Francisco Bay Conservation and Development Commission – Major Permit for San Leandro shoreline improvements and/or modifications;

Specific to the proposed fill and development of the Edgewater Seasonal Wetland, the City agrees that preparation of more detailed and subsequent project-level environmental documentation will also be necessary to fully address the fill of these wetlands and the relative value of the replacement habitat required pursuant to Mitigation Measure Bio 1B-2. That more detailed and subsequent environmental documentation can only occur at such time as more details are made available pursuant to an actual development proposal.

Conclusion

The steps necessary to achieve implementation of Mitigation Measure Bio 1B-2: Seasonal Wetland Restoration Plan are numerous, and in summary include:

- Securing a replacement freshwater seasonal wetland site that is large enough to achieve a replacement ratio of 2:1. This will likely involve negotiations with EBMUD, which owns large portions of the potential mitigation site, over property acquisition and securing an alternative site for their materials storage needs.

- Presenting a compelling case to the EBRPD (and presumably to their partner regulatory agencies and non-profit organizations as well), that demonstrates to their satisfaction that there is greater environmental benefits resulting from implementation of the Seasonal Wetland Restoration Plan, with its 2:1 replacement ratio and at a site that provides better continuity with the larger Arrowhead Marsh habitat, than does the Edgewater Seasonal Wetland.
- Addressing the potential legal constraints represented by the ‘perpetuity’ requirements of the Property Transfer and Acceptance Agreement by and between the Port of Oakland and EBRPD, by transferring the perpetuity requirements to the replacement habitat site.
- Negotiating a land exchange with EBRPD, including a financial investment for design, restoration and monitoring of the replacement site at least commensurate with the value of the endowment granted by the Port to EBRPD for the Edgewater site,
- Preparing detailed design plans and subsequent project-level environmental documentation to fully address the proposed fill of the Edgewater Seasonal Wetlands, including a CEQA conclusion on the relative value of the replacement habitat required pursuant to Mitigation Measure Bio 1B-2, and
- Obtaining numerous permits and approvals necessary to effect the exchange from regional, state and federal agencies including, but not limited to the U.S. Army Corps of Engineers (Clean Water Act Section 404 Permit); U.S. Fish and Wildlife Service (Letter of Concurrence); California Department of Fish and Wildlife (Section 1602 Streambed Alteration Permit, and potentially Technical Assistance Consultation and possible MOU); SF Regional Water Quality Control Board (Clean Water Act Section 401 Permit, Waste Discharge Requirements (WDRs), NPDES permits and Construction General Permit Stormwater Pollution Prevention Plan); and BCDC (Major Permit for San Leandro shoreline improvements and/or modifications).

The Draft EIR does not suggest that completion of these steps (at a minimum) will be simple and easy to achieve, nor does it indicate the potential for a short-term conclusion to these steps. In fact, many of the public agencies and interest groups that would be involved in such a land exchange and its necessary permitting efforts have indicated (in their comments on the Draft EIR) that they are either uninterested in such an exchange, or unlikely to approve subsequent permits. However, these comments have been made without the full benefit of a detailed and complete mitigation plan pursuant to the requirements of MM Bio 1B-2. Although the City agrees that preparation of more detailed and subsequent project-level environmental documentation will be necessary prior to implementation of the land exchange envisioned under MM Bio1B-2, that more detailed and subsequent environmental documentation can only occur at such time as more details are made available pursuant to an actual development proposal and permit application. The information presented above and in the respective comments on the Draft EIR do not present evidence contradicting the Draft EIRs conclusion that implementation of MM Bio 1B-2 and other applicable measures and SCAs as presented in the Draft EIR, if fully implemented and presented in detail, would be capable of reducing this impact to a level of less than significant.

Until such time as the details of a potential land exchange are known, the parties to such a potential exchange express an interest, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies are fully known, no determination can be made as to the efficacy of this mitigation strategy. Therefore, impacts to special status species and their wetland habitat resulting from the proposed filling and development of Edgewater Seasonal Wetland are considered significant and unavoidable. Only if a potential applicant were to invest the effort necessary to prepare a fully detailed and complete mitigation plan as required pursuant to MM Bio 1A-2, and all required steps (including agreements, agency permits and approvals) were obtained to the satisfaction

of all responsible agencies, will implementation of this measure be effective in reducing the impact to the Edgewater Seasonal Wetland to a less than significant level.

Master Response #7: Parks

Several comments (notably those oral comments made at the Park and Recreation Advisory Committee meeting and others) state that the amount and type of new parkland in the Specific Plan would be inadequate for the proposed population growth in the Project Area. These comments address relevant planning questions related to General Plan consistency and appropriate land use planning (for which there are no City of Oakland CEQA thresholds, but discussed below for informational purposes only), but do not address the environmentally-based CEQA questions of;

- whether the Project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated, or
- whether the Project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

These CEQA threshold issues are addressed in the first part of this Master Response, followed by an informational discussion regarding General Plan consistency and community recreational needs.

CEQA-Related Issues

The Specific Plan's open space program includes several urban design elements and public realm improvements specifically intended to promote a strong sense of community and an appealing setting, fully accessible to future Project residents as well as neighbors and the general public. The environmental impacts associated with construction and operation of these public realm improvements are fully discussed and evaluated in the Draft EIR (including construction period air quality and noise impact; vehicular, pedestrian and bicycle transportation impacts; impacts on sensitive biological resources, etc.).

The Specific Plan does not include, nor does the EIR require that land within the Coliseum District be dedicated or set aside as active recreational space for traditional "green" park space uses such as soccer fields, ball diamonds, etc. Project area residents seeking such recreational activities would instead use other off-site recreational spaces at City and EBRPD parks facilities, including:

- the Martin Luther King Jr., Regional Shoreline Park in Sub-Areas B, C and E;
- the soccer fields at Oak Port Park in Sub-Area E;
- Coliseum Gardens Park (4.85 acres) at the adjacent Lion's Creek Crossing project;
- Tassafaronga Park and Recreation Center (2.5 acres), approximately 0.6 miles east of the Coliseum District between 83rd and 85th & E Street,
- Patterson Park/Brookfield Village Park (14 Acres), approximately 0.9 miles south of the Coliseum District at 9175 Edes Avenue (this park hosts the East Oakland Sports Center's fitness, aquatic and dance centers, as well as the Ira Jenkins Recreation Center and Gymnasium); and
- Columbian Gardens Park (2.33 acres) approximately 1.2 miles south of the Coliseum District at 9920 Empire Road.

These existing City and regional parks are open to the public and intended to serve residents of the surrounding community. Continued City or EBRPD management, maintenance and scheduling of use at these parks and recreation areas would ensure that increased use of these facilities would not cause or accelerate substantial physical deterioration. Furthermore, the Project will add an additional increment of new property tax revenue and assessments to support these City and EBRPD's facilities.

Non-CEQA Issues Regarding Parks

City General Plan goal (per OSCAR Policy Rec-3.1) calls for a level of service standards of 10 acres of total parkland per 1,000 residents, including 4 acres of local-serving parkland per 1,000 residents, as a means of determining where unmet needs exist, and for prioritizing future capital investments. As noted on page 4-9 of the OSCAR Element, the total park acreage standard of 10 acres per 1,000 residents "should only be applied for the city as a whole and should be based on all parkland in the city, regardless of function or ownership. In 1994 (at the time the OSCAR Element was prepared) the city maintained a ratio of 8.26 acres of total parkland per 1,000 residents, and a ratio of 1.33 local-serving park acreage per 1,000 residents. The OSCAR Element states that, "While the ultimate goal is to achieve these standards in every Oakland neighborhood, the city's built-out character presents a major obstacle in most cases. The immediate goal is to make significant inroads in the gap between what exists now, and what is ultimately desired. The City should work toward reducing that gap in its annual capital improvement program."

As indicated in the Draft EIR (page 4.12-6), by 2012 the City of Oakland had increased its total parkland to approximately 5,937 acres, including 4,101 acres of parks managed by Office of Parks and Recreation, and 1,836 acres of regional parks and open space managed by East Bay Regional Parks District (EBRPD) that are within the city boundaries. With this acreage, and a 2012 population of 390,724, Oakland has approximately 15.2 acres of parkland per 1,000 residents, exceeding its overall parkland acreage goal of 10 acres per 1,000 people.¹⁵ However, Oakland continues to provide only approximately 1.33 acres of local-serving park acreage per 1,000 residents, which continues to fall short of the General Plan parkland standard of 4 acres per 1,000 residents.¹⁶ Specifically within East Oakland, there is approximately 41.7 acres of local-serving recreational land (including schoolyards and athletic fields), which equates to an existing ratio of 0.89 acres of local-serving parkland per 1,000 residents. This existing condition in East Oakland is substantially below the General Plan's recommended standard of 4 acres of local-serving parkland per 1,000 residents. East Oakland has more acreage in asphalt schoolyards (22.1 acres) than it does in traditional parks (19.6 acres).

The City's OSCAR Element, Policy Rec-10.2 (as provided on page 4.12-9 of the Draft EIR) states that, "*To the extent permitted by law, require recreational needs created by future growth to be offset by resources contributed by that growth. In other words, require mandatory land dedication for large-scale residential development and establish a park impact fee for smaller-scale residential development projects, including individual new dwelling units. Calculate the dedication or fee requirement based on a standard of 4 acres of local-serving parkland per 1,000 residents.*"

As of this writing, the City of Oakland does not have a mandatory land dedication ordinance or a park impact fee program. Whereas California Government Code Section 66477 of the Subdivision Map Act (referred to as the Quimby Act) permits local jurisdictions to require the dedication of land and/or the

¹⁵ City of Oakland, Broadway-Valdez Specific Plan EIR, prepared by ESA, September 2013

¹⁶ City of Oakland, City of Oakland General Plan Open Space, Conservation and Recreation Element, 1996, page 4-9.

payment of in-lieu fees solely for park and recreation purposes, the City of Oakland does not have any mechanisms to implement a local Quimby Act program. Therefore, there is no mandatory park land dedication requirement or parkland provision obligation at this time, and the only applicable zoning requirement is for private and group open space as a part of new residential use (see further discussion, below).

Specific Plan's Proposed Open Space

At the service standard of 4 acres of local-serving parkland per 1,000 residents, buildout of the Project (at 10,200 new residents) indicates a demand for as much as 41 acres of new local-serving parkland (as was identified on page 4.12-13 of the Draft EIR), and buildout of the Coliseum District indicates a demand for approximately 29.5 acres of local-serving parkland.

The proposed new development anticipated to occur within the Coliseum District is envisioned as being high-density and urban in character, as opposed to a lower density and suburban character. As such, its proposed urban open space program is comprised of urban-type open space areas that are intended to create an attractive public realm that promotes a strong sense of community and an appealing setting that is fully accessible to future Project residents and the surrounding public, with urban design strategies intended to accentuate the open and welcoming character of these spaces. As noted in the Plan's Community Design Policy 4-1, these urban open spaces "should be designed to promote a sense of neighborhood through the intentional and thoughtful creation of a welcoming public realm". The urban-scaled open space areas that are part of this intended public realm include streets, trails, plazas and open spaces, and specifically the following major public spaces.

Elevated Promenade

The Specific Plan proposes replacement of the existing pedestrian bridge that connects the Coliseum BART station to the current Coliseum, with a new elevated concourse. This new concourse would connect the Coliseum BART station and Amtrak station (with station improvements as proposed under the Project) to the center of the Coliseum District. Although the Promenade is ultimately envisioned as a transit route, its width is intended to also provide for a designated bicycle path and a wide pedestrian zone with supporting pedestrian amenities and features, including street furniture, café seating, landscaping and lighting, all ringed with retail shopping opportunities. As part of the Project's public realm, the approximately 10.3 acres of Promenade urban open space would be fully open to all members of the public as an open public gathering place. It is anticipated that the Promenade would be an active place not just during major events at the new sports and entertainment venues, but every day of the week. It would be lined with eating, drinking and nightclub establishments, entertainment venues and retail spaces that drive high pedestrian interest.

Grand Staircase and Main Street Plaza

At the mid-point along the elevated Promenade, a grand staircase is envisioned, leading down to a "Coliseum City Main Street". The Main Street is anticipated to be a wide pedestrian boulevard connecting at one end to the new Stadium and at the other to the new Ballpark, with a 2.2-acre central plaza. Along the Main Street would be places for public art, smaller plazas and courtyards, landscaping (including trees lining both sides of the street) and street-level retail establishments.

Damon Slough Walking Trail to Bay

The proposed enhancements to Damon Slough, which rings the north and east edges of the Coliseum District, include enhancements to Damon Slough's ecological and hydrological functions while also

providing approximately 6.7 acres of public open space and recreational amenities for visitors and future residents and workers. The Slough itself will be fenced to prevent access into the channel, but a wide upland area of open space would buffer the Slough from the adjoining development. Within this open space buffer would be a pedestrian and bicycle trail connecting all the way from the Coliseum BART station, around the edges of the Coliseum District, and eventually connecting to the Martin Luther King, Jr. Regional Shoreline Park along the San Leandro Bay. The Damon Slough Trail will provide a new BART-to-the-Bay pedestrian and bicycle connection not currently available, accessible to all members of the public.

Private and Group Open Space

The new zoning applicable to the Coliseum District is intended to permit new residential development at high urban densities, and will retain the private and common open space requirements that are currently applicable under comparable Urban Residential (RU) or Central Business District (CBD) residential zones. Consistent with the provisions of the Oakland Planning Code, group usable open space shall be required at a ratio of 75 square feet per regular dwelling unit in the D-CO-1 and D-CO-2 zones, and a ratio of 100 square feet per unit in the D-CO-4 zone, only. Alternatively, 20 square feet of group usable open spaces per dwelling unit is permitted when private open space is substituted for this requirement. Private usable open space may be provided in a combination of recessed and projecting exterior spaces (i.e., courtyards and balconies) accessible from the residential unit. Group open space may include:

- public ground-floor plazas located at street-level, accessible during daylight hours and maintained by the property owner, with landscaping and pedestrian and other amenities such as benches, fountains and special paving;
- rooftop open space such as gardens, decks, swimming pools, spas and landscaping; and
- group courtyards, with the additional requirement that at least 50% of rooftop or courtyard open space areas shall include landscaping enhancements.

Depending on the design of individual residential developments and the possible substitution of private open space for group open space as permitted under the Oakland Planning Code,¹⁷ the total amount of private and/or group open space required for the 4,000 residential units within the Coliseum District would add up to between 4.4 acres (assuming maximum use of the private open space provisions) and 6.9 acres (assuming all required open space is provided as group space).

Other Park Opportunities

In addition to the above parks and open spaces, the current developer group has been exploring the potential use of durable turf product as the surface for a portion of the approximately 24-acre surface parking lot adjacent to the proposed new Stadium, and making this turf area available for use as a public park during non-event times at the sports facilities. The feasibility of using such a turf product at the Project site has not yet been determined, but could provide a substantial benefit to the recreational needs of the Project as well as surrounding residents.

¹⁷ Pursuant to the Oakland Planning Code, Section 17.126.020, each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two (2) square feet of required group usable open space and may be so substituted.

Other Natural Open Space Areas

In addition to the publically accessible open spaces provided within the Coliseum District, the Specific Plan also includes substantial other natural open space areas, including;

- approximately 12 acres of shoreline trail and open space as part of the existing Martin Luther King, Jr. Regional Shoreline Park in Sub-Areas B, C and E, and
- approximately 16 acres of restored and enhanced wetland habitat (or a net increase of approximately 8 acres) in Sub-Area E.

Appropriateness of the Project's Open Space Program

Within the Coliseum District only, the Specific Plan provides for approximately 20.7 acres of publically accessible open space, including 8.3 acres of new open space along Damon Slough and the re-aligned Elmhurst Creek, 2.15 acres of public plazas along the Main Street, and 10.3 acres of new urban open space on the elevated Promenade. This results in a ratio of approximately 2.8 acres of park and open space per 1,000 residents (with an assumed population of 7,385 people within the Coliseum District). Additional open space required of new residential development would add between approximately 4.4 and 6.9 acres, resulting in a total of approximately 25.1 to 27.6 acres, resulting in a ratio of approximately 3.4 to 3.74 acres of open space per 1,000 people. If it proves feasible to use a durable turf product as the surface for a portion of the approximately 24-acre surface parking lot adjacent to the proposed new Stadium and this turf area was made available for use as a public park during non-event times, the total publically accessible local park and open space provided within the Coliseum District could individually meet and/or exceed the City's local-serving parkland goal of 4 acres per 1,000 people, and would represent a positive contribution of new public space available in East Oakland, helping to achieve the OSCAR goal of making "significant inroads in the gap between what exists now, and what is ultimately desired." However, the City of Oakland has remained short of its stated local-serving parks standard since adoption in 1994, and East Oakland would continue to fall short of its local serving parkland goal of 4 acres per 1,000 residents, regardless of adoption and development under the Specific Plan.

For Buildout conditions of the entire Planning Area, there would be an additional 12 acres of shoreline trail and open space along the Martin Luther King, Jr. Regional Shoreline Park, all 46 acres of existing parks and open space in Sub-Area E, as well as a net increase of 8 new acres of restored and enhanced wetland habitat in Sub-Area E. Added to the Coliseum District's total public open space, the Planning Area would have approximately 87 acres of total public open space serving a population of 10,240 people, for a ratio of approximately 8.5 acres of open space per 1,000 residents. The City overall would nevertheless continue to exceed its overall park standard of 10 acres of total parkland per 1,000 residents.

Master Response to Comments #8: Sea Level Rise

Several commenters (specifically BCDC, the RWQCB, Public Advocates, OHA and other) addressed the topic of sea level rise, the impacts of sea level rise on the Project, and the recommendations presented in the Draft EIR regarding an adaptive approach for addressing sea level rise effects.

As noted in the Draft EIR (page 4.8-31), the impact of flooding related to sea level rise pertains to the impact of an existing or future environmental condition on the Project Area. CEQA requires only an analysis of impacts pertaining to a project's impact on the environment. The Draft EIR does address the Project's GHG emissions (as analyzed and discussed in Section 4.6: Greenhouse Gas Emissions and

Climate Change) and its indirect effects on sea level rise. However, pursuant to CEQA, this EIR is not required to analyze or mitigate impacts pertaining to the impact of the environment on the Project Area. The California appellate court has specifically found that the effect of sea level rise on a project is an impact of the environment on a project, and therefore not required to be analyzed under CEQA. Although not legally required by CEQA, the Draft EIR nevertheless included a discussion of the impact of sea level rise on the Project Area in the interest of being conservative and providing information to the public and decision-makers. The Draft EIR presented information derived from BCDC's Adapting to Rising Tides (ART) Project, which assessed existing conditions and vulnerability and risk to specific existing key asset categories, based on projected 16" and 55" sea level rise scenarios (see Figures 4.8-5 and 4.8-5 of the Draft EIR). This information indicates that portions of the Project Area would be exposed under both a 16" and 55" sea level rise scenario to storm events and wind waves. The Draft EIR also indicated that, as sea level rise conditions change over time, the Project would be required to comply with applicable regulatory requirements of responsible agencies, including BCDC and FEMA. The Draft EIR also presented a number of recommendations suggested to provide an adaptive approach to addressing a potential 16-inch sea level rise scenario above current Base Flood Elevation (BFE) for mid-term planning and design.

The City of Oakland's Resilient Cities Program staff and their consultants have reviewed the information presented in the Draft EIR and Draft Specific Plan related to sea level rise, and have developed further information on sea level rise scenarios and developed additional recommendations for sea level rise adaptation strategies. This information, presented below, does not present new information requiring recirculation of the Draft EIR for a number of reasons, most specifically because:

- The effects of sea level rise is an impact of the environment on the Project, and therefore not a CEQA impact and not required to be analyzed under CEQA. Therefore, the additional information presented below does not indicate a new environmental impact, or an increase in the severity of a previously identified environmental impact, beyond that presented in the Draft EIR.
- The recommended sea level rise adaptation strategies also presented below represent further clarification and amplification of those strategies already presented in the Draft EIR pursuant to Recommendation Hydro-5.

Sea Level Rise Scenarios

Studies on sea level rise in the Bay Area project that sea level rise could be as much as 16 inches by 2050, and 55 inches by the year 2100 (as presented in the Draft EIR). A more recent evaluation of potential sea level rise scenarios prepared for Treasure Island¹⁸ suggests that sea level rise by the year 2100 may be as shown in Table 4.1, below. This study recommended an adaptive management strategy including the following measures:

¹⁸ Treasure Island Development Project, *Planning For Sea Level Rise*, Moffett & Nichol, 2008

Table 4.1: Sea Level Rise Estimates for San Francisco Bay

Year	Projections	Ranges
2030	6 ± 2 in	2 to 12 in
2050	11 ± 4 in	5 to 24 in
2100	36 ± 10 in	17 to 66 in

Projections relative to the year 2000, as determined by the Capital Planning Committee, CCSF, 2014

Adaptation Strategies

The adaptation strategies recommended by the Resilient Cities Program have been incorporated into the Final version of the Specific Plan and also presented here in this Final EIR. These strategies include those presented in the Draft EIR's recommendation Hydro-5, plus further adaptation ideas.

1. The Coliseum Area Specific Plan should not drive City-wide sea level rise planning. Rather, city-wide goals and planning, including resiliency planning, should inform the design of new development within the Specific Plan as it moves forward.
 - a. An evolving sea level rise strategy for the Project Area should be addressed as part of the City's updates to its Energy and Climate Action Plan.
 - b. The City should carefully consider the long-term implications of new traditional development in waterfront areas, including the impacts to other Bay cities of additional levees, etc., which may be needed to protect waterfront development.
 - c. Throughout the City, new development should seek to provide retreat space around new waterfront development.
 - d. The City's overall adaptive management strategies should be based on the latest sea level rise projections, with recommendations for regular re-analysis as climate science evolves and in coordination with BCDC's "Adapting to Rising Tides" studies.
 - e. Re-evaluate both bay flooding and watershed flooding potential at key milestones in the Project's design to manage for changing sea level rise projections.
2. The sea level rise strategy for the Project Area should address:
 - a. Designing flood protection against a nearer-term potential 16-inch sea level rise above current Base Flood Elevation for mid-term planning and design (2050); and designing a gravity storm drain systems for 16 inches of sea level rise;
 - b. Providing a mid-term adaptive approach for addressing sea level rise of greater than 18 inches, including incorporation of potential retreat space and setbacks for higher levels of shoreline protection, and designing for livable/floodable along coastal areas in parks, walkways, and parking lots.
 - c. Development of a long-term adaptive management strategy to protect against even greater levels of sea level rise of up to 66 inches, plus future storm surge scenarios and consideration of increased magnitude of precipitation events.
3. Include a suite of shoreline protection measures, protective setbacks and other adaptation strategies, to be incorporated into subsequent development projects.

- a. Build a shoreline protection system within Sub-Areas B, C and D to accommodate a mid-term rise in sea level of 16 inches, with development setbacks to allow for further adaptation for higher sea level rise, with space for future storm water lift stations near outfall structures into the Bay and Estuary.
- b. Consider construction of a “living levee” (similar to the design presented in the MTC Climate adaptation Study, 2014) along the banks of Damon Slough in Sub-Area A, from its entry into the Project area at San Leandro Bay to its upstream confluence at Lion’s Creek.
- c. Consider incorporation of a seawall along the rail tracks, east of the new Stadium and/or Ballpark sites.
- d. Consider designing temporary floodways within parking lots, walkways and roadways.
- e. Assess the potential for constructing building pads and vital infrastructure at elevations 36 inches higher than the present day 100-year return period water level in the Bay, and add a 6-inch freeboard for finish floor elevations of buildings.
- f. Construct the storm drainage system to be gravity drained for sea level rise up to 16 inches, and pumped thereafter. Pumping should be secondary to protection.
- g. Require that all critical infrastructure sensitive to inundation be located above the 16-inch rise in base flood elevation.
- h. Design buildings to withstand periodic inundation, and prohibit below grade habitable space in inundation zones.

Master Response to Comments #9: Letters in Support

In addition to those comment letters received by the City and reproduced in this Final EIR which address specific CEQA-related topics, the City has also received hundreds of letters and e-mails expressing support for the Specific Plan. These letters express support not only for the Plan’s efforts to retain the professional sports franchises, but also for many of the other major goals and objectives of the Plan including new job opportunities, enhancements to transit infrastructure, and economic development through new investments in a part of Oakland that has historically seen under-investment. These support letters, not reproduced in this Final EIR document, are available for review upon request at the City’s Planning Department offices at 250 Frank Ogawa Plaza, Suite 3315.

Written Comments on the DEIR and Responses to those Comments

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review and comment period on the DEIR. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by an alphanumeric designator (e.g., “A1”). The letter in the designator relates to the document’s organization of comments; (i.e., A for agencies, B for organizations and C for individuals). Commenters who submitted multiple correspondences are presented with the same numeric designator, followed by an alphabetical designator indicating its sequence (e.g., B3a and B3b are consecutive letters submitted by the same commenter). Specific comments within each correspondence also are identified by a numeric designator that reflects the sequence of the specific comment within the correspondence (e.g., “A1-3” for the third comment in Comment Letter A1).

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 Coliseum Area Specific Plan 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 DEIR, these changes appear as part of the specific response and are consolidated in Chapter 7: Revisions to the Draft EIR, where they are listed in order of appearance in the Draft EIR document.

Section “A” - Agency Comments

Comment letters from public agencies and other responsible agencies are included in the following section, together with responses to all CEQA and EIR-related comments.

Comment Letter A1



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2014

October 6, 2014

Joel Keller
PRESIDENT
Thomas M. Blalock, P.E.
VICE PRESIDENT
Grace Crunican
GENERAL MANAGER

Devan Reiff
City of Oakland Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
dreiff@oaklandnet.com

RE: Coliseum Area Specific Plan and Draft Environmental Impact Report

DIRECTORS

Gail Murray
1ST DISTRICT
Joel Keller
2ND DISTRICT
Rebecca Saltzman
3RD DISTRICT
Robert Raburn, Ph.D.
4TH DISTRICT
John McPartland
5TH DISTRICT
Thomas M. Blalock, P.E.
6TH DISTRICT
Zakhary Mallett, MCP
7TH DISTRICT
James Fang
8TH DISTRICT
Tom Radulovich
9TH DISTRICT

Dear Mr. Reiff:

On behalf of the San Francisco Bay Area Rapid Transit District (BART), we appreciate the opportunity to provide the comments on the Coliseum Area Specific Plan and Draft Environmental Impact Report (EIR).

In July 2005, the BART Board of Directors adopted a Transit-Oriented Development Policy, which promotes high quality, more intensive development at or near BART stations. Station area development will, in turn, generate increased ridership as well as new revenues for transit. In addition, transit-oriented development (TOD) reduces the impact of congestion and increased air pollution by encouraging built-in ridership at the station.

We therefore support the ambitious vision for reinvestment set forth in the Coliseum Area Specific Plan, one that features a transit-oriented setting and includes a mix of uses including a sports and entertainment center paired with higher density development, placemaking elements and other public amenities, and strong connections to the BART station. As BART ridership grows, BART seeks to expand the station access mode share for pedestrians, bicyclists, and transit connections. Importantly, the Plan also encourages sustainable transportation modes, such as walking, biking and expanding transit connection options. The plan also employs transportation demand management and parking management to reduce transportation impacts.

BART looks forward to collaborating with the City to make the vision in the Specific Plan a reality. Thank you for your thoughtful review and consideration of the comments below. If you have any questions, please contact Hannah Lindelof at 510-464-6426 or at hlindel@bart.gov.

Sincerely

Val Joseph Menotti
Chief Planning & Development Officer
San Francisco Bay Area Rapid Transit District

Comment Letter A1

Coliseum Area Specific Plan Comments

Page 29: The Plan acknowledges that many of the transportation facilities on the Plan area also cause divisions between portions of the Plan Area. Please add the Union Pacific Railroad right-of-way, which limits connectivity crossing east-west, particularly at the BART Station

Page 46: Figure 3.2 and throughout: The Amtrak Station and Capitol Corridor line is labeled as Caltrain. Please revise.

Page 60: LU Policy 3-18 currently reads as follows: “Housing on the Coliseum BART parking lots, east of the BART station, should provide a variety of housing types for different types of households, different income levels, different age groups, and different lifestyles. Housing units should provide a variety of sizes and configurations. This policy applies area-wide and not to any individual project, but developers should take existing residential uses into account and complement them in terms of unit size and type.”

Housing that serves a diverse community is an important component of a transit oriented neighborhood. That is why the City and BART’s plan over the past decade to improve the east side of the station was initiated with the provision of affordable housing through the HUD HOPE VI reinvestment at Lion Creek Crossing.

With that context, the last sentence indicates that the policy is area-wide, but it is not clear if it is a specific area or the entire planning area. BART recommends that this policy should apply to the entire planning area and not only targeted at the Coliseum BART parking lot.

Page 108:

- TR Policy 5-45 currently states: “Consider the realignment of San Leandro Street, shifting the road up to 10 feet to the west, between Hegenberger Road and 66th Avenue to expand the pedestrian boarding areas for AC Transit buses.” Please note that a BART side platform would require a shift of San Leandro Street of up to 17 feet. Please clarify if the changes to San Leandro accommodate both transit improvements.
- Please revise TR Policy 5-46 to be consistent with the BART improvements outlined in the DEIR (noting the revisions requested in the DEIR comments below).

Page 124: The plan should refer to or incorporate Adapting to Rising tides work, currently being led by the Bay Conservation and Development Commission (BCDC) and the National Oceanic and Atmospheric Administration Coastal Services Center (NOAA CSC) . Forthcoming analysis as part of the Adapting to Rising tides effort will address sea level rise adaptation for the Coliseum Area specifically. (not published yet). Please see <http://www.adaptingtorisingtides.org/>.

Page 145: Note that several additional improvements to the BART station would be included, as outlined in the DEIR. These costs are not included in the infrastructure and transportation costs. BART is developing a comprehensive summary of costs related to improvements to Coliseum Station.

Comment Letter A1

Draft Environmental Impact Report Comments

Chapter 3: Project Description

Page 3-41: The DEIR Project Description notes that, "The existing BART station platform will not accommodate the full buildout of the proposed Coliseum District development. The current platform capacity accommodates approximately 1,900 persons at a time, well below what is needed to efficiently move up to 16,700 persons per hour, which is the expected transit ridership demand on game day peaks at the sports venues. At full Plan Buildout it is expected that transit demand may exceed 28,500 daily riders, which will make this one of the busiest stations in the BART system." Please clarify the following:

- How these numbers align with the ridership estimates in Chapter 4.13, which identifies 14,100 game-day riders with a peak hour ridership of 7,500 riders.
- Please clarify the daily ridership estimate. The number cited in the project description is nearly double the number included in Chapter 4.13 (28,500 versus 14,490 daily riders).
- Lastly, if ridership will exceed the capacity of the existing platform and potentially cause a safety concern, why is it not addressed as such in this DEIR? Please see comments below regarding addressing impacts to BART as CEQA concerns.

A1-1

A1-2

Page 3-43: Please make the following minor revisions to the BART improvement text:

- Provide a visual and physical link between the elevated concourse and the street-level access so special event patrons will use both the concourse and the street level access to travel to and from BART. This is needed distribute riders more evenly across platform.
- Combine bullets 6 and 8 as they describe the same improvement.

A1-3

Please note that the importance of a visual and physical link between the elevated concourse and the street-level access is important for passenger distribution but also to ensure that the new plan is integrated into the existing neighborhood.

Chapter 4.9 Land Use and Planning

Page 4.9-59: States that, "Within the Coliseum BART TOD development area, tall residential towers and a new hotel (potentially exceeding 200 feet in height) are proposed. These new building, located easterly of San Leandro Street and thus outside of the Horizontal Surface Plane, may still exceed the 20:1 slope criteria applicable for this area." This is inconsistent with the Plan (page 134), which increases the height limit east of the BART station to 159 feet. Please re-phrase as appropriate and revise the statement in regard to airport regulations as needed.

A1-4

Chapter 4.13: Traffic and Transportation

BART appreciates the City of Oakland's coordination of effort in terms of analysis of impacts of the Plan to BART. While BART strongly encourages TOD and welcomes increases in ridership, these changes do have impacts to the system that need to be identified and addressed. BART would like to pursue a joint effort with the City of Oakland, other transit service providers, regional agencies, and other relevant local jurisdictions in the development of a regional approach to ensure that necessary transit improvements are funded over time, consistent with the regional transit-oriented growth strategy outlined in Plan Bay Area. We look forward to working with the City of Oakland in this effort.

A1-5

Comment Letter A1

Page 4.13-51: BART improvements – please see comment above for page 3-43.

A1-6

Page 4.13-168: While ridership may vary over time, the overall trend for BART ridership is increasing and investments in BART infrastructure will be essential to maintain high quality service. In particular, increases in ridership in BART’s core system will require extensive and costly improvements to maintain reliability and increase service to meet increasing demand. As the DEIR notes on page 4.13-171 the Dublin/Pleasanton – Daly City line already exceeds load capacity, and both Daly City bound lines will exceed load capacity with the proposed Plan. Further, this analysis does not consider projected ridership growth or the effects of system expansion, particularly extension to Silicon Valley. While transit service may not be part of the permanent physical environment, transit infrastructure that enables improved service is part of the built environment.

A1-7

Page 4.13-169: Table 4.13-24 identifies 8,600 weekday BART trips, varying from Table 4.13-15 (page 4.13-53), which identifies 7,810 weekday BART Trips. Please clarify.

A1-8

Letter #A1 Response – San Francisco Bay Area Rapid Transit District (BART)

- A1-1: The correct projection for future peak hour BART ridership is 7,500 riders per hour (as indicated on DEIR Figure 4.13-9: Sunday Football Game Trip Characteristics), and the correct daily ridership estimate at Plan Buildout is 14,490 (as is reported on DEIR Table 4.13-16: Trip Generation Summary, Specific Plan Buildout). Please see revisions to the Project Description in Chapter 7 of this FEIR.
- A1-2: The DEIR (page 3-41) does note that the station’s existing platform capacity (approximately 1,900 people at one time) is below that needed to efficiently move peak hour ridership on game days at the Coliseum. The proposed Project includes improvements to the station that would expand its platform capacity as well as other improvements. However, as shown in the Draft EIR (Table 4.13-13 and Figure 4.13-9) the peak game day ridership under existing conditions already reaches 5,800 riders per hour. This existing condition has more riders per peak hour than at any time under future Project conditions, except for during the peak post-game hour. The Draft EIR (page 4.13-31) notes that, under existing conditions, “Fans leaving the football game are metered by the width of the existing pedestrian bridge, which helps BART station agents manage the pedestrian flows through the BART station. The BART system is able to disperse the fans after the game within a 2-hour period.” System operators regularly monitor platform crowds, vertical circulation, and fair gates to accommodate the regular flow of fans between BART and the stadium. This information indicates that ridership in excess of platform capacity currently results in an extension of the peak hour, and that BART already regulates rider flows to prevent over-population and safety concerns at the platform. With continued implementation of these rider-flow control measures, the Project would not reduce BART safety at the platform.
- A1-3: Please see revision to the Project Description in Chapter 7 of this FEIR, which include BART’s requested changes.
- A1-4: The Specific Plan establishes a permissible height limit of 159 feet, but allows buildings to exceed 159 feet subject to a finding by the FAA that such building heights would not constitute a hazard to air navigation (see also, Mitigation Measure Land-7A in the Land Use Chapter of the Draft EIR). These taller building heights are consistently described in the Specific Plan (see LU Policy 3-31 (p.62), Coliseum District Policy 4-23 (p.89), description of the new D-CO-1 and D-CO-2 zoning districts (p.134), and section 7.4.7 of the Implementation Chapter (pp.141-142)).
- A1-5: The City welcomes a joint effort with BART (and other transit service providers, local jurisdictions, or government agencies) in the development of a regional approach to transit impact fee assessment or other mechanisms to ensure that development projects make contributions to transit improvements commensurate with their effects on transit service.
- A1-6: Please see revision to the Project Description in Chapter 7 of this FEIR.
- A1-7: See pages 4.13-167 to 169 of the DEIR for an explanation of why increased transit ridership is not considered a significant impact under CEQA. In brief, the Specific Plan’s effects on BART service are not considered CEQA impacts due to the transitory nature of both transit ridership and service in general, and because they are not impacts to the physical environment. Like parking, which is also discussed in the DEIR as a non-CEQA topic, users will adjust their travel behavior depending on the

available transit service. Therefore, identification of impacts on BART service, as well as the mitigation of any such impacts, is beyond the purview of the EIR and CEQA.

Since increased transit ridership is not considered a significant impact under CEQA, this concern is beyond the purview of the EIR and CEQA. Given the transitory nature of both transit ridership and service in general, evaluating the proposed Project against ridership projections would be speculative. Instead the Draft EIR's informational evaluation looks at estimated ridership from the near-term Coliseum District developments against existing maximum peak hour car loads. The Draft EIR does not attempt to analyze longer-term BART capacity, only stating that "...it is expected that BART trips generated by the proposed Project would further increase as the Project Area develops and policies and infrastructure improvements that support transit are implemented." (DEIR, p.4.13-171) Nevertheless, not only are effects on transit ridership not considered significant under CEQA, based on the goals of the Specific Plan and the City of Oakland General Plan, the increase in BART ridership is considered a benefit.

- A1-8: Tables 4.13-15 and 4.13-24 of the Draft EIR present different data points, which is why they are different numbers. Table 4.13-15 shows the reduction in auto trip generation due to BART (7,810 fewer auto trips), whereas Table 4.13-24 shows the total weekday BART trips generated by the Project (8,600).

Comment Letter A2

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

October 3, 2014

Devan Ruff
City of Oakland, Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3314
Oakland, CA 94612

SUBJECT: Draft Environmental Impact Report, Coliseum Area Specific Plan

Dear Mr. Ruff:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Coliseum Area Specific Plan (DEIR), dated August 2014 and received in our office on August 25th, 2014. The Commission has not reviewed the DEIR, however, the following staff comments are based on staff's review of the DEIR for consistency with the Commission's law, the McAtteer-Petris Act and the policies of the San Francisco Bay Plan (Bay Plan).

A2-1

Jurisdiction. In the project area, the Commission has jurisdiction over San Francisco Bay up to the shoreline located at the mean high tide line, and in marsh areas, at the line five feet above mean sea level, and a shoreline band jurisdiction extending upland 100 feet from the shoreline. The Commission also has shoreline land use authority within designated priority use areas, and the Commission has designated several areas within the project area for waterfront, beach park priority use. The DEIR dated August 2014 acknowledges the Commission's jurisdiction over changes to the Bay shoreline, development within the shoreline band, and shoreline improvements to San Leandro Creek. BCDC would need to review and issue permits for the proposed Bay Inlet, including impacts to natural resources, shoreline structures, and net Bay fill. Portions of plan areas A, B, C, D and E are within the Commission's 100-foot shoreline band, and portions of the shoreline in areas B, C and E are designated for park priority use on Bay Plan Map 5. http://www.bcdc.ca.gov/pdf/bayplan/Plan_Map_5.pdf

A2-2

Public Access. Section 66602 of the McAtteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Bay Plan policies require that public access be designed and maintained to avoid flood damage due to sea level rise and storms. Any public access provided as a condition of development must either remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project must be provided nearby. As there are significant biological resources along the shoreline of the Specific Plan Area, the Final EIR should also consider the Bay Plan public access policies that aim to maximize public access opportunities while minimizing significant adverse impacts upon wildlife. If the project will attract substantially more people to the

A2-3

A2-4

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State of California | Edmund G. Brown — Governor



Comment Letter A2

Devan Ruff
October 3, 2014
Page 2

shoreline than current visitation rates, the potential impact on adjacent habitats and wildlife should be evaluated in the EIR, as outlined the public access policies, including any design features or management that would address possible impacts on habitats and wildlife.

A2-4,
cont.

Recreation. The Commission's Bay Plan policies on recreation state in part "The Bay is the most important open space in the Bay region. The Bay and its shoreline provide unique recreational opportunities. Population growth in the Bay region will bring increases in water-oriented recreation. The demand for recreational facilities, including parks, trails, marinas, launching ramps, fishing piers, and beaches in the Bay Area will increase rapidly as the population increases, and will accelerate as population density near the edge of the Bay and spending power per capita increase, and the population ages. Many more recreational facilities will be needed. As the diversity of the Bay Area population increases, the demand for water-oriented recreational activities will also diversify."

Providing a variety of accessible, water-oriented recreational facilities and diverse recreational opportunities at these facilities for people of all races, cultures, ages and income levels, would accommodate a broad range of recreational activities. Waterfront parks can serve as important gateways to wildlife refuges, wildlife areas and ecological reserves by providing staging and education opportunities and serving as buffers between these lands and developed areas.

As depicted in Map 5, this shoreline is currently designated as a Waterfront Park Priority Use Area. Development of this area, and attendant development of public access along San Leandro Bay will need to be coordinated with East Bay Regional Park District and the Bay Trail to provide high quality waterfront recreation opportunities for the public. The draft EIR does not adequately address the planning process for public access at this development or how privately owned public access meets the designation of Waterfront Park Priority Use. San Leandro Bay and MLK Jr. Regional Shoreline are specifically noted in the Bay Plan for the provision of boating, habitat, wildlife viewing, connections between neighborhoods and the Bay, and continuous public access along the shoreline. Development in this area should preserve or improve these benefits.

A2-5

Sea Level Rise. The Bay Plan climate policies state that, "[t]o minimize the potential hazard to Bay fill projects and bayside development from subsidence, all proposed development should be sufficiently high above the highest estimated tide level for the expected life of the project or sufficiently protected by levees...." Additionally, the policies state that, "[l]ocal governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards."

Comment Letter A2

Devan Ruff
October 3, 2014
Page 3

The EIR should include an analysis of how an increase in sea level under multiple sea level rise scenarios could impact the proposed project. This should include information on (1) current elevations of the project site and recent data, if available, documenting the vertical land motion (eg., subsidence or uplift); (2) current rates of sedimentation, if known, for the project site or sites located nearby; (3) estimated rate of relative sea level rise for the project area (relative sea level rise equals the sum of the change in global sea level and the change in land elevation); (4) projected changes in wetland communities sea level rise (this should also include information on surrounding areas); (5) projected hydraulic changes around the project site that would result in a change in tidal heights, duration of ponding, drainage, erosion, or sedimentation; and (6) levee heights around the project site necessary to protect adjacent property from flood tides estimated for at least a 20 year period. Sea level rise scenarios should not include rates of global sea level rise less than the rate of global sea level rise in the past 100 years or 0.076 in (1.9 mm) per year. The following rates of global sea level rise are generally consistent with the California Climate Action Team Reports on Climate Change: (1) a low rate of 0.08 inches (2 mm) per year; (2) a medium rate of 0.18 in (4.6 mm) per year; and (3) a higher rate of 0.33 in (8.4 mm) per year.

A2-6

If any projects identified in the Final EIR require Bay fill for new shoreline development within BCDC's jurisdiction, then the Final EIR should discuss BCDC policies on filling and what is allowable for fill to be placed in the Bay to protect existing and planned development from flooding as well as erosion. However, new projects on fill that are likely to be affected by future sea level rise and storm activity during the life of the project must: be set back from the shoreline to avoid flooding; be elevated above expected flood elevations; be designed to tolerate flooding or employ other means of addressing flood risks.

A2-7

Adapting to Rising Tides Program. The Specific Plan also overlaps with the ongoing Oakland-Alameda Resilience Study, a collaborative project led by BCDC and ABAG investigating the seismic and sea level rise and storm event flood risk in this area. Development in this area may exacerbate flooding issues along Damon Slough and could be vulnerable to future flooding, storm events, and sea level rise inundation if not located or designed to be resilient to current and future flood risks. For more information on the results of that project, or to participate, please contact me or visit www.adaptingtorisingtides.org.

A2-8

I am available to assist you in clarifying these comments, including the Commission's jurisdiction in the Coliseum Area Specific Plan. Thank you again for the opportunity to comment. Please contact me at 415 352-3647 or maggiew@bcdca.gov with any questions.

Sincerely,



MAGGIE WENGER
Coastal Program Analyst

MW/go

Letter #A2 Response – San Francisco Bay Conservation and Development Commission (BCDC)

- A2-1: The BCDC staff’s review of the Draft EIR for consistency with plans and laws within the purview of BCDC are noted.
- A2-2: Chapter 4.9 of the Draft EIR discusses the proposed Project’s consistency with the San Francisco Bay Plan, and Mitigation Measure Land-8A of the Draft EIR makes clear that development in portions of the Project Area within BCDC jurisdiction will require acquisition of necessary BCDC permits. See the response to comment A2-5 for further details.
- A2-3: The description of the Bay Plan in the Draft EIR notes that, “Any proposed project must provide maximum feasible public access to the Bay and shoreline; BCDC may deny a permit for a proposed project if it fails to do so.” The Draft EIR describes how retention of the MLK Jr. Regional Shoreline Park, the 100-foot development setback along the shoreline, enhancements to Damon Slough and the potential Bay cut/inlet would all advance BCDC’s public access requirements. The extent and design of public access required of individual future development projects located within BCDC’s jurisdiction would be subject to BCDC review during the permitting process, as directed by law and Mitigation Measure Land-8A.
- A2-4: The Draft EIR does include discussions of impacts related to increased use of the shoreline and its potential impact on biological resources. As stated on page 4.3-46 of the Draft EIR, “The proposed Project would increase the number of people using [the shoreline] and other existing trails of the MLK shoreline. This could result in increased disturbance and harassment of special status or otherwise protected wildlife by people and their dogs when compared to existing conditions where the trails are only moderately used.” Additionally, the Draft EIR (page 4.3-52) states that, “The development of the new trail along the south side of Damon Slough, along with the development of residential and a higher density of business uses would increase the number of people using this area along the shoreline. This could result in increased disturbance and harassment of special status or otherwise protected wildlife.”

To more fully address the potential impacts associated with increased visitation and access to the shoreline and its biologically diverse areas, the EIR hereby incorporates BCDC public access improvement policies and guidelines for designing and providing for increased public access while also avoiding adverse effects on wildlife. Please see revisions to Chapter 4.3: Biological Resources, new Mitigation Measure Bio 1B-4, in Chapter 7 of this FEIR.

- A2-5: Chapter 4.9 of the DEIR discusses the proposed Project’s consistency with the Bay Plan (DEIR, pp. 4.9-63 through 4.9-68) and finds that it would preserve the entire San Leandro Bay Shoreline within Sub-Areas B and D as open space by designating the 100-foot shoreline band as Urban Open Space; retain and expand the continuously accessible shoreline between Damon Slough and East Creek Slough in Sub-Area E; and make the waterfront along San Leandro Bay more accessible to pedestrians and bicyclists by providing direct bicycle, pedestrian and waterway access between the waterfront and adjacent neighborhoods. The Bay Plan suggests that “waterfront recreation” or “waterfront park” uses include parks, trails, marinas, boating (launching ramps, berths), fishing piers, beaches, public assembly, and water-oriented commercial recreational establishments (restaurants, recreational equipment concessions, etc.). The Project would retain and protect the existing parkland and trails within the areas designated for Waterfront Park Priority Use, and

would not result in the development of any incompatible land uses within the 100-foot shoreline band.

- A2-6: Please see Master Response #8 regarding comments on the effects of sea level rise on the Project.
- A2-7: The Project as proposed does not include new development that would require Bay fill; all new structures would be located on existing land. Consequently no discussion of BCDC fill policies is needed. The Project would include a creek restoration effort for Damon Slough intended to enhance and increase its habitat value of this segment of the creek. It is possible that the final design of the improvement project could include fill within the extant watercourse for the purpose of creating mud flat habitat. That project would be located within the tidally influenced segment of Damon Slough, and therefore would be subject to BCDC review and permitting requirements, including any BCDC policies regarding fill that would apply.
- A2-8: Chapter 4.8 of the Draft EIR finds that no new development is proposed within a 100-year flood zone as mapped by FEMA, and concludes that, "Implementation of SCA Hydro- 16: Regulatory Permits and Authorizations, and SCA Hydro-17: Structures within a Floodplain, would be required prior to any construction within the former Elmhurst Creek floodway. Therefore, implementation of improvement plans for Elmhurst Creek and Damon Slough, as well as adherence to the SCAs would reduce risks of exposing people or structures to flood-related losses and would reduce potential flooding impacts to a less than significant level."

Chapter 4.8 of the DEIR also evaluates hydrology impacts, and finds the proposed Project would alter drainage patterns and increase runoff volumes, but that these impacts would be reduced to a less than significant level through required implementation of City of Oakland Standard Conditions of Approval and Uniformly Applied Development Standards (SCAs). In particular, SCA Hydro-4: Site Design Measures for Post-Construction Stormwater Management would mitigate flooding issues along Damon Slough by requiring the final site plan for development projects to incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. Other applicable SCAs that will reduce flooding impacts to a less than significant level include those which will control erosion and sedimentation (which could lead to increased flooding) during construction, including any work performed in Damon Slough or Elmhurst Creek (SCAs Hydro-1 and -2). Other applicable SCAs include those which require a creek protection plan to ensure the project will not result in a substantial increase in stormwater runoff volume or velocity to the creek(s) or storm drains, and require monitoring of such measures (SCAs Hydro-9 and -11). City SCAs also ensure post-construction stormwater management plans (SCA Hydro-6); maintenance agreements for stormwater treatment measures (SCA Hydro-7); and erosion, sedimentation and debris control measures (SCA Hydro-8). These City's SCAs also clarify that construction within a floodway or floodplain require all necessary regulatory permits and authorizations be acquired from the Alameda County Flood Control and Water Conservation District prior to construction (SCA Hydro-15). The ACFCWCD will be able to ensure that development would not exacerbate flooding issues along Damon Slough. Additionally, as explained in the Draft EIR, the City of Oakland's Storm Drainage Design Guidelines require new development to reduce storm runoff by 25% from existing conditions, which means the proposed Project would reduce the risk of flooding within the Project Area.

Regarding vulnerability to future storm events and sea level rise inundation, please see Master Response #8.

Comment Letter A3

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
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September 26, 2014

ALA880709
ALA-880-25.3-26.3
SCH# 2013042066

Mr. Devan Reiff
City of Oakland
250 Frank H. Ogawa, Suite 3315
Oakland, CA 94612

Dear Mr. Reiff:

Oakland Coliseum Area Specific Plan – Draft Environmental Impact Report, Volume 1 (DEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIR and have the following comments to offer.

Forecasting

The trip generation estimates were reduced to take into account internal capture trips such as external walk, bike, bus, and Bay Area Rapid Transit (BART) Trips. The resulting trip totals were then added into the Alameda County Transportation Commission (AlaCTC) model. The AlaCTC model already takes into account auto trip reduction totals. As a result, we believe these reductions have been double counted. Please remove these internal captured trips and re-estimate the trip generation.

A3-1

It appears that the raw AlaCTC model forecasts were used as the traffic forecasts. Raw model forecasts should be combined with existing counts to generate final forecasts. The simplest way to do this is to add traffic counts taken in the model base year to the growth in model volumes from the base year to the forecast year. There are also a number of more sophisticated methods that would be acceptable but existing traffic counts should be taken into account. Please provide an updated traffic forecast for our review.

A3-2

Traffic Operations

Caltrans does not agree with the assertion that Impact Trans-75, Impact Trans-76, and Impact Trans-77 are unavoidable and that there are no feasible mitigation measures available that would reduce the magnitude of these impacts. The project will impact several Interstate (I-) 880 freeway segments in Oakland and San Leandro. We request that the City of Oakland work with Caltrans to identify and implement alternative feasible measures on a fair-share basis to ensure

A3-3

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Comment Letter A3

Mr. Devan Reiff, City of Oakland
September 26, 2014
Page 2

all mitigation measures are funded and implemented.

It is essential that feasible mitigation be included to ensure that impacts from the project on the transportation network are reduced or eliminated. This will be important to the success of this project. We also recommend working with Caltrans to develop a mitigation monitoring and implementation plan that identifies an implementation schedule or impact trigger thresholds to determine when identified mitigation projects should be implemented.

A3-3,
cont.

Should you have any questions regarding this letter, please call Keith Wayne of my staff at 510-286-5737 or keith_wayne@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability."

Letter #A3 Response – California Department of Transportation (Caltrans)

- A3-1: The automobile trip generation estimates (Tables 4.13-15 and 4.13-16) were developed using the MXD methodology, which reduces the trip generation to account for internal trips and external walk/bike, bus, and BART trips. The vehicle trip generation estimated by the Alameda County Transportation Commission’s Travel Demand Model (Alameda CTC Model) for the Project area was adjusted to match the MXD-based trip generation rates. Since the Alameda CTC Model also accounts for these reductions, the comment incorrectly states that the Alameda CTC Model further reduced the MXD-based trip generation. As described on page 4.13-58 of the Draft EIR, the trip generation adjustments were completed at the trip distribution and trip assignment steps of the model to ensure that the auto trip generation assigned to the roadway network by the Model matches the MXD-based trip generation. Thus, there is no double counting of the trip reductions and the forecasts developed for the Draft EIR remain valid.
- A3-2: As described on page 4.13-58 of the Draft EIR, the future traffic volumes for the analysis were developed using the Furness process, which uses existing turning movement counts and segment volumes forecasted by the Model for existing and future conditions as input. Thus, the forecasts developed for the Draft EIR remain valid and the traffic forecasts do not need to be updated.
- A3-3: The comment does not identify any feasible mitigation measures for impacts on various segments of I-880 freeway. As described on page 4.13-142 of the Draft EIR, the impacts on I-880 freeway can be mitigated by providing additional automobile travel lanes. However, additional travel lanes cannot generally be accommodated within the existing right-of-way and would require additional right-of-way. Furthermore, since the freeway segments are under the jurisdiction of Caltrans and Caltrans is responsible for approving and implementing all freeway improvements, the City of Oakland cannot ensure the implementation of any potential mitigation measures.

In addition, the Coliseum Area Specific Plan includes policies and strategies that encourage walking, biking and transit, including a TDM program. These policies and strategies would reduce the Project vehicle trip generation, which would reduce the magnitude of the impact on freeway operations. Since the effectiveness of these policies and strategies on reducing the Project vehicle trip generation cannot be accurately estimated, this EIR conservatively does not account for them in estimating Project trip generation and does not rely on them to mitigate these impacts. As suggested in the comment, City of Oakland will work with Caltrans to identify potential feasible mitigation measures and develop a mitigation monitoring and implementation plan. Since potential mitigation measures are not known and their effectiveness cannot be measured at this time, the identified impacts remain significant and unavoidable. No changes to the Draft EIR are necessary.

Comment Letter A4

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



October 6, 2014

Devan Reiff
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Devan:

Subject: SCH 2013042066 Oakland (Alameda) Coliseum Area Specific Plan - DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Branch (RCEB) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed City of Oakland (City) Coliseum Area Specific Plan project.

A4-1

The project area includes the active rail tracks. RCEB recommends that the City add language to the Specific Plan so that any future development adjacent to or near the planned railroad right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at any planned at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

A4-2

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Branch
Safety and Enforcement Division

C: State Clearinghouse

Letter #A4 Response – California Public Utilities Commission (CPUC)

This comment letter includes comments on both the Specific Plan and on the Draft EIR. Only those comments indicated specifically as pertaining to the EIR are addressed here.

- A4-1: Comment is noted. The Project does not propose construction of any new rail crossings.
- A4-2: Chapter 4.13 of the DEIR evaluates this issue (see DEIR Impact Trans-85, p. 4.13-155) and indicates that all future development pursuant to the Project would be subject to the City of Oakland’s Standard Condition of Approval SCA Trans-5. This SCA requires project applicants to individually evaluate potential impacts to at-grade railroad crossings resulting from project-related traffic. This evaluation would consider collisions between trains and vehicles, pedestrians, and bicyclists and include an analysis of potential queuing onto railroad tracks. If the evaluation identifies potentially substantially dangerous crossing conditions at at-grade railroad crossings caused by the project, measures relative to the project’s traffic contribution to the crossings may be applied. The SCA lists suggested measures, including those cited in the comment letter. The SCA also states that, “Any proposed improvements must be coordinated with CPUC and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).”

The Draft EIR (see Impact Trans-85, beginning at page 4.13-155) identifies that future development pursuant to the Project would generate substantial multi-modal traffic traveling across existing at-grade railroad crossings, which would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard. To address this impact, the DEIR includes Mitigation Measure Trans-86, which recommends implementation of the following specific improvements:

- At 66th Avenue west - bring sidewalks into ADA compliance including detectable surface, smooth path of travel, and wider sidewalks. Consider replacing median curb and delineators with a raised median (requires road diet from four to three lanes between Coliseum Way and San Leandro Street).
- At 66th Avenue/San Leandro Street - Add W10-1 signs (railroad crossing warning sign) to 66th Avenue approaching the railroad crossing and W10-2 signs (parallel railroad crossing at an intersection warning sign) on San Leandro Street. Consider vertical delineation on centerline of 66th Avenue approaching the railroad crossing.
- At 69th Avenue/San Leandro Street - Add W10-2 signs on San Leandro Street and consider vertical delineation on centerline of 69th Avenue approaching the railroad crossing.
- At 75th Avenue/San Leandro Street /Snell Street - Add W10-1 signs to 75th Avenue and add W10-2 signs on San Leandro Street and Snell Street. Bring sidewalks into ADA compliance including detectable surface, smooth path of travel, and curb ramps and install a sidewalk on the south side of 75th Avenue. Consider vertical delineators on centerline of 75th Avenue approaching the railroad crossing. Consider removing the pork-chop island and bringing southbound right-turns through the intersection and relocate the crossing arm to preserve sight distance for westbound traffic.

This mitigation measure also indicates that any proposed improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).

Because implementation of this mitigation measure requires consent or approval of the CPUC and is not within the sole authority of the City of Oakland, the Draft EIR conservatively deemed the impact significant and unavoidable.

Comment Letter A5

From: Mark Bryant [mailto:mbryant@portoakland.com]
Sent: Friday, September 12, 2014 12:05 PM
To: Reiff, Devan
Cc: Brandon Mark
Subject: Monthly City-Port staff Coliseum City working group

Devan,

I am unable to attend today's monthly meeting. However, I am passing along some of the reaction and unofficial feedback to last week's Stakeholder Meeting on the Coliseum Area Specific Plan. Debbie H. will provide more in-depth comments to you, but I do now know when, and/or in what fashion. The following reactions stem from yesterday's monthly AABA Board of Directors meeting that come from several AABA board members (my summarized impressions):

- AABA believes that there is inadequate outreach to the Hegenberger Road/Airport Area Business Park business community, or the message of "this impacts you and/or your business", is not coming across strongly enough to generate significant public interest. This is reflected in the poor attendance at the stakeholder meetings held so far. | A5-1
- The lack of available copies of the draft visioning/planning documents for the attending public, was noted. Available documents at the stakeholder meeting, were labeled as "staff copy". | A5-2
- AABA board members believe there is insufficient time to access/download, read, review and submit comments to the draft Coliseum Area Specific Plan and the draft EIR in a timely fashion - deadline for submitted comments by early October is viewed as unrealistic. | A5-3
- The volume of information available by going to the online links, takes a long time to download and is too much information to read, assimilate and compose meaningful responses and questions prior to the comment submittal due date.
- General feeling of pushing the visioning and planning parameters too fast, not engaging the public or business community enough (at least in Project Area D) which will make future comment at public hearings less likely to be taken seriously.

These impressions are forwarded as an fyi.

Mark

Mark Bryant
Senior Property Manager
Oakland International Airport - Airport Properties
9532 Earhart Road - Suite 201
Oakland, California 94621
o: [510.563.3372](tel:510.563.3372)
mbryant@portoakland.com

Letter #A5 Response – Port of Oakland, Oakland International Airport

- A5-1: The City acknowledges that outreach efforts could have been more comprehensive toward the business and property owners in the Business Park. In addition to the community workshops held in the evenings at the 81st Avenue Library, a stakeholder meeting at the Red Lion Hotel (on September 2, 2014) was attended by some Business Park business owners. In addition, on February 17, 2015 the City will host a meeting at One Toyota, aimed at informing and hearing from the business and property owners of the Business Park about the proposed new zoning in the Business Park. However, the City did comply with all CEQA requirements for public notice, public hearing and agency consultation. These comments on the merits of the Specific Plan's planning process will be forwarded on to City decision-makers for their information and consideration, but are beyond the purview of the EIR and CEQA. See Master Response to Comments #2 and #3.
- A5-2: Copies of the Specific Plan and the Draft EIR were made available at the City Planning and Zoning offices, as well as on-line at the City website.
- A5-3: Although State CEQA Guidelines provide for a 45-day public review of the Draft EIR, City staff extended the public review period for an additional 2-week period to provide additional time for review and comment. Please also see Master Response to Comment #1.



San Francisco Bay Regional Water Quality Control Board

October 6, 2014
CIWQS Place ID No. 809687

Sent via electronic mail: No hardcopy to follow

City of Oakland
Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland CA 94612

Attn: Devan Reiff (dreiff@oaklandnet.com)

Subject: Draft Environmental Impact Report for the Coliseum Area Specific Plan, City of Oakland, Alameda County
SCH No. 2013042066

Dear Mr. Reiff:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff has reviewed the *Draft Environmental Impact Report for the Coliseum Area Specific Plan, City of Oakland, Alameda County* (DEIR). The DEIR assesses potential impacts associated with implementing the Coliseum Area Specific Plan (Project). The Coliseum Area Specific Plan will be a 25-year planning document that guides redevelopment of the Oakland Coliseum complex, the area around the Coliseum/ Airport BART station, and the adjacent lands stretching toward the Oakland International Airport, located between San Leandro Bay and Hegenberger Road. The Specific Plan provides a comprehensive vision for the Plan Area with goals, policies and development regulations. This development vision will require coordination with the Port of Oakland, Bay Conservation and Development Commission, and Federal Aviation Administration, among other outside agencies. The Specific Plan calls for up to three new sports venues (a new football stadium, baseball park, basketball arena and multi-purpose events center), an intermodal transit hub adjacent to the current Coliseum BART station, and an elevated pedestrian concourse that runs from the BART station to the sports-related entertainment district (with retail, restaurants, and hotels) and mixed-use residential neighborhood, residential transit-oriented development to the east of San Leandro Road. The remainder of the Project Area (the "Plan Buildout Area") is envisioned to be developed over the longer term and could include a residential mixed-use district; a science and technology district; a possible new bay inlet along the waterfront; and a potential transit link from the Coliseum BART station. Water Board staff have the following comments on the DEIR.

Comment 1. Chapter 4.3, Biological Resources, Regulatory Setting, State, the DEIR does not Discuss Water Board Authority under the State of California’s Porter-Cologne Act
This section of the DEIR lacks a discussion of the Water Board’s authority under the State of California’s Porter-Cologne Water Quality Control Act (California Water Code, Division 7). The DEIR references Oakland Standard Conditions of Approval (SCA) Hydro-10: *Regulatory Permits and Authorizations*; this SCA notes that impacts to wetlands and other waters are subject

A6-1
↓

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

Comment Letter A6

to the jurisdiction of the Army Corps of Engineers (Corps), the Water Board, and the California Department of Fish and Wildlife (CDFW). However, the discussion of Water Board jurisdiction is limited to the certifications of Corps permits that are issued by the Water Board pursuant to Section 401 of the Clean Water Act. The DEIR should be revised to include the Water Board's independent jurisdiction over wetlands and other waters, including wetland and waters that may not be subject to Corps jurisdiction, under the State of California's Porter-Cologne Water Quality Control Act.

The Water Board has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act. Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (Certifications) under Section 401 of the CWA, which are issued in conjunction with permits issued by the Corps, under Section 404 of the CWA. When the Water Board issues Section 401 Certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the Corps (e.g., isolated wetlands, vernal pools, seasonal streams, intermittent streams, channels that lack a nexus to navigable waters, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of Corps jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs).

Under the authority of the Porter-Cologne Water Quality Act, the Water Board has developed, and implements, the *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan), which defines the Beneficial Uses of waters of the State within the San Francisco Bay Region. The water bodies that may be impacted by the Project are tributaries to San Leandro Bay, which has been assigned the following existing Beneficial Uses in the Basin Plan: commercial and sport fishing; estuarine habitat; fish migration; preservation of rare and endangered species; wildlife habitat, water contact recreation; non-contact water recreation; and navigation. Since the Beneficial Uses of any specifically identified water body generally apply to all its tributaries, the beneficial uses assigned to San Leandro Bay apply to the tributaries of San Leandro Bay, including Damon Slough and Elmhurst Creek. Any permit action taken by the Water Board must be consistent with maintaining Beneficial Uses of waters of the State. The Basin Plan also assigns wetlands the beneficial uses of wildlife habitat and preservation of rare and endangered species, which are therefore to be protected at the Edgewater Seasonal Wetland.

Comment 2. Chapter 4.3, Biological Resources, Damon Slough and Elmhurst Creek Improvements, Elmhurst Creek.

The DEIR presents three options for Elmhurst Creek within the Specific Plan Area. Two of these options, Creeks Option A and Creeks Option B, would have relatively little impact to Elmhurst Creek. Option A would not directly impact the creek and Option B would include several new free span bridges over the creek, as well as potential widening of the creek channel to accommodate habitat improvements along the creek. Implementation of either Option A or Option B should be able to obtain Certifications and/or WDRs from the Water Board. However, Option C, which is presented as the preferred alternative, would require placing 1,500 linear feet of Elmhurst Creek into a new culvert.

The Project team should also not assume that the Water Board will allow the culverting of Elmhurst Creek. When the Water Board receives an application for Certification and/or WDRs,

A6-1
cont'd

A6-2

Comment Letter A6

staff reviews the project to verify that the project proponent has taken all feasible measures to avoid impacts to waters of the State (these impacts usually consist of the placement of fill in waters of the State). Where impacts to waters of the State cannot be avoided, projects are required to minimize impacts to waters of the State to the maximum extent practicable (i.e., the footprint of the project in waters of the State is reduced as much as possible). Compensatory mitigation is then required for those impacts to waters of the State that cannot be avoided or minimized. Avoidance and minimization of impacts is a prerequisite to developing an acceptable project and identifying appropriate compensatory mitigation for an approved project's impacts. Avoidance and minimization cannot be used as compensatory mitigation. After avoidance and minimization of direct impacts to waters of the State have been maximized for the proposed project, the necessary type and quantity of compensatory mitigation for the remaining impacts to waters of the State are assessed on a case-by-case basis.

A6-2
cont'd

Under both the Clean Water Act and the *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan), projects are required to demonstrate avoidance of impacts to waters of the U.S. and waters of the State, in conformance with U.S. Environmental Protection Agency's CWA 404(b)(1) Guidelines (Guidelines). The Guidelines provide guidance in evaluating the circumstances under which the filling of wetlands or other waters may be permitted. Projects must first exhaust all opportunities, to the maximum extent practicable, to avoid, and then to minimize impacts to jurisdictional waters. For non-water dependent projects, the Guidelines presume that alternatives that do not impact wetlands or other jurisdictional waters are available. Only after all options for avoidance and minimization of impacts have been exhausted, is it appropriate to develop mitigation for adverse impacts to waters of the U.S. and waters of the State. The Project proposes to fill 8 acres of seasonal wetlands and 1,500 linear feet of a creek channel for non-water dependent projects (e.g., housing and sports stadiums). Review consistent with the Guidelines is not likely to support the issuance Certification and/or WDRs for the proposed fill of jurisdictional waters at the Project site.

Even if the Corps and the Water Board were to issue permits for the proposed culverting of Elmhurst Creek, the DEIR does not propose adequate mitigation for such a large culverting project. As mitigation for the placement of 1,500 linear feet of a creek channel into a culvert, the DEIR proposes to create 2.4 acres of marsh wetlands, to the north of Damon Slough. As Water Board staff explained in prior discussions of the proposed Project with City of Oakland staff, mitigation for impacts to waters of the State should be "in-kind" mitigation. In other words, fill of freshwater wetlands should be mitigated by the creation or restoration of freshwater wetlands and fill of creek channels should be mitigated by the creation or restoration of a creek channel. The mitigation proposal in the DEIR proposes to mitigate for the loss of a creek channel on a per acre basis; 2.4 acres of tidal wetlands are proposed for the loss of 1.2 acres of creek channel (Note: The discussion of the proposed creation of mitigation wetlands for the Project impacts to jurisdictional waters is not consistent. Some sections of the DEIR refer to the mitigation wetlands as freshwater wetlands and other sections of the DEIR refer to the mitigation wetlands as tidal wetlands). In-kind mitigation for the loss of a creek channel requires the creation of a minimum of 1,500 linear feet of new creek channel. However, due to the significant uncertainties associated with the creation of a new creek channel, the actual linear feet of mitigation is likely to be significantly greater than 1,500 linear feet.

A6-3

The preferred alternative proposes to culvert 1,500 linear feet of Elmhurst Creek that currently consists of a vegetated earthen channel. In addition to providing aquatic habitat, Elmhurst Creek

Comment Letter A6

provides treatment of contaminants associated with urban runoff via filtering of runoff in the channel's vegetation and through biological processes that occur in both shallow water and the root zone of the earthen channel banks. Any proposed mitigation for culverting the creek should compensate for lost stream channel habitat and the lost treatment capabilities of the creek channel. In the unlikely situation that culverting of the channel were accepted by the agencies, appropriate mitigation would probably be expensive and require a minimum of 10 to 20 years of post-creation maintenance and monitoring.

A6-4

The design of a geomorphically stable mitigation creek channel is a complex process. Designs acceptable to the resource agencies should be based on the collection of site-specific data, including, but not limited to, sediment load, bankfull flow elevations, and cross-section and thalweg stability. Such data will be essential to developing a design that could be submitted to the resource agencies for review and approval. Any channel creation would also require significant post creation maintenance and monitoring in newly created and/or restored channels. Ten to twenty years of post-construction monitoring may be necessary to properly evaluate the post-creation stability of a mitigation creek channel. In addition, contingency measures must be developed so that corrective measures can be rapidly implemented in the event that the channel creation/restoration proves to be unstable. The project would also need to ensure that adequate funding for contingency measures was available. Any permits issued for the proposed channel would probably require that the project proponents provide the resource agencies with a bond containing sufficient funding for the implementation and long-term monitoring and maintenance of contingency measures. And the project proponent would remain financially liable for the mitigation until the mitigation feature had achieved all of its success criteria. In the event that the mitigation site were to prove to be unable to meet its success criteria, then the project proponent would be financially responsible for designing, implementing, maintaining, and monitoring an alternate mitigation site.

A6-5

Since the current DEIR does not include mitigation for Elmhurst Creek as a linear feature, a revised DEIR should be circulated with a proposed channel mitigation feature, so that stakeholders have an opportunity to evaluate the adequacy of the proposed mitigation.

A6-6

Comment 3. Chapter 4.3, Biological Resources, Damon Slough and Elmhurst Creek Improvements, Damon Slough.

All three of the Options mentioned in the prior comment would include some work in Damon Slough. According to text on page 3-50 of the DEIR:

Damon Slough would be the subject of a creek restoration effort intended to enhance and increase the habitat and storm water filtration value of this segment of the creek. The design parameters of the creek restoration effort would include retaining the overall flow capacity (volume) of the primary creek channel to maintain its flood control function, establishing a low-flow channel within which stormwater runoff would be conveyed to the Bay, and creating an enhanced and widened tidal slough/mud flat habitat between the low-flow and high-flow channels.

However, the DEIR does not provide details for the proposed changes to Damon Slough. Damon Slough is a tidally influenced channel, and its current depth and profile has been established in response to both runoff from its upstream watershed and the tidal flows and sediment inputs. Attempts to modify the geometry of such channels are not usually successful, since the forces that created the current channel dimensions are still present and will tend to return the channel to pre-project dimensions.

A6-7

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The DEIR does not provide designs for the proposed changes to Damon Slough. Therefore, the feasibility and long-term viability of the changes cannot be evaluated by Water Board staff. Based on the limited information in the DEIR, Water Board staff cannot evaluate whether or not the proposed modifications to Damon Slough would provide a net benefit or detriment to habitat values in Damon Slough. Before the EIR is adopted for the Project, this section of the DEIR should be revised to provide sufficient detail for adequate CEQA review.

A6-7
cont'd

Comment 4. Chapter 4.3, Biological Resources, Proposed Impacts to the Edgewater Seasonal Wetland

The Project proposes to fill the Edgewater Seasonal Wetland to provide land for the construction of housing. As text in Chapter 4.3 of the DEIR acknowledges:

Edgewater Seasonal Wetland was also part of the historic tidal salt marsh and mudflats that existed in the area (circa 1850). Around the year 2000, the area was designated as a mitigation site for the Oakland Airport Runway 11-29 Rehabilitation Project. It was a joint project between the Port of Oakland, EBRPD, Golden Gate Audubon Society, San Francisco Bay Conservation and Development Commission (BCDC), Save the Bay, the U.S. Army Corps of Engineers (USACE), URS Corporation, the City of Oakland, the RWQCB, and the Federal Aviation Administration (Port of Oakland 2012).

The mitigation included creating and enhancing wetland features on the site that is now Edgewater Seasonal Wetland (formerly Damon Slough Seasonal Wetland Mitigation Project). The construction of the approximately 9-acre parcel was completed in April 2004. Over 7,000 native plants were planted at the mitigation site to create nesting and foraging habitat for wildlife. The Port of Oakland undertook design, restoration and monitoring of the site for five years. The project was approved by USACE, RWQCB, and BCDC and involved community support and involvement from the Golden Gate Audubon Society, Save the Bay, Sierra Club, and Citizens for Alameda's Last Marshlands. In 2012, the Port of Oakland transferred this land to the EBRPD for long-term management (Port of Oakland 2012).

The Edgewater Seasonal Wetland is adjacent to the brackish water habitat in Damon Slough at the confluence of Damon Slough and San Leandro Bay. Although adjacent to urban development on three sides, it has proximity to Arrowhead Marsh, which is a high quality habitat for marsh species, including the State and federally endangered species California clapper rail (*Rallus longirostris obsoletus*) and salt marsh harvest mouse (*Reithrodontomys raviventris raviventris*). The site is adjacent to the Garretson Point Trail in the MLK Regional Shoreline Park, and provides bird watching opportunities for the public.

The restored freshwater marsh now holds water six or seven months of the year and is used by migratory birds. The soils are saline because it was bay dredge that filled the site, but design of the restoration intends to allow for fresh water to pond in the area, which dilutes the salts in the soils. As the ponded area dries out in the spring the vegetation species change, as do the wildlife species using this marsh. In winter there are many species of ducks including American wigeon, northern shoveler (*Anas clypeata*), northern pintail (*Anas acuta*), mallard (*Anas platyrhynchos*), ruddy duck, and scaup (*Aythya* sp.) foraging and feeding in the deeper waters and roosting on the surrounding uplands.

Significant numbers of shorebirds including American avocet (*Recurvirostra americana*), dowitcher species (*Limnodromus* sp.), marbled godwit (*Limosa fedoa*), and black neck stilt (*Himantopus mexicanus*) utilize the site during their migratory season in late-winter and early spring (URS 2009). These birds forage in the shallower areas and roost in the uplands. The site is fenced to provide some protection from both human disturbance and from land-based predators including off-leash dogs and feral cats, which can be a significant problem for birds.

During the February 2013 site visit to this location, hundreds of migratory birds were observed this freshwater marsh. There are also abundant native wetland plant species, such as cattail (*Typha* sp.), arroyo willow (*Salix lasiolepis*), rushes (*Juncus* spp.), bulrush (*Schoenoplectus* sp.), spike rush (*Eleocharis macrostachya*), and saltgrass.

In exchange for filling about 8 acres of a very successful freshwater marsh mitigation project, the DEIR proposed to create 15 acres of freshwater seasonal wetland (MM Bio 1B-2: *Seasonal*

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Wetland Restoration Plan). However, the DEIR also suggests that the mitigation marsh could be created as a tidal marsh. If the mitigation wetland were created as a tidal marsh, this would be out-of-kind mitigation. Freshwater seasonal marsh habitat is not common in the Specific Plan area, so a net loss of freshwater seasonal marsh habitat would be considered a significant impact. MM Bio 1B-2 proposes to create a 15-acre wetland. However, Option C, which includes culverting of 1,500 LF of Elmhurst Creek, includes a proposal to create 2.4 acres of wetlands as “out-of-kind” mitigation for channel fill. It is not clear if the DEIR is proposing a total of 17.4 acres of wetland creation, or if the 15-acre wetland is intended to provide mitigation for both the fill of Edgewater Seasonal Wetland and the culverting of Elmhurst Creek. In addition, neither the actual location of the proposed mitigation wetland, nor the land area available for the mitigation site, have been determined at this time, and designs of the proposed mitigation wetland are not available for review. Therefore, Water Board staff have not been provided with sufficient information with which to assess the viability and adequacy of the proposed mitigation wetlands. The DEIR should be revised to provide more detailed plans for the proposed mitigation wetland before the EIR is finalized. Alternatively, fill of the Edgewater Seasonal Wetland and culverting of Elmhurst Creek should be dropped from the Project.

A6-8

A6-9

A6-10

Mitigation Measure MM Bio-2: *Seasonal Wetland Restoration Plan*, contains the following text:

To replace impacted wetlands and associated habitat for special status species at the Edgewater Seasonal Wetland, a Habitat Restoration Plan will be developed and implemented to create an approximately 15-acre seasonal wetland and associated Coastal and Valley freshwater wetland habitat in Sub-Area E. The precise boundaries of the newly created wetland have not been defined, but may include portions of the 24-acres of City-owned waterfront property in Sub-Area E, and/or portions of the adjacent EBMUD owned property pending a negotiated acquisition of such lands.

- a) The majority of lands potentially considered for wetlands restoration within Sub-Area E are currently ruderal areas, with some paving. Proposed improvements would include removing paved material, mitigating for potential hazardous materials or soils, and re-grading the site to create low areas that would retain freshwater and rainfall, and creating surrounding uplands to provide bird roosting habitat.
- b) The area would be planted with appropriate native plants to achieve a functioning seasonal wetland and fenced to exclude people and land-based predators.
- c) Performance standards that are accepted by the resource agencies for site re-vegetation shall be specified in the plan.
- d) The restored areas shall be monitored for a minimum of five years and remedial measures taken, such as replanting vegetation or enhancing additional areas, until the performance standards are met.
- e) Construction of the new wetland must be completed prior to removing the Edgewater Seasonal Wetland.
- f) The City will enter into discussions with the East Bay Regional Parks District about management of the new wetland in Sub-Area E.

However, the proposed Bay Inlet cut and the fill and development of the Edgewater Seasonal Wetland as a new waterfront residential development site will be subject to numerous subsequent permitting and regulatory requirements of outside regional, state and federal agencies with jurisdiction over the Plan Buildout components. Not until such time as the details of the project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, can any determination be made as to the efficacy of mitigation strategies. Therefore, impacts to special status species and their habitat resulting from the proposed Bay Inlet cut and the filling and development of Edgewater Seasonal Wetland are considered **significant and unavoidable**.

This section of the DEIR acknowledges that the document does not contain sufficient information to allow for the efficacy of proposed mitigation to be assessed. Proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant

A6-11

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level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. Therefore, the DEIR should be recirculated with more detailed mitigation proposals for the Project's impacts to waters of the State.

The proposed quantities of wetland mitigation appear to be insufficient. Mitigation measures should include factors to account for temporal losses of habitat, the uncertainty of success associated with any mitigation project, and potential distances between the areas of impact and the mitigation sites. Although mitigation for impacts to wetlands appears to be in-kind, the wetland mitigation will be "offsite". When mitigation is constructed offsite, the amount of mitigation should be increased to account for the distance between the impact site and the mitigation site. The DEIR proposes to construct mitigation wetlands prior to impacting the Edgewater Seasonal Wetland, but it is not clear if the mitigation is proposed to attain performance criteria before the Edgewater Seasonal Wetland is filled. If fill occurs prior to full functioning of the new wetland, mitigation will be required for the temporal loss of habitat between the time that habitat is impacted and the time that the mitigation site has developed sufficiently to be fully functioning as habitat. Finally, the amount of proposed mitigation should account for the uncertainty associated with the successful creation of any wetland mitigation site.

A6-12

Finally, Edgewater Seasonal Wetland was created in 2001 by a previous project to provide mitigation for impacts to waters of the State. When the Water Board accepts a created wetland as mitigation for impacts to waters of the State, our expectation is that the created mitigation will be preserved in perpetuity. Therefore, it is very unusual for the Water Board to allow the fill of a mitigation wetland. In cases in which approval is given for the fill of a perpetually preserved mitigation site, the amount of mitigation for this type of impact is greater than for a site that was not being preserved in perpetuity. For planning purposes, the Project proponent should assume that mitigation of the order of 5:1 to 10:1 may be necessary to justify the placement of fill in the Edgewater Seasonal Wetland mitigation site.

A6-13

Comment 5. The DEIR Should be Revised and Recirculated.

In its present form the DEIR lacks an adequate discussion of impacts and proposed mitigation measures to support the issuance of Section 401 Water Quality Certification or WDRs for the proposed Project. Since mitigation measures are either conceptual, or in the case of proposed changes to Damon Slough, not presented in any detail, the DEIR should be revised and re-circulated. Re-circulation is necessary to allow for review and comment on the impacts and proposed mitigation. The following areas require further evaluation in the revised DEIR.

A6-14

- More detail is required with respect to proposed modifications to Damon Slough.
- A mitigation proposal is necessary for impacts to Elmhurst Creek that provides adequate mitigation in terms of linear feet.
- Mitigation is necessary for the lost runoff treatment capacity that will result from fill of Elmhurst Creek.

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City of Oakland

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Coliseum Area Specific Plan, DEIR

- The mitigation proposed for the fill of the Edgewater Seasonal Wetland lacks sufficient detail for Water Board review and is insufficient to support the fill of an existing mitigation wetland.
- The DEIR does not present mitigation that is sufficient to reduce impacts to all aquatic resources to a less than significant level for public and governmental review, as is required by CEQA.
- The DEIR does not acknowledge the permanent character of existing mitigation features.

A6-14
cont'd

Since an EIR should provide both proposed impacts and proposed mitigation measures for public and governmental review, the DEIR should be revised to include more detailed mitigation proposals for public review. The revised DEIR should be re-circulated. Re-circulation is necessary to allow for public and governmental review and comment on the impacts and proposed mitigation. Provision of this information in a Final EIR is inappropriate, since this information would not have been subject to public and governmental review before the Final EIR was adopted.

Please contact me at (510) 622-5680 or brian.wines@waterboards.ca.gov if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID Number indicated at the top of this letter.

Sincerely,

Brian Wines

Digitally signed by Brian Wines
DN: cn=Brian Wines, o=Regional Water Quality
Control Board, ou=Watershed Division,
email=brian.wines@waterboards.ca.gov, c=US
Date: 2014.10.06 09:27:41 -07'00'

Brian Wines
Water Resources Control Engineer
Watershed Division

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

Letter #A6 Response – San Francisco Bay Regional Water Quality Control Board (RWQCB)

A6-1: Although the Biology chapter of the DEIR does not include a description of the RWQCB’s regulatory authorities that intersect with biological resources, the Hydrology and Water Quality chapter of the Draft EIR (Chapter 4.8) does provide a thorough discussion of the RWQCB authority, including its independent jurisdiction over wetlands and other waters (including wetland and waters that may not be subject to Corps jurisdiction) under the State of California’s Porter-Cologne Water Quality Control Act; the USEPA’s delegation of authority for NPDES permitting to the California State Water Resources Control Board as further delegated to the RWQCB’s, and the RWQCB’s jurisdiction and responsibilities pursuant to the San Francisco Bay Basin Water Quality Control Plan.

Because the RWQCB’s responsibilities pursuant to clean water and wetlands permitting are integrally connected with biological resource concerns, additional text similar to that included in Chapter 4.8: Hydrology and Water Quality has been added to Chapter 4.3: Biology, per this letter’s request. Please revisions to Chapter 4.3: Biological Resources, in Chapter 7 of this FIER. The addition of this regulatory setting information does not raise a new impact or indicate that any impacts identified in the Draft EIR would be more severe than previously identified, and therefore does not require recirculation.

A6-2: The comment cites standard of the Clean Water Act and the San Francisco Bay Basin Water Quality Control Plan that require all feasible measures to avoid impacts to waters of the State; where impacts to waters of the State cannot be avoided, projects are required to minimize impacts as much as possible; and only after avoidance and minimization of direct impacts have been maximized should compensatory mitigation for the remaining impacts to waters of the State be assessed on a case-by-case basis.

The Draft EIR presents three potential options related to Elmhurst Creek (as shown in Figure 4.8-7 of the Draft EIR), which include:

- Option A: Allow the existing Elmhurst Creek to remain in its current alignment and within its existing dimensions (within the current 55-foot wide easement). No new crossings of the Creek would be provided (i.e., avoidance).
- Option B: Allow Elmhurst Creek to remain in its current alignment, but improve the channel to meet current ACFC&WCD standards, with a 3:1 setback ratio resulting in an approximately 72-foot wide easement. Access from the Coliseum District’s main surface parking lot to the new Stadium would be provided via new pedestrian and vehicular crossings, or bridges. These bridges would be clear-spans structures so as to keep new development outside of the widened creek banks (i.e., minimization); and
- Option C (Preferred Project): The preferred option is to realign Elmhurst Creek far enough to the south to provide clearance for construction of the new Stadium. The preferred alignment for Elmhurst Creek would be capture the creek within an underground culvert at the point where it enters into the Coliseum District from a culvert under Hegenberger Road, and to continue the creek within a new culvert following along or within the Hegenberger Road right-of-way. The underground culvert would then daylight on the east side of I-880 near the confluence of several other local drainages near the Hegenberger Road interchange. This option would enable the flood

control function of Elmhurst Creek to continue to operate as it currently exists, with flood flow volumes entering San Leandro Bay at the current Elmhurst Creek outfall. The tidal ebbs and flows in Elmhurst Creek would be limited at the existing I-880 culvert. Mitigation measures related to Option C include are specifically identified in page 4.3-60 of the Draft EIR, and include MM Bio 2A-6 (whereby any newly aligned and day-lighted portion of Elmhurst Creek must have a channel design that is consistent with the City of Oakland Creek Protection, Storm Water Management and Discharge Control Ordinance), and MM Bio 2A-6: "Cruise America" Tidal Wetland (whereby the "Cruise America" parcel is to be restored to provide a tidal wetland designed to be self-sustaining in hydrological and habitat function, with approximately 2.4 acres of this new wetland serving as mitigation for the removal of 1,500 feet of Elmhurst Creek (i.e., compensatory mitigation).

As further indicated on page 4.8-27 of the Draft EIR, it is recognized that Option C (the preferred option) will likely require obtaining numerous subsequent permits, but that no applications for these permits have yet been made, and no permit approvals obtained. These permit processes typically require completion of the underlying project's CEQA review prior to consideration by the subsequent permitting agencies. To the extent that these subsequent permits can be obtained, then the preferred option becomes an integral component of the proposed Project. However, if these subsequent permits cannot be obtained through reasonable efforts, then Options A and B are intended to provide options that enable ongoing implementation of the Project. As such, neither the City nor the development team have pre-supposed or assumed that Option C will be permitted. However, Option C does provide the greatest potential to achieve the primary objective of the Project (i.e., the retention of the Raiders and the A's sports franchises within new and individual sports venues).

- A6-3: As described on page 4.3-8 of the Draft EIR, "Elmhurst Creek is a channelized waterway through the urbanized East Bay. . . . The channelized creek follows a straight alignment for approximately 1,500 feet through the existing Oakland Coliseum parking lots on the southeast side of the Coliseum complex . . . The current habitat of Elmhurst Creek is of poor quality and limited extent. The creek has been channelized into a narrow and deep channel. The substrate is comprised of mud, which includes fill material. The creek is tidally influenced and supports a handful of common Bay plant species such as pickleweed (*Salicornia pacifica*) and marsh gumplant (*Grindelia stricta* var. *angustifolia*) along its narrow banks ". Elmhurst Creek is also similarly described in a prior City of Oakland CEQA document which states; "Like many creeks in the greater Bay Area, Elmhurst Creek has been placed into culverts, channelized, and otherwise modified to convey flood flows. Historically, the headwaters of Elmhurst Creek were near International Boulevard. Currently, the watershed is drained by storm drains and engineered channels that eventually drain into San Leandro Creek just above San Leandro Bay. Elmhurst Creek has a defined bed, bank, and channel, and is about 25 feet wide. Because of tidal influences from the San Francisco Bay, water is likely brackish (i.e., a mix of fresh and saltwater). Overall water quality appears poor" (underline added).¹ Elmhurst Creek displays no riparian habitat types or other characteristics associated with a fresh water creek.

¹ City of Oakland, *Elmhurst Creek Sediment Removal and Maintenance Project - Initial Study*, December 2007, page 46

Similarly, Damon Slough is described as being; “tidally influenced, with mud bottom and banks. [Damon] Slough is approximately 65 feet wide at the top and widens to approximately 150 feet where it enters San Leandro Bay. There are some natural upland along the north side near the mouth of the slough. Although the surrounding area is heavily developed, the banks of Damon Slough are lined with common native tidal slough plant species, including marsh gumplant, pickleweed, and salt grass (*Distichlis spicata*).

The Draft EIR’s identified compensatory mitigation (MM Bio 2A-6) involves restoration of the Cruise America parcel adjacent to Damon Slough to provide a tidal wetland designed to be self-sustaining in hydrological and habitat function, with approximately 2.4 acres of this new wetland serving as mitigation for the removal of approximately 1.2 acres (1,500 feet of length at 35 feet in width) of Elmhurst Creek. Based on the similarity of habitat types, functions, tidal influences and other characteristics between Elmhurst Creek and Damon Slough, the recommended mitigation measure would provide for compensatory in-kind mitigation at a ratio of 2:1.

A6-4: As noted on page 4.8-28 of the Draft EIR, all development within the Coliseum District (including the proposal for compensatory mitigation of the loss of Elmhurst Creek) will be required to comply with uniformly applied SCAs. These SCAs mandate implementation of erosion and sediment control plans (SCA Hydro-1 and -2); Stormwater Pollution Prevention Plans (SCA Hydro-3); site design measures for post-construction stormwater management (SCA Hydro-4); source control measures to limit stormwater pollution (SCA Hydro-5); post-construction stormwater pollution management plans (SCA Hydro-6); maintenance agreements for stormwater treatment measures (SCA Hydro-7); and erosion, sedimentation and debris control measures (SCA Hydro-8). Additionally, the following City of Oakland regulatory requirements will need to be met by all new development projects:

- The City of Oakland’s Storm Drainage Design Guidelines requires new development to reduce storm runoff by 25% from existing conditions.
- Compliance with the Municipal Regional Permit (MRP) C3 requirements for stormwater discharge would require all development projects to provide on-site storm water treatment to meet NPDES standards.
- Section C10 of the MRP will require all development to provide stormwater trash capture onsite or regionally.
- Implementation of the State’s Construction General Permit Stormwater Pollution Prevention Plan (SWPPP) would require any project to incorporate Best Management Practices (BMPs) to control sedimentation, erosion, hazardous materials contamination of runoff during construction.

These SCAs and other regulatory requirements apply to all subsequent development within the Coliseum District (including realignment of Elmhurst Creek), and will mitigate potential drainage and water quality impacts associated with new development at the Coliseum District to a less than significant level.

Additionally, MM Bio 2A-5: Realigned Portion of Elmhurst Creek (which only applies if Elmhurst Creek is culverted) requires that any newly aligned and day-lighted portion of Elmhurst Creek (i.e., in the lower reaches of the creek between Hegenberger Road and the existing culvert to the Bay-side of the freeway) must have a channel design that is consistent with the City of Oakland Creek

Protection, Storm Water Management and Discharge Control Ordinance, including that created banks will be enhanced to support coastal scrub habitat pursuant to performance standards accepted by CDFW and RWQCB for site re-vegetation, along with monitored for a minimum of three years, and remedial measures taken, such as replanting vegetation or enhancing additional areas, until the performance standards are met.

- A6-5: Pursuant to implementation of SCA Bio-12: Regulatory Permits and Authorizations, the City anticipates that the regulatory agencies (including RWQCB) will require conditions pursuant to their permits or authorizations. To the extent that the RWQCB requires the site-specific data and other conditions as indicated in this comment, subsequent permit applications to the RWQCB will then need to comply with these conditions. Furthermore, Mitigation Measure Bio 2A-6: “Cruise America” Tidal Wetland includes the requirement that performance standards accepted by the RWQCB for site re-vegetation shall be specified in the Restoration Plan. Such performance standards may include (as identified pursuant to RWQCB authority), post-creation maintenance and monitoring, contingency measures with adequate funding (i.e., a bond containing sufficient funding for the implementation and long-term monitoring and maintenance of contingency measures), and retention of financial liability for the mitigation until the mitigation feature had achieved all of its success criteria.

As further background regarding the complexity of a Damon Slough mitigation site, it should also be noted that (as discussed on page 4.3- of the Draft EIR), both Damon Slough and Elmhurst Creek have previously been channelized, either during reclamation of the tidal marsh or during construction of the existing Oakland Coliseum, which began in 1962. At that time, the area was filled and the creeks channelized to facilitate urbanization in East Oakland, including the construction of the Oakland Coliseum, Interstate 880, and the Oakland Airport. Neither Damon Slough nor Elmhurst Creek are currently contained within their original, historic alignment.

- A6-6: Similar to the issues related to the level of detail for Edgewater Seasonal Wetlands (see Master Response #6), details regarding the mitigation for Elmhurst Creek are also relatively conceptual in nature. The City agrees that more detailed plans for the enhancement of Damon Slough at the Cruise America parcel will be necessary before it is ready to fully consider the relative merits of the Damon Slough enhancement. Detailed assessment can only occur at such time as more detail is made available, pursuant to an actual Creek Permit application. No applications for such a permit have, as yet, been received by, or prepared by the City. At such time as a Creek Permit application is proposed, the City will review that application for consistency with this EIR, will assess whether its detailed mitigation strategy provides superior habitat and creek characteristics as compared to existing Elmhurst Creek, and only then will consider approval of a Creek Permit. Other regulatory agencies with jurisdictional permits or approvals over the proposed fill of Elmhurst Creek (including the RWQCB) will similarly rely on these more detailed Creek Permit plans for their subsequent actions, and detailed plans will be made available to them at such time as they have been prepared. The required Creek Permit details, once developed, must be able to demonstrate that mitigation at the Cruise America site effectively achieves the performance standards identified in Mitigation Measures Bio 2A-5. If these performance standards are ultimately achieved under the Creek Permit details, the City (and presumably other agencies) will then be in a position to conclude whether Mitigation Measure Bio 2A-5 has ultimately provided superior habitat and creek characteristics as compared to existing Elmhurst Creek, and whether the impact of filling Elmhurst Creek has been mitigated to a less than significant level.

Different than issues related to the mitigation for Edgewater Seasonal Wetlands, the recommended mitigation measure for impacts to Elmhurst Creek are feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments. The City of Oakland controls the Elmhurst Creek mitigation site at the Cruise America parcel, can make this property available for this intended use, and can effectively condition the proposed fill of Elmhurst Creek through its required Creek Permit process. Furthermore, based on the response to comment A6-3 above, the proposed mitigation for the fill of a tidally-influenced creek (Elmhurst Creek) through restoration and enhancement of similar tidally-influenced creek habitat (at Damon Slough) is appropriate, and no recirculation of the Draft EIR is necessary.

A6-7: Please refer to Master Response to Comments #6 regarding the level of detail included in the Draft EIR for the Edgewater Seasonal Wetland, and see response to Comment A6-6 regarding the level of detail available regarding the Project and Damon Slough improvements in particular, and response to comment A6-5 regarding the prior channelization that created the current dimensions of Damon Slough.

A6-8: As stated in MM Bio 1B-2: Seasonal Wetland Restoration Plan (page 4.3-55), a Habitat Restoration Plan will be developed and implemented to create an approximately 15-acre seasonal wetland and associated Coastal and Valley freshwater wetland habitat in Sub-Area E. The precise boundaries of the newly created wetland have not been defined, but may include portions of the 24-acres of City-owned waterfront property in Sub-Area E, and/or portions of the adjacent EBMUD-owned property pending a negotiated acquisition of such lands. Proposed improvements would include re-grading the site to create low areas that would retain freshwater and rainfall, and creating surrounding uplands to provide bird roosting habitat. The area would be planted with appropriate native plants to achieve a functioning seasonal wetland (underline added).

Further discussion regarding the suitability of this mitigation site (see page 4.3-62 of the Draft EIR) indicates that, “because the mitigation site is adjacent to brackish water habitat, salt marsh and San Leandro Bay, it offers similar if not better proximity to a large area of high quality habitat for migratory birds and increases potential value to provide non-fragmented habitat”, and that there is the “potential for the site to have a hydrologic connection to the Bay and have tidal influence, which could allow for its restoration as a salt marsh.” The replacement wetland envisioned under MM Bio-1B-2 is an in-kind freshwater seasonal wetland, with the potential for a hydrologic connection to the Bay.

A6-9: MM Bio 1B-2: Seasonal Wetland Restoration Plan is intended to provide for the loss of the Edgewater Seasonal Wetland by creating a new, approximately 15-acre (at a 2:1 ratio) freshwater seasonal wetland and associated coastal and valley freshwater wetland habitat in Sub-Area E.

MM Bio 2A-6: “Cruise America” Tidal Wetland is intended to provide compensation for the removal of 1,500 linear feet (approximately 1.2 acres) of Elmhurst Creek by restoring and enhancing approximately 2.4 acres of tidal wetland along Damon Slough.

A6-10: Please see Response A6-6 above regarding the level of detail regarding Elmhurst Creek. Please also see Master Response #6 regarding the level of detail pertaining to Edgewater Seasonal Wetlands, and the issue of recirculation of the Draft EIR on this issue.

- A6-11: Please see Master Response #6 regarding the level of detail and the efficacy of mitigation regarding impacts to Edgewater Seasonal Wetlands, and response to comment A6-6 above regarding same for Elmhurst Creek.
- A6-12: MM Bio 1B-2: Seasonal Wetland Restoration Plan only allows for fill of the Edgewater Seasonal Wetland once construction of the new, replacement wetland is completed. The measure also provides for post-construction monitoring of the replacement wetland (and post-fill of Edgewater Seasonal Wetlands) for a minimum of five years, with remedial measures such as replanting vegetation or enhancing additional areas, taken until the performance standards are met.
- A6-13: Comment noted. Please see Master Response #6 regarding removal of wetlands preserved in perpetuity. The City of Oakland has recommended a 2:1 replacement ratio for the loss of Edgewater Seasonal Wetlands to account for temporal losses of habitat and the uncertainty of success associated with any mitigation project, and meets the CEQA test for rough proportionality of mitigation measures to the impact. When considering its regulatory permitting processes, the RWQCB may conclude that a higher ratio is necessary. The City's SCA Bio-12 specifically requires the Project to obtain all necessary regulatory permits and authorizations (including those of the RWQCB), and to comply with all conditions issued by those applicable agencies.
- A6-14: Please refer to Master Response #6 regarding level of detail and recirculation issues related to Edgewater Seasonal Wetland, and response to comment A6-6, above regarding details and recirculation issues related to Elmhurst Creek.



October 15, 2014

Devan Reiff, AICP
 City of Oakland
 Department of Planning and Building - Strategic Planning Division
 250 Frank Ogawa Plaza, Suite 3315
 Oakland, CA, 94612

SUBJ: Coliseum Area Specific Plan and Draft EIR

Dear Mr. Reiff,

Thank you for taking the time to attend and present this project at the September 17, 2014 regularly scheduled Alameda County Airport Land Use Commission (ALUC) meeting. The Commission is supportive and excited about the opportunities a project of this scale would provide the City of Oakland and the greater Bay Area. To that end, we have the following specific requests in response to the Draft EIR and Specific Plan at this point in the planning process.

1. FAA and ALUC Findings Relative to FAA PART-77 Concerns (Mitigation Measure Land-7A)

This mitigation measure addresses the potential hazards associated with buildings and structures that exceed the FAA PART-77 requirements. The ALUC requests the City include both FAA and ALUC findings listed below as a condition of approval:

- a) an FAA finding that the structure is “not a hazard to air navigation” and would not result in the FAA instituting any alterations or curtailing of flight operations, ~~or~~ and
- b) a conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.

A7-1

2. Real Estate Disclosure Law Compliance and Avigation Easement Dedication (Mitigation Measure Land-7B)

This mitigation measure recommends that property sold or leased within the Specific Plan Area include a Real Estate Disclosure notification per state law informing all parties that the property is located within an Airport Influence Area (AIA) and may be subject to certain annoyances or inconveniences associated with airport operations. The ALUC agrees, and further requests that the City *also* require dedication of an Avigation Easement for all property within the Specific Plan Area as a condition of approval of development to restrict the heights of structures or trees. Avigation easements should be dedicated to the airport owner as a condition for any discretionary local approval of any residential or non-residential development within the project area.

A7-2



Comment Letter A7

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Coliseum Area Specific Plan and Draft EIR

Alameda County Airport Land Use Commission Comment Letter
October 15, 2014

3. Hazardous Wildlife Attractants

A7-3

The ALUC requests the City of Oakland implement strategies identified in FAA AC 150/5200-33B: *Hazardous Wildlife Attractants On or Near Airports*.

4. Review by Caltrans Division of Aeronautics

A7-4

The ALUC requests the City of Oakland consult with, and solicit comments on the Specific Plan and DEIR from the Caltrans Division of Aeronautics.

5. ALUC Consistency Determination

A7-5

The ALUC requests that the City of Oakland resubmit the Coliseum Area Specific Plan and Final EIR to the ALUC for a formal Consistency Determination *prior* to final plan adoption by the City Council.

Again, thank you for the opportunity to review and comment at this time on this project. We look forward to collaboration with the City and the Port of Oakland on potential airport land use compatibility issues as this project moves forward. Please do not hesitate to contact staff at (510) 670-5400 if you have any questions about this letter or require additional information as this project moves forward.

Very truly yours,



Leander Hauri
Chair, Alameda County Airport Land Use Commission

c: Members, Alameda County Airport Land Use Commission
Albert Lopez, Alameda County Planning Director, ALUC Administrative Officer



ALAMEDA COUNTY | **Community Development Agency**

224 W. Winton Avenue, Rm. 111, Hayward California 94544
phone 510.670.5400 • fax 510.785.8793 • www.acgov.org/cda/planning

Letter #A7 Response – Alameda County Airport Land Use Commission (ALUC)

- A7-1: Changes have been made to the EIR reflective of this comment. Please see revision to Chapter 4.9: Land Use, in Chapter 7 of this FEIR.
- A7-2: The requirements for an aviation easement has been added to the EIR, as new Mitigation Measure Land-7C. Please see revision to Chapter 4.9: Land Use in Chapter 7 of this FEIR.
- A7-3: The entire Project Area is within this 10,000 feet of the Oakland International Airport’s operations area, and several hazardous wildlife attractants as defined by the Circular already exist in the Project Area, including the EBMUD Oakport Wet Weather Treatment Plant, the Edgewater Seasonal Wetland, Damon Marsh, coastal salt marsh along the Bay shore, creeks, and sloughs, and small freshwater seasonal wetlands. The Arrowhead Marsh is also located adjacent to the Project Area and the Airport. Given the extent of identified wildlife attractants in the vicinity already, it is unlikely that the wetlands enhancements and open space improvements proposed by the Project would measurably add to this existing condition, or could be identified as a specific source of new hazards. The Project would add to the amount of wetlands that already exist around San Leandro Bay, but would not create new wildlife attractants not already well established. As a result, any wildlife hazard management already in place at the Airport should be equally effective to mitigate risks generated by the Project.

To the extent that the FAA may require preparation of, or amendments to a Wildlife Hazard Management Plan for the Airport, the City would be willing to participate in any established working group that may exist or become established for this purpose, in an effort to integrate design considerations into new creek improvements and/or wetland areas in the Project to minimize wildlife impacts on aviation.

- A7-4: The State Clearinghouse provided the DEIR to Caltrans for their comment; feedback was provided by Caltrans District 4, but the Division of Aeronautics did not provide comments.
- A7-5: As noted in the Oakland International Airport’s Land Use Compatibility Plan (page 2-8), “Although the ALUC does not have the authority under state law to require that all actions, regulations, and permits be referred for review, the ALUC requests that certain types of actions be referred to the ALUC for determination of consistency with the ALUCP prior to their approval by the local jurisdiction. Per CEQA Guidelines Section 21092.5, at least 10 days prior to consideration of certification of this EIR, the City shall provide this Final EIR to the ALUC. The City also commits to providing the ALUC with a review process for determining consistency determination for all subsequent projects within the Project Area that exceed 159 feet in height.

Comment Letter A8



October 13, 2014

Devan Reiff, Environmental Review Officer
City of Oakland
Department of Planning and Building – Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Availability of a Draft Environmental Impact Report – Coliseum Area Specific Plan (Case Numbers ER13-0004 and ZS13-103), Oakland

Dear Mr. Reiff,

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Coliseum Area Specific Plan (Specific Plan) located in the City of Oakland (City). EBMUD has the following comments.

LAND USE AND PLANNING

EBMUD's Oakport Facility, located in Sub-Area E, is critical to EBMUD's mission of providing water and wastewater services to the area; EBMUD plans to continue operation at this location. Current uses of the Oakport Facility include a Wet Weather Treatment Plant and a Maintenance and Storage Center that includes an outdoor storage yard, large materials warehousing, pipeline fabrication shops, fleet maintenance and equipment support, outdoor trades training and testing, and a trench spoils storage area.

Land Use and Ownership

The Specific Plan recommends the creation of up to 15 acres of new freshwater seasonal wetland habitat between Damon Slough and East Creek Slough, in exchange for, and in replacement of, East Bay Regional Park District's (EBRPD) existing 8-acre Edgewater Freshwater Marsh, which would require that a portion of EBMUD's currently vacant property be made available for wetland restoration (e.g., Mitigation Measure Bio 1B-2, DEIR p. 4.3-55). Although portions of EBMUD's property are currently vacant, they are used seasonally by various tenants. EBMUD also has a long-term plan that envisions full use of its site in order to meet projected future operational needs. In addition, EBMUD has long considered its land in Sub-Area E as vital to its continued operations. In 1995, EBMUD prepared the Oakport Master Plan, which projected long-term operational needs of the site. The Oakport Master Plan was updated in 1998 in coordination with the goals of the City of Oakland's adopted Estuary Policy Plan. The Oakport Master Plan Update includes expansion of the existing Wet Weather Treatment Plant based on projections of regulatory requirements, expansion of the Oakport Maintenance and Storage Center, and health and safety/regulatory compliance training and trench spoils recycling; EBMUD will need to occupy all of its currently vacant land in the area to accommodate such

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A8-1

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Devan Reiff, Environmental Review Officer
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future uses. According to the Oakport Master Plan, the area west of the abandoned railroad, currently leased to EBRPD, would be used for maintenance and storage. Until this space is needed for operations, in the short term, EBMUD plans to continue its revocable license with EBRPD for the area west of the abandoned railroad. EBMUD also envisions near term plans to expand the use of the site. Currently, EBMUD is undertaking a program to expand the replacement of existing small diameter pipelines from 10 miles to 40 miles per year in the next 10 years; this initiative will require use of the existing EBMUD vacant property for material storage. For these reasons, EBMUD has no business incentive to sell the property or otherwise make it available as mitigation lands for the Specific Plan's environmental impacts.

A8-1,
cont'd.

Proposed General Plan and Zoning Amendments

The proposed General Plan and Zoning amendments as illustrated in Figures 4.9-5 and 4.9-6 of the Draft EIR are not consistent with EBMUD's existing and future operations and activities on the property. The General Plan land use designations are proposed to change from Light Industrial 3 and General Commercial 2 to Business Mix for the area east of the abandoned railroad and from Light Industrial 3 to Urban Park & Open Space for the area west of the abandoned railroad. As discussed above, EBMUD intends to utilize the area west of the abandoned railroad for maintenance and storage use in the long term, and anticipates continued industrial-type uses of the remainder of its land in Sub-Area E. In addition, the City is introducing new zoning designations that would be applied to EBMUD property. The Draft EIR proposes that part of the property's zoning be changed from the existing M-40 Heavy Industrial Zone to D-CO-6 New Coliseum District 6 and Open Space. As indicated in the Specific Plan, the proposed changes to the General Plan Land Use Map and the Zoning Map will not be adopted as part of the Specific Plan and the D-CO-6 zone has not yet been defined by the City. EBMUD requests that the City develop a zoning definition that would allow EBMUD to conduct its current and projected operations as permitted uses, rather than as conditional uses. EBMUD also requests that notification be provided when the zoning amendments are drafted and published and prior to formal adoption by the City.

A8-2

A8-3

In addition, EBMUD requests that the City refrain from applying any general plan land use designations or zoning requirements that would limit its ability to carry out its existing and planned uses of its Sub-Area E property. Specifically, EBMUD requests that the City refrain from applying any open space general plan land use designations or zoning restrictions to EBMUD property. EBMUD also requests that any new zoning applied to EBMUD property allow the existing and planned uses outlined above as permitted uses to meet current and future operational needs.

A8-4

WATER SERVICE

EBMUD's Central Pressure Zone with a service elevation between 0 and 100 feet serves the project area. Main extensions that may be required to serve any specific development to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications

A8-5

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of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

A8-5,
cont'd.

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.

A8-6

In addition, the project sponsor must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

WASTEWATER

On page 4.14-4, first paragraph under Wastewater, Pump Station 6 should be replaced with Pump Station G.

A8-7

On page 4.14-5, under Wastewater Generation and Treatment, the first paragraph states, "The MWWTP is currently operating at 39 percent of its 168 million gallons per day (MGD) capacity in dry weather." This should be revised to "approximately 43 percent" to be consistent with other references to the flow on pages 4.14-17 and 4.14-19.

A8-8

Due to recent developments, the second and third paragraph under Wastewater Generation & Treatment on page 4.14-5, the third paragraph under Impact UTIL-2B under Wastewater Treatment on page 4.14-19, and the first paragraph under Wastewater on page 4.14-29 (EBMUD does not use a sub-basin allocation system) should be deleted and the following language should be added:

A8-9

Comment Letter A8

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“EBMUD’s Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency’s (EPA) and the State Water Resources Control Board’s (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an NPDES permit prohibiting further discharges from EBMUD’s Wet Weather Facilities (WWFs). Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (“Satellite Agencies”) hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows. Various enforcement orders issued between 2009 and the present have allowed EBMUD to temporarily continue operating the WWFs as designed, but these enforcement orders are interim in nature and do not resolve the East Bay’s long-term wet weather issues. To reduce the volume of primary-treated wastewater that is discharged to the Bay, actions will need to be taken over time to reduce I/I in the system sufficiently to reduce peak wet weather flows so that all wastewater can receive secondary treatment.

A8-9,
cont’d.

On July 28, 2014 a proposed consent decree was lodged for public review. This proposed order, negotiated among EBMUD, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (“Satellite Agencies”), EPA, SWRCB, and RWQCB would require EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and locate key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the proposed consent decree would require the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies would need to jointly demonstrate at specified intervals that a sufficient, pre-determined level of reduction in WWF discharges has been achieved through this work. If sufficient I/I reductions are not achieved, additional investment into the region’s wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

As stated, EBMUD’s NPDES permit for the WWFs prohibits discharges. If the consent decree is adopted as anticipated, it will require a demonstration of continuous improvement in reducing the volume of discharges over time. Meeting these legal requirements will require I/I reduction, which in turn requires sewer main and sewer lateral repair. To ensure that the proposed project contributes to these legally required

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I/I reductions, the lead agency should require the project applicant to comply with EBMUD’s Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.”

A8-10

A8-11

WATER RECYCLING

EBMUD’s Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD’s limited potable water supply.

The Specific Plan area is located within EBMUD’s San Leandro Recycled Water Project serving Alameda’s Golf Courses and other sites. The size and nature of the proposed development will present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in sports arenas and other applications. As part of the long term water supply planning, EBMUD will investigate expanding the existing recycled water infrastructure or constructing a localized satellite facility that treats onsite wastewater to provide recycled water to the project. The existing San Leandro Recycled Water Project could potentially expand in the future should the treatment level be upgraded to a tertiary level and if additional distribution pipelines are extended towards the project’s area. EBMUD recommends that the City and their developers maintain continued coordination and consultation with EBMUD as they plan and implement the various projects as identified within the specific plan area regarding the feasibility of providing recycled water for appropriate non-potable uses.

A8-12

WATER CONSERVATION

Individual developments within the Specific Plan present opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsors comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Project sponsors should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor’s expense.

A8-13

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Devan Reiff, Environmental Review Officer
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If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

Bill Magee for WRK

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:djr
sb14_208.docx

Letter #A8 Response – East Bay Municipal Utility District (EBMUD)

A8-1: These comments are noted. Nothing in the comment suggests that the analysis or findings in the Draft EIR are flawed or inadequate. Please also see Master Response to Comments #6 regarding mitigation measures for impacts to Edgewater Freshwater Wetlands as relates to EBMUD's southern parcel and its mention in Mitigation Measure Bio 1B-2. Since Mitigation Measure Bio 1B-2 does not compel EBMUD to transfer its property, does not necessarily require that property, and would require further evaluation once project details are submitted, this mitigation measure is not required to be altered to address EBMUD's concerns.

A8-2: The existing General Plan land use designations for Sub-Area E are as established in the Estuary Policy Plan (EPP). The Draft EIR evaluates consistency of the proposed Project with the EPP in Impact Land-4 (Draft EIR, pp. 4.9-45), which finds the Project's proposed land use program would be generally consistent with the policy direction of the EPP, not interfere with any EPP objectives, and advance certain EPP objectives, and therefore would not result in a significant impact under CEQA.

Otherwise, the issue of the proposed Project's consistency with the future development plans of EBMUD does not involve the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project's land use recommendations, and is beyond the purview of the EIR and CEQA. The analysis under Impact Land-4 has been amended and edited, however, to better explain how the proposed Project would not fundamentally conflict with the EPP; please see revisions to Chapter 4.9: Land Use, in Chapter 7 of this Final EIR.

A8-3: This comment pertains to the proposed Project's consistency with the future development plans of EBMUD does not involve the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project's zoning recommendations, and is beyond the purview of the EIR and CEQA. EBMUD and City staff have met and will continue to meet to discuss proposed zoning, and potential revisions to the proposed zoning.

A8-4: See responses to comments A8-1, A8-2 and A8-3 above.

A8-5: As indicated in the Draft EIR (page 4.14-15), "Given the age of the water supply infrastructure in the Project Area, it is likely that distribution mains serving individual development site will need to be upgraded to comply with current EBMUD design standards and the California Fire Code." As also noted in the Draft EIR (page 4.14-16), "All construction activity on-site, including construction of new water distribution lines, would be required to comply with City of Oakland standard conditions of approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1) which would ensure that standard construction effects remain at less than significant levels." Thus, the Draft EIR recognizes the need for water infrastructure extensions and upgrades, and includes environmental analysis of the potential environmental impacts associated with construction of these improvements.

A8-6: Comment noted. Chapter 4.7 of the Draft EIR discusses hazardous materials in the Project Area. Impacts Haz-5A and Haz-5B evaluate potential impacts resulting from development on sites with documented past releases that may have contaminated subsurface soils and groundwater, and determines that the City's Standard Conditions of Approval would mitigate such hazards to a less

than significant level. These SCAs include implementation of remedial actions where necessary to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sump (SCA Haz-6), the creation and implementation of a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal (SCA-Haz-9), and implementation of Best Management Practices (BMPs) as part of all new construction (SCAs Haz-1 and Haz-10).

- A8-7: Comment noted, and corrections to the Draft EIR made as requested. Please see revisions to Chapter 4.14: Utilities and Service Systems, in Chapter 7 of this Final EIR.
- A8-8: Comment noted, and corrections to the Draft EIR made as requested. Please see revisions to Chapter 4.14: Utilities and Service Systems, in Chapter 7 of this Final EIR.
- A8-9: The Existing Settings section of the Draft EIR (p. 4.14-5) is hereby updated to reflect the new information as indicated by EBMUD. The analysis under Impact UTIL-2B is also hereby updated to summarize this information. Please see revisions to Chapter 4.14: Utilities and Service Systems, in Chapter 7 of this Final EIR for these edits. This information does not change the Draft EIR's conclusion that new development pursuant to Plan Buildout, including the Coliseum District, would not exceed the wastewater treatment requirements of the San Francisco Regional Water Quality Control Board or result in a determination that new or expanded wastewater treatment facilities would be required.
- The cumulative impact analysis (under Wastewater on page 4.14-29) is also hereby amended to note that EBMUD does not rely on the City's sub-basin allocation system. Please see revisions to Chapter 4.14: Utilities and Service Systems, in Chapter 7 of this Final EIR for these edits.
- A8-10: The City already requires such compliance pursuant to Chapter 13.08 of the Municipal Code. Section 13.08.590 specifically commits the City to enforce the provisions of EBMUD Ordinance No. 311, Title VIII, Regulation of Private Sewer Laterals, and Section 13.08.620 adopts the EBMUD Regional PSL Ordinance by reference.
- A8-11: The Draft EIR found that the impacts of the Project would have a less than significant impact on sewer line I&I as a result of required City SCA, and therefore additional mitigation measures would not be required. These City SCAs incorporate much of the strategies recommend by EBMUD in their suggested mitigation actions. As indicated in the Draft EIR (p. 4.14-19), City SCAs require project applicants to provide necessary stormwater and sanitary sewer infrastructure improvements, and to pay fees to improve sanitary sewer infrastructure if required by the City's Sewer and Stormwater Division. These fees can be used to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed Project. Furthermore, Section 13.08.600 of the City's Municipal Code requires property owners to obtain all required permits, perform all necessary building sewer repair or replacement, schedule inspections with EBMUD, pass a verification test witnessed by EBMUD, and obtain and file with the City a compliance certificate from EBMUD as set forth in the EBMUD Regional PSL Ordinance for the entire building's sewer (upper building sewer lateral and lower building sewer lateral) whenever the property experiences a title transfer, construction exceeding \$100,000 in cost, a change in water meter size, and several other circumstances. This ordinance, in concert with the

City's SCAs, will ensure that development pursuant to the Specific Plan must replace or rehabilitate existing sewer collection systems, fix defects, and design new sewer collection systems to prevent I&I in accordance with the Regional PSL Ordinance.

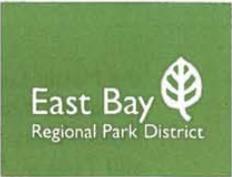
A8-12: Comment noted. This issue is already addressed in the Draft EIR. As indicated in the Draft EIR (p. 4.14-16), "planning for future use of recycled water in new development will be encouraged to accommodate recycled water use. Design considerations for new development may include dual plumbing in buildings and irrigation systems constructed to recycled water standards that can be temporarily served by a potable source and connected to the recycled water system available by EBMUD's nearby San Leandro Recycled Water Project when it is connected."

A8-13: Comment noted, and this issue is already addressed in the Draft EIR. As indicated in the Draft EIR (p. 4.14-13), all new development within the Coliseum Site will result in a reduced per capita water demand for new development as a result of incorporating conservation measures into all public and private improvements as required by California Building Code, CalGreen and City of Oakland Green Building Ordinance, as required pursuant to SCA Util-3 and SCA Util-4. These SCAs require compliance with the Green Building Ordinance, OMC Chapter 18.02, and with the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist. The new California State Green Building Code (CalGreen, effective January 1, 2011, and adopted by the City of Oakland October 2010), will substantially reduce projected water demands associated with new Coliseum Site development as compared to pre-CalGreen water demand estimates.

To provide greater clarity, the EIR is also hereby amended to add a description of Section 31 (the California Model Water Efficient Landscape Ordinance) to the Regulatory Settings section of Chapter 4.14. Please see revisions to Chapter 4.14: Utilities and Service Systems, in Chapter 7 of this Final EIR for this addition.



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October 13, 2014

Devan Reiff
City of Oakland
Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Sent via email to dreiff@oaklandnet.com

RE: Comments on the Coliseum Area Specific Plan and Draft EIR

Dear Mr. Reiff,

The East Bay Regional Park District (EBRPD) appreciates the opportunity to review and comment on the proposed Coliseum Area Specific Plan and the draft Environmental Impact Report (DEIR). The District partners with the City of Oakland and the Port of Oakland to manage the Martin Luther King Jr. Regional Shoreline within the Coliseum Area Specific Plan area.

First, we would like to acknowledge and thank you and Oakland Strategic Planning Manager, Ed Manassee for meeting with EBRPD staff regarding the project. We look forward to continuing to work with the City of Oakland as plans are further refined.

The Martin Luther King Jr. Regional Shoreline consists of 741-acres leased from the Port of Oakland and protects the remainder of the once extensive marshland in San Leandro Bay. The protected shoreline is a critical stopover on the Pacific Flyway and part of the Western Hemisphere Shorebird Reserve Network.

EBRPD supports thoughtful redevelopment of the existing developed lands within the Coliseum Area Specific Plan area and the goals outlined within the draft specific plan. However, EBRPD is concerned about particular elements of the proposed plan.

Project Inappropriately Proposes Development within Martin Luther King Jr. Regional Shoreline

The draft Coliseum Area Specific Plan, proposes development within Sub-Area B located on the Edgewater seasonal wetland, an approximately 8-acre parcel of restored wetlands that is part of

A9-1

Board of Directors

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Comment Letter A9

the Martin Luther King Jr. Regional Shoreline. This property was restored by the Port of Oakland, in partnership with EBRPD, Golden Gate Audubon Society, Bay Conservation and Development Commission, Save the Bay, US Army Corps of Engineers, Regional Water Quality Control Board, and Federal Aviation Administration as mitigation for a runway overlay project at the Oakland International Airport in 2002. The property was transferred in 2012 after restoration and a monitoring period to EBRPD for management as part of the Regional Shoreline. The grant deed conveying the land to EBRPD restricts the property for use as wildlife habitat and wetlands in perpetuity. Further, the requirement for restoration of the Edgewater seasonal wetland as a mitigation requirement was a condition of approval of both the Regional Water Quality Control Board and the Bay Development and Conservation Commission.

A9-1
cont'd

The DEIR acknowledges that the efficacy of proposed mitigation related to loss of wetlands, including the Edgewater seasonal wetland, is unknown and that a cumulative significant and unavoidable impact remains. Given the deed constraints, permit requirements, and habitat value of the Edgewater seasonal wetland it is an inappropriate site for proposed development. Further, it is highly unlikely that the EBRPD Board of Directors, charged with the protection of habitat and public property, would sell this important wetland site for development. The plan should avoid any new wetland impacts and instead focus investments on improving the San Leandro Bay shoreline.

In addition to the Edgewater seasonal wetland, the Draft Specific Plan proposes development within Sub-Area B on lands currently leased from the Port of Oakland for use as the Martin Luther King Jr. Regional Shoreline. These lands are used for the park offices, corporation yard, picnic areas, and parking.

The Draft Specific Plan should be revised to remove any development proposals within lands owned by EBRPD or leased from the Port of Oakland and utilized as the Martin Luther King Jr. Regional Shoreline.

Project Should Rezone Lands within Martin Luther King Jr. Regional Shoreline as Open Space

The San Leandro Bay shoreline, including Arrowhead Marsh, is currently zoned M-40, Heavy Industrial. Other portions of the Martin Luther King Jr. Regional Shoreline, including a portion of the Edgewater seasonal wetlands, have a zoning designation of IO, Industrial Office.

A9-2

The Draft Specific Plan proposes to change the Zoning for Arrowhead Marsh and much of the Martin Luther King Jr. Regional Shoreline to OS, Open Space. The District supports the zoning change to reflect the San Leandro Bay shoreline and Arrowhead Marsh's permanent use as Open Space and as part of the Martin Luther King Jr. Regional Shoreline.

The Draft Specific Plan does propose to rezone the Edgewater seasonal wetland property and portions of the Martin Luther King Jr. Regional Shoreline at the terminus of Edgewater Drive to D-CO-4, Coliseum District-4, for the Waterfront Town Center. The rezoning proposal to D-CO-4 should be removed and the Draft Specific Plan should be amended to rezone the 8-acre Edgewater seasonal wetland and the parking areas, corporation yard, picnic areas, and lawn within the Martin Luther King Jr. Regional Shoreline leased from the Port of Oakland to OS, Open Space.

Comment Letter A9

The DEIR Inaccurately Describes the East Bay Regional Park District and Martin Luther King Jr. Regional Shoreline

The description on page 4.12-7, Public Services and Recreation, of the EBRPD and Martin Luther King Jr. Regional Shoreline is inaccurate and needs to be revised to reflect correct conditions.

EBRPD currently manages over 114,000 acres in 65 regional parks, recreation areas, wilderness, shorelines, and preserves in Alameda and Contra Costa County. The Martin Luther King Jr. Regional Shoreline was established in April, 1976, when the Port of Oakland and the EBRPD entered into a formal agreement setting aside bay side lands for development as a Regional Shoreline Park.

A9-3

The DEIR Fails to Fully Evaluate Impacts to Martin Luther King Jr. Regional Shoreline

The Draft Specific Plan proposes development that would result in 10,200 new residents in the neighborhoods surrounding the Martin Luther King Jr. Regional Shoreline. The evaluation of impacts on the Martin Luther King Jr. Regional Shoreline is inadequate and the conclusion that the project would have a "less than significant" impact relies on Oakland General Plan policies that are not described in the chapter.

A9-4

The conclusion of "less than significant" impact on Parks and Recreation facilities relies on the project proposal to develop new public spaces within and around the proposed sports facilities and retail areas. The nature of this type of public space is far different than the shoreline experience at the Martin Luther King Jr. Regional Shoreline and it is likely that new residents would utilize the shoreline park resulting in a substantial increase in use. The impacts of this increase in use needs more thorough evaluation.

The Draft Specific Plan Fails to Include Sufficient Developed Park Spaces to Meet Existing Needs and Address Future Demands

The Draft Specific Plan fails to include any new developed park lands such as public sports fields, playgrounds, and similar facilities. The DEIR notes that the City of Oakland has a park standard of 4 acres per resident. The City currently only provides 1.33 acres per resident. Within the Central East Oakland area where the Coliseum Area Specific Plan is located, the City provides only 0.89 acres per resident, the majority of which is asphalt schoolyards and very little green space or sports fields.

A9-5

The failure to provide any new developed park lands to address not only the existing deficient, but also the increased deficit resulting from the addition of 10,200 new residents, is a serious deficiency in the Draft Specific Plan and the DEIR needs to further analysis to address park and recreation impacts.

Comment Letter A9

The DEIR Fails to Evaluate Impacts of Sea Level Rise

Much of the Oakland Coliseum Area Specific Plan Area will be inundated as a result of sea level rise under both a 16" and 55" sea level rise scenario. The DEIR fails to fully evaluate impacts of sea level rise and fail to include sufficient mitigation.

The Specific Plan proposes a substantial amount of housing along the shoreline within Sub-Area B. The DEIR defers analysis of sea level rise impacts and mitigation and instead relies on future permit requirements from the Bay Conservation and Development Commission. The DEIR recommends construction of sea walls and levees as a possible adaptation strategy. Additional analysis is needed of impacts of sea walls and levees.

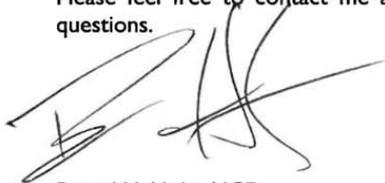
A9-6

Conclusions

The Martin Luther King Jr. Regional Shoreline is an important asset to the City of Oakland that provides the city's residents access to the San Francisco Bay. The shoreline park provides a critical respite to the residents of East Oakland and protects critical habitat for migratory waterfowl.

We look forward to working with the City of Oakland and the project proponents on redevelopment of the Coliseum Area Specific Plan project area. There are substantial opportunities to develop a project that will provide new housing, new jobs, and retain the city's sports teams while providing investments in the shoreline in a manner that makes Oakland more resilient to a rising bay, avoids any new wetland impacts, restores critical habitats along Damon Slough and San Leandro Bay, and provides more active parkland for local residents.

Please feel free to contact me at (510) 544-2623 or bholt@ebparks.org should you have any questions.



Brian W. Holt, AICP
Senior Planner

- Cc: John Sutter, EBRPD Board of Directors
- Bob Nisbet, EBRPD Assistant General Manager
- Kevin Takei, EBRPD Shoreline Unit Manager
- Ralph Trujillo, EBRPD Martin Luther King Jr. Regional Shoreline Supervisor
- Dee Rosario, Alameda County Parks, Recreation, and Historic Commission

Board of Directors

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Letter #A9 Response – East Bay Regional Park District (EBRPD)

- A9-1: Comment noted. Please see Master Response #6 addressing these issues.
- A9-2: Comment noted. Other than the Edgewater Seasonal Wetlands site (addressed in Master Response to Comment #6), the Specific Plan does not plan for development on any other lands that are part of the MLK Jr. Regional Shoreline. To the extent that such development may be indicated in the development plan or the EIR Project Description, that indication is in error and shall be corrected as part of the Final Specific Plan.
- A9-3: Comment noted, please see text amendments and corrections to Chapter 12: Public Services and Recreation, in Chapter 7 of this Final EIR.
- A9-4: The General Plan’s OSCAR Policies 3.1, 3.3, and 3.10 as referenced in the Draft EIR are listed in their entirety within the Regulatory section of Chapter 4.12, on page 4.12-9. It is expected that future Project residents will utilize the MLK Shoreline Park (which is a region-serving facility), substantially increasing present use on its hiking and biking trails, benches and picnic areas. However, the City assumes that the purpose of the MLK Shoreline Park is to provide for the recreational needs of the region’s residents, including those future residents of the Project, in addition to its habitat value to wildlife. Furthermore, as indicated in the EBRPD 2013 Operating Budget, the District’s major revenue source is property taxes and assessments (representing approximately 84% of the District’s revenue sources),² to which the Project will add its increment of additional tax revenue.
- A9-5: Please refer to Master Response to Comment #7 in Chapter 4 of this Final EIR regarding parks.
- A9-6: Please refer to Master Response #8 in Chapter 4 of this Final EIR regarding sea level rise and mitigation strategies.

² EBRPD, *2013 Adopted Operating Budget*, page 34

Comment Letter A10



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

Alex Briscoe, Director
Muntu Davis, Director and Health Officer

Office of the Director
1000 Broadway, 5th Floor
Oakland, CA 94607

(510) 618-3452
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October 17, 2014

Devan Reiff
Planning Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Email: dreiff@oaklandnet.com

Re: Coliseum Area Specific Plan, Draft Environmental Impact Report and Public Health. Case numbers **ZS13-0103** and **ER13-0004**

Dear Mr. Reiff:

I am writing to share my comments on behalf of the Alameda County Public Health Department (ACPHD) regarding the public health and environmental impacts of the Coliseum Area Specific Plan (Plan) and the Draft Environmental Impact Report (DEIR). As the Director and Health Officer for the agency responsible for monitoring health status of our communities and advising on the development of policies and practices that protect and promote health and well-being within our county, I recommend the following: **1) develop a proposal for ongoing community communication and engagement process (they live there and are directly impacted by the project); 2) further reduce the potential negative public health impacts on residents by poor air quality and land use conflicts in the Plan; 3) incorporate additional anti-displacement policies and 4) improve access to open space and amenities to all residents, in the Plan Area.**

A10-1

Providing a public process, health information and an analysis are valuable for informing community residents and decision-making by policymakers. I am concerned that this Specific Plan community engagement process was inadequate and rushed relative to other Specific Plan processes and recommend taking more time to engage community before finalizing the Plan. Engagement and process is important for both protecting and planning for healthy neighborhoods and communities in Oakland. Community members need to be informed and engaged in the process to ensure their preferences are heard, they fully understand what's happening in their community and they support the decisions being made. Policymakers and local departments need to be aware about how proposed policies and projects will impact the health of communities and need to be given enough information, time and opportunities to make fully informed decisions and voice their concerns to ensure that potential health benefits are realized and that potential risks are adequately mitigated. City staff and consultants should develop a proposal for ongoing community engagement, such as convene stakeholder advisory group meetings to more adequately gather input and feedback on implementation.

A10-2

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As stated in the Plan and EIR, the area is impacted by existing elevated health risks from air toxics, in particular diesel particulate matter and large construction projects and operational emissions will result in significant impacts. Current conditions in the Plan Area put existing and new residents, particularly vulnerable populations at risk of poor health outcomes because of the proximity to sources of air pollution, particularly diesel particulate matter. This community already faces a disproportionate burden from illness associated with air pollution: the rate of asthma Emergency Department (ED) visits in East Oakland is over two times higher than the Alameda County rate and is the highest in the county and state.¹ Among children under the age of five, the asthma ED visit rate in East Oakland is more than two times the County rate.² There is significant truck activity in the Plan Area including truck routes along the 880 freeway (there is a truck ban on the 580 freeway), 66th Avenue, San Leandro Street and Hegenberger Road.³ Additionally, this area of Oakland is identified by the Bay Area Air Quality Management District as suffering some of the highest health risks from toxic air contaminants and is in nonattainment for ozone and particulate matter.

A10-3

Given that the Plan Area already puts the health of new and existing residents' health at risk, the Plan and should include additional mitigations to get the impacts to less than significant. The Plan allows for building out varying sizes of sports arenas, mixed use development, residential uses near the 880 freeway and existing sources of diesel pollution. Even after applying the Standard Conditions of Approvals, policies and mitigations, the DEIR finds Significant and Unavoidable Impacts. Furthermore, there is a potential for exacerbating air quality and odors from construction emissions, operations and exposure of sensitive receptors to health risks from toxic air contaminants (TACs), particularly from sources of diesel particulate matter, odors and cumulative air quality impacts. The DEIR should include stronger mitigations to prevent increasing pollution and exposures to air toxics rather than succumbing or further contributing to the problem.

The DEIR can be more health-protective of new and existing residents, particularly children, elderly and people with existing illnesses if the following recommended improvements are made to policies and air quality mitigations, such as,

- Including buffers and site residential uses, particularly vulnerable populations, at least 500 feet from the 880 freeway, rail and diesel truck routes, if possible. There is potential for exacerbating residential/industrial land use conflicts in Sub-Area A along San Leandro Street, Hegenberger Road and 66th Avenue and in Sub-Area E.
- Strengthening the existing Standard Conditions of Approval (SCA) Air-1 by requiring both the Basic and Enhanced construction measures for all development projects at a lower threshold in the Plan Area.
- Unbundling parking from rents to lower rents and promote transit use and active transportation.
- Installing HEPA air filters rated at least MERV-16 in all residential units in new and existing residential units and in other nearby sensitive uses, such as schools within the Plan Area, keep building air intakes away from pollution sources and plant vegetative buffers that can help removing air pollutants.
- Creating a stakeholder advisory group to monitor Plan implementation along with City staff.

A10-4

A10-5

A10-6

A10-7

A10-8

I recommend requiring both a health risk analysis and incorporation of the risk reduction measures in SCA – 2 for all projects. As currently written, SCA – 2 Exposure to Air Pollution (Toxic Air Contaminants) allows project proponents to choose between conducting a health risk assessment and incorporating the health risk reduction measures. Project-

A10-9

¹ For Zip codes 94621 & 94603, the rate of asthma ED visits is 1,230 per 100,000 residents; the Alameda County rate is 553 per 100,000. The asthma ED visit rate for children is 2,048 per 100,000 (0-4 year-olds) compared to the Alameda County rate of 1,301 per 100,000. Asthma inpatient hospitalization rate is 339 per 100,000 residents; the county rate is 147 per 100,000. Source: ACPHD CAPE Unit with 2008-2010 data from California Office of Statewide Health Planning and Development (OSHPD).

² The childhood asthma hospitalization rate is 908 per 100,000; the county rate is 477 per 100,000. Source: ACPHD CAPE Unit with 2008-2010 data from California Office of Statewide Health Planning and Development (OSHPD).

³ East Oakland Diesel Truck Survey Report. September 2010. Communities for a Better Environment. Available at: <http://www.cbecal.org/wp-content/uploads/2013/01/Diesel-truck-study-FINAL-092710.pdf>

Comment Letter A10

specific risk reduction measures will only be developed if the assessment shows the project will exceed an acceptable level of risk. Health risk analyses allow the City and the public to gain an understanding of the relative risk of a project and to develop appropriate mitigations based on the severity of risk and to give assurances that health risks are appropriately mitigated. Without a health analysis, the health risk reduction measures may be insufficient to mitigate the health risk from a project or a new pollution source and there will be no information to provide certainty that risks are appropriately mitigated. In practice, conducting an analysis as a first step prevents the drawbacks of having unmitigated risks later on. Requiring both a health risk analysis and incorporating the risk reduction measures for all projects that meet the significance threshold is more health-protective.

The Plan can do more to prevent displacement from rising housing costs and ensure that existing residents do not get “pushed out”. East Oakland is already at a range of susceptible to middles stages of gentrification that could put existing residents at risk of displacement.⁴ Gentrification and displacement has real health impacts on individuals, families and communities, including: financial distress and relocation costs; substandard housing conditions; disruptions to health care; loss of community services and institutions; fragmentation of community support networks and direct impacts on mental and physiological wellbeing.⁵ To promote health equity and improve quality of life, I recommend the following:

- Include a goal of a minimum of 25% affordable housing for extremely low and low-income households and include a definition for deep affordability. The definition of affordability should factor in all living costs, including transportation, health care, food, and education.
- Require a community health impact analysis that includes an assessment of potential displacement impacts for new or modified development projects above a certain threshold.
- Site housing near BART and transit stops (with noise mitigations) to ensure eligibility for SB 535 and PDA funds.
- Consider the use of tools such as the use of revenues from up-zoning industrial lands to residential uses, development impact fees and density bonuses. These tools could be used to fund the air quality and active transportation, local job training and hiring goals as well.

I also recommend providing more opportunities to ensure the inclusion of existing residents in the Plan. Increasing access to basic needs and improving quality of life will lift up and promote the health of the whole community, new and existing East Oakland residents. To promote health equity and improve quality of life for existing and new residents, I recommend the following:

- Include a minimum of least 50% of training and jobs for local residents, particularly from the adjacent East Oakland neighborhoods, and ensure the retail jobs provide a living wage.
- **Ensure transportation access for all.** Increase the number of access points from the surrounding neighborhoods (there are currently only four streets included in the Specific Plan that provide access into the Plan Area). Include a goal to improve pedestrian and bicyclist connections for adjacent residential neighborhoods, particularly along Hegenberger Road, San Leandro Street and 66th Avenue and consider the impacts of diesel truck traffic. Ensure all transportation amenities are ADA accessible.
- **Ensure access to daily needs and services for all.** Conduct an assessment of the daily needs and services in the area, such as affordable, healthy foods, pharmacy, banks, child care, health care access, particularly for transit dependent and low-income populations.
- Include a sound barrier at BART and require sound-rated windows in housing, particularly in Sub-Area A.
- Include public facilities, such as recreation center and park programs with affordable and accessible programs to all residents. Encourage local food production through providing spaces at the public facilities, easements for

⁴ Causa Justa:Just Cause. 2014. Development Without Displacement: Resisting Gentrification in the Bay Area. Available at: <http://www.acphd.org/media/343952/cjic2014.pdf>

⁵ Ibid.

A10-10

A10-11

A10-12

A10-13

A10-14

A10-15

A10-16

A10-17

A10-18

Comment Letter A10

food production and enhanced tree canopy to include fruit trees, for example, Tassafaronga Farms is located at the recreation center adjacent to housing. | A10-18

Moving forward, ACPHD is excited to complete and adopt the Healthy Development Guidelines in partnership with Oakland Planning. These guidelines will advance the use of a health equity lens early on in the Oakland Planning Department's planning and development review process citywide. I hope that this process will allow more dialog on complex development and health equity issues as well as common understanding and common goals around promoting community health and equity.

ACPHD is dedicated to improving the health of all Alameda County residents and to preventing avoidable health risks. In our efforts to do so, we are committed to partnering with the City of Oakland on ensuring healthy planning. Please feel free to contact me with any questions or concerns.

Sincerely,



Muntu Davis, MD, MPH
Health Officer and Public Health Department Director
Alameda County

Letter #A10 Response – Alameda County Health Care Services, Public Health Department (ACPHD)

- A10-1: See the responses to comments A10-2 through A10-15 for the City’s responses to these recommendations.
- A10-2: This comment pertains to the merits of the planning process, which is beyond the purview of the EIR and CEQA. Additional public hearings will be held before the City Planning Commission and City Council before consideration of certification of the EIR and approval of the Specific Plan. Please also see Master Response to Comments #2 regarding the planning process,
- A10-3: Existing air quality conditions in the Project Area are described in the Setting section of Chapter 4.2 of the Draft EIR. The commenter’s proposed additional mitigations are covered in comments A10-4 through A10-8; see responses to those comments below.
- A10-4: SCA Air-2 (see DEIR, pp.4.2-37 through 4.2-39) applies to all qualifying projects that involve sensitive land uses, are located within 1,000 feet of a TAC source, and exceed the health risk screening criteria after a screening analysis is conducted in accordance with the BAAQMD CEQA Guidelines. All development within Sub-Areas A and B will be located within 1,000 of a TAC source, so projects in these areas that include housing or other sensitive uses are considered qualifying project. For these qualifying projects, SCA Air-2 also requires such future projects to either incorporate City-approved health risk reduction measures into the project at that project’s initiation, or to conduct more detailed and site-specific health risk assessments using air quality dispersion modeling methodologies and screening thresholds recommended by the BAAQMD to demonstrate that, despite their location within the screening setback distances, modeled site-specific exposures would be less-than-significant. SCA Air-2 functions as an overlay zone with specific requirements to reduce exposure to TACs and reduce related TAC impacts for sensitive uses within 1,000 feet of an identified TAC source. These requirements will ensure that residential uses within 500 feet of TAC sources are specifically designed to reduce TAC impacts.
- The DEIR discusses fundamental land use conflict in Chapter 4.9 under Impact Land-2 (pp.4.9-32 through 4.9-36). That discussion finds that the proposed Project would introduce new residential and other sensitive land uses at locations that could be exposed to noise, emissions and other potential land use incompatibilities associated with adjacent industrial and special event land uses. Implementation of all SCAs intended to meet the performance standards included in the City’s General Plan, Noise Ordinance, and Specific Plan policies, plus mitigation measures and other recommendations in the EIR, would minimize such land use incompatibilities such that no fundamental conflict between adjacent or nearby land uses would occur.
- A10-5: The DEIR (page 4.2-47) concludes that future development under the proposed Project must follow both the “Basic” and “Enhanced” measures identified in SCA Air-1 since the Project “meets several of the criteria for enhanced measures.” The language in the DEIR has been updated to clarify; please see revisions to Chapter 4.2: Air Quality, in Chapter 7 of this FEIR.
- A10-6: The commenter does not explain how unbundling parking from rents would make the proposed Project “more health-protective of new and existing residents.” The proposed Project is already designed to be transit-oriented in its densities, land uses, alignments, and transportation investments. Also see Chapter 3 Project Description and Chapter 4.13 Traffic and Transportation

for an explanation of the automobile “trip budget” used for the EIR analysis, which sets a maximum number of auto trips that Coliseum District development is allowed to generate during PM peak hours; exceeding this budget would require further environmental review for the proposed Project and is a strong incentive for development to be transit served.

- A10-7: Related to new residential units, see the response to comment A10-4 for an explanation of how SCA Air-2 will be a required implementation step for subsequent development of the Project. Health risk reduction measures under SCA Air-2 (if found necessary) include installation of air filter devices rated MERV-13 or higher for new development. If subsequent health risk assessments find that MERV-16 filters are necessary to reduce health risks to acceptable levels, such increased efficiency filters are fully within the SCA Air-2 requirements. However, the analysis in the DEIR concludes that use of MERV-13 filters would be consistent with the Clean Air Plan (Impact Air-2), help reduce construction-period TAC emissions in the Coliseum District to a less than significant level (see Mitigation Measure Air 6A-2), and would reduce the exposure of new sensitive receptors in the Coliseum District to substantial levels of TACs at a less than significant level (Impact Air 10-A). The DEIR notes that, “According to USEPA, the particle removal efficiency of MERV-13 or higher is between 85 to 90 percent. This level of particle removal efficiency is more than sufficient to reduce the cancer risk and PM_{2.5} concentration to be less than significant under normal building HVAC operation condition.” (DEIR, p.4.2-72) Given the effectiveness of MERV-13 filters, the commenter does not explain why MERV-16 filters would be necessary to remedy inadequate mitigation in the DEIR.

Related to existing residential units, the DEIR notes that construction of the proposed Project could result in health risks exceeding threshold levels in areas to the northeast of Sub-Area A (as shown on Figure 4.2-4 of the DEIR). However, the DEIR also concludes that Mitigation Measure Air 6A-1: Reduced Construction Emissions would reduce TAC emissions such that construction emissions would remain below the threshold of significance for off-site sensitive receptors. The Project Area does not include any schools or other sensitive receptors (see DEIR Figure 4.2-2). With implementation of Mitigation Measure Air 6A-1: Reduced Construction Emissions, installation of air filters in existing off-site sensitive receptor locations is not necessary.

See the response to comment A10-4 for an explanation of how SCA Air-2 relates to the proposed Project. Health risk reduction measures under SCA Air-2 include: “Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible.” SCA Air-2 will require this measure or other City-approved measures if a development exceeds screening criteria.

- A10-8: The Mitigation Monitoring and Reporting Program that will accompany the EIR, if certified, is designed to ensure implementation of SCAs and Mitigation Measures recommended in the EIR. The commenter does not explain how a stakeholder advisory group would correct errors in the DEIR analysis or conclusions.
- A10-9: The health risk reduction measures found in SCA Air-2, as included in the EIR analysis and required of future sensitive receptors within the Coliseum District, are protective of public health. The Draft EIR’s air quality analysis relies on a combination of highly conservative screening-level data and more precise, but still conservative, refined modeling analysis for TAC concentrations within and surrounding the Plan Area. The screening-level data is from the BAAQMD, which provides a publicly available inventory of TAC-related health risks for permitted stationary sources

throughout the San Francisco Bay Area Air Basin, as well as for freeways. The inventory presents community risk and hazards from screening tools and tables that are intentionally conservative. The screening-level risk factors derived from the BAAQMD's tool indicate whether additional review related to the impact is necessary, and are not intended to be used to assess actual risk for all projects. The BAAQMD screening criteria are considered suitably conservative to determine which projects may be exposed to toxic air contaminants, such that additional analysis or mitigation measures may be required. The City believes that this approach is conservative and appropriate, and represents the best reasonably feasible method for reducing adverse health impacts on new sensitive receptors.

Note that the City's list of Standard Conditions of Approval is a planning tool made available to all prospective developers in advance of the project development and design process. During the City's pre-application conference and as part of initiation of environmental review, City staff encourages applicants to incorporate and anticipate these conditions of approval as part of their design submittal. The SCAs are then made a condition of project approval for construction-related permits as a means of ensuring compliance. The City's SCAs are applied equally across the City, and the City sees no need to create variations for the Coliseum Area.

A10-10: Please see Master Response #4 in Chapter 4 of this FEIR regarding direct and indirect displacement, and affordable housing.

A10-11: Please see Master Response #4 in Chapter 4 of this FEIR regarding direct and indirect displacement. While the City believes that its required implementation of Standard Conditions of Approval regarding air quality, noise and other environmental issues are protective of human health, staff reiterates their interest and willingness (as previously expressed in the West Oakland Specific Plan EIR and elsewhere) to work collaboratively with Alameda County Health Department, the BAAQMD and other interested agencies and stakeholders to consider development of a healthy development checklist tool that can enhance and supplement the City's project review process. The City is aware of many different types of checklists (i.e., WOEIP, SF Dept. of Health, etc.), that might provide a template or good starting point for this collaborative effort.

A10-12: Comment noted. The Coliseum Area Specific Plan is specifically designed to site new housing opportunities near the existing Coliseum BART station as a means of facilitating increased transit mode choice. Noise attenuation requirements to address noise from BART trains is addressed in Chapter 4.10: Noise of the Draft EIR, implementation of SCA Noise-4 would reduce interior noise impacts to new development to a less than significant level. SCA Noise-4 requires that noise levels be controlled indoors to meet the City's interior noise level goals with measures which may include sound-rated windows.

A10-13: Comments and suggestions regarding funding strategies for air quality and transportation improvements, and job training and hiring goals are noted. This comment does not pertain to a CEQA-related topic and is beyond the purview of the EIR.

A10-14: Please see Master Response to Comment #4 regarding gentrification, displacement and jobs, and Master Response to Comment #5 regarding future jobs and job types.

A10-15: Opportunities for increased access to the Coliseum District are extremely limited due to the presence of I-880 to the west, the rail lines to the east and the elevated Hegenberger/73rd Street arterial roadway to the south. However, as noted in the Project Description (beginning on page 3-

41 of the Draft EIR) the Project proposes a newly built Intermodal Transit Hub to better link BART, the Oakland Airport Connector, Amtrak, and AC Transit buses to the Coliseum District. The Intermodal Transit Hub is a proposed new building designed to facilitate interconnections, security, and legibility between each of these transit modes. The Project proposes to connect this improved Transit Hub to the Coliseum District via a substantially improved, grade-separated pedestrian concourse located along the 73rd Avenue right-of-way. This new concourse is proposed to link directly to the new Stadium and Ballpark (and potentially across I-880 to the new Arena), and to the surrounding Sports Entertainment Zone. This proposed new grade-separated concourse will substantially improve pedestrian, bicycle, and transit connections from surrounding neighborhoods, across the Union Pacific railroad tracks, and into the Project site. Additional safety improvements at other at-grade rail crossings include bringing sidewalks into ADA compliance, replacing median curb and delineators with a raised median, adding railroad crossing warning signs, and installing a sidewalk on the south side of 75th Avenue.

A10-16: This is a comment on the merits of the Specific Plan, and not on the EIR. See Master Response #3 regarding merits of the Specific Plan.

A10-17: The proposed Project would not increase the sound level from BART and therefore no basis for the EIR to require such a measure. Implementation of SCAs Noise-4 would reduce interior noise impacts to new development to a less than significant level. SCA Noise-4 requires that noise levels be controlled indoors to meet the City's interior noise level goals with measures which may include sound-rated windows.

A10-18: This is a comment on the merits of the Specific Plan, and not on the EIR. See Master Response #3 regarding merits of the Specific Plan.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Comment Letter A11

October 17, 2014

Devan Reiff
City of Oakland Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Coliseum Area Specific Plan Draft Environmental Impact Report (DEIR)

Dear Mr. Reiff:

Bay Area Air Quality Management District (Air District) staff reviewed the Draft Environmental Impact Report (DEIR) for the Coliseum Area Specific Plan (Plan). The Plan is a policy document that would guide development in the Plan area until 2035. The Plan area is 800 acres, and includes the Oakland Coliseum complex, the Oakland Airport Business Park north of Hegenberger Road, and properties on the north side of 66th Avenue. The DEIR analyzes plan-level impacts for the Plan area, with the exception of the Coliseum subarea and some additional adjacent properties (Coliseum District), which are analyzed for project-level impacts. Air District staff have the following comments on the DEIR.

- ALAMEDA COUNTY
Tom Bates
Margaret Fujioka
Scott Haggerty
Nate Miley
(Chair)
- CONTRA COSTA COUNTY
John Gioia
David Hudson
Mary Piepho
Mark Ross
- MARIN COUNTY
Susan Adams
- NAPA COUNTY
Brad Wagenknecht
- SAN FRANCISCO COUNTY
John Avalos
Edwin M. Lee
Eric Mar
(Secretary)
- SAN MATEO COUNTY
Carole Groom
(Vice-Chair)
Carol Klatt
- SANTA CLARA COUNTY
Cindy Chavez
Ash Kalra
Liz Kniss
Jan Pepper
- SOLANO COUNTY
James Spering
- SONOMA COUNTY
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Support for specific Standard Conditions of Approval and Mitigation Measures in the DEIR: Air District staff strongly supports the following measures:

- Limiting the idling time of diesel powered construction equipment to two minutes (Standard Conditions of Approval),
- Installing MERV-13 filters at any new residences in the Coliseum District within 100 meters of subsequent construction activity (Mitigation Measure Air 6A-2), and
- Replacing four older emergency generators within the Coliseum District with cleaner Tier 4 engines (Standard Conditions of Approval).

A11-1

Coliseum District and Plan area operational criteria pollutant impacts: Impact Air-

7A and -7B The DEIR concludes that criteria pollutant emissions of ROG, NOx, and PM10 from operations in the Coliseum District and the Plan area would remain significant and unavoidable due to exhaust from mobile on-road sources. The Air District agrees that the implementation of Standard Conditions of Approval (SCA) should be implemented to further reduce single-occupant vehicle use. In support of this goal, the Air District believes the following specific SCA strategies should be implemented in the Coliseum District and the Plan area:

A11-2

- Provision of safe bicycle and pedestrian routes
- Provision of secure long-term and short-term bicycle parking
- Provision of transit subsidies to employees and residents,

Comment Letter A11

Mr. Reiff

- 2 -

October 17, 2014

- Selling/leasing parking spaces separately from residential units,
- Charging employees for parking, and
- Providing a cash incentive or transit pass as an alternative to a free parking space in commercial properties.

A11-2
cont'd

Note that the Bay Area Commuter Benefits Program requires all employers with 50 or more employees to provide commuter benefits. This Program will also address congestion in the Coliseum District and Plan area. For more information about the Program, visit the Commuter Benefits webpage on 511.org.

Finally, the Coliseum District presents an opportunity to apply measures that address the specific congestion issues faced in a district that serves as a regional designation for sporting and entertainment events. With this in mind, Air District staff recommends consideration of additional measures that would further lessen the significant impacts identified in the DEIR by:

- Providing pre-paid and discounted transit passes with all event tickets to encourage transit use,
- Offering valet bicycle parking on event days,
- Studying possible applications of parking and road congestion pricing plans to discourage driving to events.

A11-3

Coliseum District construction period criteria pollutant impacts: Impact Air-5A Construction activities within the Coliseum District and Plan area are expected to generate regional ozone precursor and particulate matter emissions from construction equipment exhaust, and exceed the City of Oakland's thresholds of significance for criteria pollutants and toxic air contaminants. Therefore, in addition to the Standard Conditions of Approval, the Air District recommends that the City require all construction projects within the Coliseum District and the Plan area to meet the following additional measures:

A11-4

- All off-road and on-road equipment used for construction projects shall be no older than eight years at the time the building permit is issued. This requirement will ensure that additional health impacts on local residents during the construction of these projects will be minimized through the use of low emission engines.
- Portable diesel engines shall be prohibited at construction sites. Where access to grid power is available, grid power electricity should be used. If grid power is not available, propane and natural gas generators may be used.

Plan area construction period criteria pollutant impacts: Impact Air-5B The DEIR states that the Air District's *California Environmental Quality Act Air Quality Guidelines (Guidelines)* screening criteria indicate that if land use development projects meet specific criteria and are smaller than the stated screening size, these projects would be unlikely to result in a significant impact from criteria air pollutants and precursor emissions (p. 4.2-52 of the DEIR). This statement is based on Table 3-1 that appeared in the 2011 *Guidelines*.

A11-5

Please note that due to pending litigation, the Air District revised the 2011 *Guidelines* in 2012. The screening tables have been removed in the 2012 *Guidelines*. The data in the old tables are no longer relevant and should not be used or should be updated by the lead agency. Air District staff cannot support at this time a determination that projects that meet the criteria in Table 3-1

Comment Letter A11

Mr. Reiff

- 3 -

October 17, 2014

would be unlikely to result in a significant impact. Air District staff recommends that projects in the Plan area be analyzed for impacts with CalEEMod to determine if the project exceeds thresholds.

A11-5
cont'd

Note that certain pieces of equipment require Air District permits. Please work with the Air District's permitting staff regarding any proposed new or modified stationary sources. Permitting staff can be reached at 415-749-4990.

A11-6

If you have any questions regarding these comments, please contact Alison Kirk, Senior Environmental Planner, at 415-749-5169.

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

C: BAAQMD Chair Nate Miley
BAAQMD Director Tom Bates
BAAQMD Director Margaret Fujioka
BAAQMD Director Scott Haggerty

Letter #A11 Response – Bay Area Air Quality Management District (BAAQMD)

A11-1: Comment noted.

A11-2: The comment’s suggestion that specific strategies should be implemented in the Coliseum District and pursuant to Plan Buildout pursuant to SCA Air-1, including; a) provision of safe bicycle and pedestrian routes, b) provision of secure long-term and short-term bicycle parking, c) provision of transit subsidies to employees and residents, d) selling/leasing parking spaces separately from residential units, e) charging employees for parking, and f) providing a cash incentive or transit pass as an alternative to a free parking space in commercial properties, are already included within the list of TDM strategies to be considered pursuant to SCA Trans-1.

A11-3: City staff is supportive of the specific events-based TDM strategies as recommended by Air District staff, and incorporates these strategies in furtherance of SCA Trans-1 as specifically applied to the Project, including consideration of:

- providing pre-paid and discounted transit passes with all event tickets to encourage transit use,
- offering valet bicycle parking on event days, and
- studying possible applications of parking and road congestion pricing plans to discourage driving to events.

These strategies are incorporated into Mitigation Measure Trans-81: Implement an Event Traffic Management Plan, as shown in revisions to Chapter 4.13: Transportation and Circulation, in Chapter 7 of this FEIR.

A11-4: In response to similar comments from the Air District on other City of Oakland EIRs, staff has already modified SCA AIR-1 (see page 4.2-37 of the Draft EIR) to address these issues city-wide, by inclusion of the following:

- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- Off-road heavy diesel engines shall meet the CARB’s most recent certification standard.
- At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.

A11-5: Comment noted. All of the Draft EIR’s references to BAAQMD screening criteria from the 2011 Guidelines is hereby removed from the EIR. Please see revisions to Chapter 4.2: Air Quality, in Chapter 7 of this EIR for changes and removed text. Even without reference to screening thresholds, the Draft EIR’s conclusions remain as previously stated, specifically that:

- Construction activities pursuant to Plan Buildout will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust.

- For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval.
- Without modeling each individual development project pursuant to Plan Buildout, it is not possible to assess whether construction emissions would exceed the City threshold. However, larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. Therefore, this impact is conservatively considered to be significant and unavoidable.

A11-6: Comment noted. This comment is consistent with text in the Draft EIR (page 4.3-66) which requires obtaining a permit and an Authority to Construct from the BAAQMD.

Comment Letter A12

From: Lee Huo [mailto:LeeH@abag.ca.gov]

Sent: Monday, October 20, 2014 4:57 PM

To: Reiff, Devan

Subject: Comments on the Draft Oakland Coliseum Area Specific Plan

Devan,

It was good speaking with you the other day, and thank you for the extension on the comment deadline to today. Below is a summary of the Bay Trail Project's comments on the Draft Oakland Coliseum Area Specific Plan that we spoke about last Thursday.

1) On Figure 2.9 (Existing Bicycle Facilities), the Bay Trail alignment is shown as terminating at Tidewater Avenue. The planned Bay Trail actually continues towards the northwest along the shoreline of the Oakland Estuary. Figure 2.9 should be revised to reflect that the proposed Bay Trail continues along the Estuary's shoreline. Also, the legend for Figure 2.9 indicates that the Bay Trail is a Class I bicycle facility. This should be clarified to indicate that the Class I Bay Trail is a multi-use path intended for both bicyclists and pedestrians.

2) Although Chapter 5 Transportation discusses the need to provide bicycle and pedestrian access along a planned concourse from the BART station to the Plan Area, to provide a Class I trail along 66th Avenue to provide a connection from the Bay Trail to the Plan Area, and to not preclude a possible BART to Bay Trail alignment, it does not clearly require the provision of a Class I bicycle and pedestrian trail that connects the BART to the Bay Trail at Martin Luther King Regional Shoreline. Chapter 5 should be revised to incorporate new policies in both the Pedestrian Circulation and Bicycle Circulation subsections that calls for the provision of one or more off-street, bicycle and pedestrian trails that connects Oakland Coliseum BART to the Bay Trail at MLK Regional Shoreline. These bicycle and pedestrian trail connections will serve as both an important recreational opportunity as well as an active transportation commuter route. One possible alignment for this BART to Bay Trail connection would be along the proposed Damon Slough Open Space Improvements. As such, a new policy should be added to Section 4.4 (Open Space & Habitat Areas) that calls for creating a Class I, multi-use trail connection from Oakland Coliseum BART to Martin Luther King Regional Shoreline along Damon Slough.

Thank you again for the opportunity to comment on the Specific Plan. Please add me to the contact list for this project, and I'm looking forward to working with you.

Best Regards,

Lee Chien Huo
Bay Trail Planner
Association of Bay Area Governments
Bay Trail Project
P.O. Box 2050
Oakland, CA 94604-2050
www.abag.ca.gov

Letter #A12 Response – Association of Bay Area Governments (ABAG), Bay Trail Project

This comment letter includes ABAG Bay Trail Project staff's comments on the Specific Plan, particularly related to the provision of bicycle and pedestrian access. These comments pertain to the merits of the Specific Plan, and are beyond the purview of the EIR and CEQA. However, staff has taken these comments into consideration as part of preparation of the Final Specific Plan.

Comment Letter A13



October 17, 2014

Mr. Devan Reiff, AICP
Planner III
City of Oakland
Department of Planning and Building
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Comments on the Draft Environmental Impact Report (DEIR) and Coliseum Area Specific Plan (Specific Plan)

Dear Mr. Reiff:

Port of Oakland (Port) staff appreciates the opportunity to provide comments on the City of Oakland's (City) DEIR and Specific Plan for the 800 acre Coliseum Area, and thank you for your presentation to the Board of Port Commissioners (Board) on September 25, 2014. As stated in the project description in the DEIR, the City has subdivided the Specific Plan area into Sub-Areas A through E: Sub-Area A includes up to 4,000 new residential units, and Sub-Area B includes up to 1,750 new residential units. The purpose of the Specific Plan is to provide a vision for up to three new venues for the City's professional sports teams, and to provide a 25-year planning document for land use policy, regulatory requirements and public and private investment that coordinates future development. The City has identified the Coliseum Area as one of the largest under-developed, inner-urban, transit-served opportunities in California.

The Port understands that the City plans to certify the EIR in 2014/2015. Port staff shares the City's interest in retaining and attracting sports teams in Oakland and increasing the economic vitality of the city and the region, and offers these comments as a property owner in the 400 acre Airport Business Park (ABP), the owner and operator of the Oakland International Airport (OAK), and as a Responsible Agency for this project given the Port's land use jurisdiction authority in the ABP.

Airport Operations and Safety

No modifications to aircraft operations

1. As discussed at the September 25, 2014 Board meeting, Board members expressed concern that the proposed height of portions of the Specific Plan project (up to 300 feet) may impact operations at OAK. Enclosed find a DVD containing audio and video from the meeting for your reference; please respond to all of the Board's comments in the final EIR.

A13-1

Comment Letter A13

Mr. Devan Reiff
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2. (DEIR Page 4.9-63) Mitigation Measure (MM) Land-7A is designed to prevent approval of buildings that may create a hazard to air navigation and result in modifications to flight operations at OAK. In order to ensure that operations at OAK are not negatively impacted by Specific Plan policies or development, revise the language as suggested below:

A13-2

MM Land-7A: No structures that exceed 159.3 feet above mean sea level or that would require FAA notification pursuant to FAA’s “Notice of Proposed Construction or Alteration” Section 77.9, or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, ~~or which exceed 200 feet above the ground level of its site~~, will be approved by the City unless such a structure has been reviewed by the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation Part 77 and receives ~~either~~ both:

a) an FAA finding that the structure is “Not Hazard To Air Navigation” and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, or and

b) a conclusion by the Alameda County Land Use Commission that the proposed structure is acceptable (i.e. no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.

The DEIR identifies several structures that exceed, or have light structures that exceed, 159.3 feet in height. Note that the presence of existing structures that exceed the applicable Part 77 surface does not necessarily indicate that new structures of the same height would not pose a hazard to air navigation.

A13-3

3. Stadium events involving fireworks displays, or other types of aerial releases, may also potentially impact Airport operations, therefore add the following additional mitigation measure:

A13-4

In addition to obtaining required City permits for fireworks displays or other aerial releases, event sponsors shall coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Oakland International Airport.

4. (DEIR Page 4.6-63) Expand MM Land-7B to require all developers and property managers to include disclosures to commercial and residential buyers and lessees, and require dedication of an aviation easement for all property within the Specific Plan area as a condition of approval of development to ensure optimal continual operation of OAK. Please coordinate with Port staff on the form of disclosures, easements and any other relevant documents. A recommended form of aviation easement is enclosed for your use.

A13-5

5. (DEIR Page 4.3-42 and 62) Port staff understands that another goal of the project is to create new natural habitat. In compliance with FAA’s Advisory Circular 150/5200-33B “Hazardous

A13-6

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Wildlife Attractants on or Near Airports”, the Port has developed a comprehensive wildlife hazard management program for OAK. In light of the close proximity of the Specific Plan area to OAK, Port staff requests that the City consider the impacts additional wildlife habitat may have to aircraft, and implement measures to discourage attracting species like vultures and geese that pose a serious threat to aircraft.

A13-6
cont'd

Aircraft noise

6. (DEIR Page 4.10-30) Airport operations may result in over-flights in the proposed Mixed Use Waterfront Residential District. Consideration should be given to sound insulation and other design measures. Add a additional mitigation measure requiring any developer of residential uses in this District to perform noise studies to determine if the building design should be upgraded (e.g., windows and doors) to reduce outdoor aircraft noise levels associated with the following four flight procedures:

A13-7

- Downwind arrivals to North Field Runways 28 L/R
- Visual Flight Rules departures from North Field Runways 28L/R
- OAK “Salad One” departures during North Field Quiet Hours (10:00 p.m. to 6:00 a.m.)
- “Pattern work” (training flights) performed on North Field Runways 28L/R and Runway 33

Vehicular traffic

7. (DEIR Table 4.13-19) The DEIR indicates that four key intersections will exceed City of Oakland traffic thresholds under the 2035 Plus Specific Plan Buildout Conditions:

- #84, Hegenberger Road/I-880 SB Off Ramp
- #100: Hegenberger Road/Edgewater Drive
- #101: Hegenberger Road/Airport Access Road
- #102: 98th Avenue/Airport Access Road

A13-8

Intersection #101, can be mitigated to a “Less than Significant Level”, but the other three intersections indicate “Significant and Unavoidable” impacts (note that Ron Cowan Parkway not included in the traffic analysis.). These traffic delays could have a negative impact on the use of OAK.

A13-9

At Intersection #100, the AM delay would increase from 64.1 seconds under the 2035 No Project Scenario to 180.2 seconds under the 2035 Specific Plan Buildout Plus Mitigations scenario. Describe the reason for this increase. Were all feasible mitigation measures, routes of ingress and egress other than Hegenberger Road, or a roadway connection to 66th Avenue considered? Are there additional Traffic Demand Management measures that could reduce the traffic impact on these critical roadway approaches to OAK such as increased public transportation or bike facilities?

A13-10

A13-11

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Zoning and Land Use Consistency in the ABP

8. The ABP is within the Port Area and thus while the Port must conform to the City’s General Plan, the Port is the land use authority and implements development regulations in the ABP through it’s Land Use and Development Code (LUDC). As discussed at the Port’s Board Meeting on September 25, 2014, the Board may consider amending the LUDC to conform to the land use designations in the final Specific Plan. However, the Board expressed concern with introducing residential uses and the impact this may have on the existing character and uses in the ABP. Address the questions and comments raised at the September 25 Board meeting.

A13-12

Port Owned Property

9. The Specific Plan envisions Waterfront Residential on Port owned property currently leased to the City for use as the City’s corporation yard and 9-1-1 operations and dispatch center. The Draft EIR identifies the property as being subject to the Tidelands Trust due to the current ownership by the Port, and suggests that the Tidelands Trust would need to be removed or extinguished before residential uses could be established. One of the suggested options for removing the Tidelands Trust is sale of the property. If the Port were to decide to pursue a sale of this property, the Port, as a public agency and Trustee, must receive fair market value. The Port requests that the Final EIR clarify the conditions of the sale option.

A13-13

Miscellany

10. (DEIR Figure 3-4) BCDC’s jurisdiction includes all tidally influenced areas and a 100-foot shoreline band. Revise this figure to reflect BCDC’s jurisdiction in tidal areas such as Damon Slough, Elmhurst Creek and San Leandro Creek in addition to San Leandro Bay.

A13-14

If you have any questions, contact me at dheinze@portoakland.com or 510-627-1759.

Sincerely,

Diane Heinze
Digitally signed by Diane Heinze
DN: cn=Diane Heinze, o=Port of Oakland,
ou,email=dheinze@portoakland.com, c=US
Date: 2014.10.17 12:11:48 -0700

Diane Heinze
Environmental Assessment Supervisor
Division of Environmental Programs and Planning

Enclosures:

- DVD of September 25, 2014 Board of Port Commissioners Meeting
- Avigation/aviation easement

Cc: Deborah Ale Flint, Port of Oakland, Director of Aviation
Sean Charpentier, Port of Oakland, PM, Aviation Planning and Development
Richard Sinkoff, Port of Oakland, Director of Environmental Programs
Pamela Kershaw, Port of Oakland, Director of Commercial Real Estate

Letter #A13 Response – Port of Oakland

A13-1: The Draft EIR evaluates this issue in Chapter 4.9 Land Use and Planning, under Impact Land-7 (pages 4.9-55 through 4.9-63). The Draft EIR concludes that the proposed Project could fundamentally conflict with the structural height criteria of the Oakland International Airport Land Use Compatibility Plan since it indicates construction of several tall buildings and structures that would exceed the FAA Part 77 Horizontal Surface Plane at elevation 159.3 feet above mean sea level. The DEIR includes Mitigation Measure Land-7A to avoid this potential impact by requiring buildings above certain heights to be reviewed by the FAA in accordance with FAR Part 77, and to receive either an FAA finding that the structure is not a hazard to air navigation and would not result in the FAA instituting any alterations or curtailing of flight operations, or a conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features. Consequently the Draft EIR makes it clear that buildings above the FAA Part 77 height limit of 159.3 feet would only be allowed if they did not impact airport operations.

Please also see Chapter 6: Responses to Verbal Comments made at Public Hearings, for responses to all comments made by Port Board members at their public hearing on this Project.

A13-2: The requested revisions to Mitigation Measure Land-7 in Chapter 4.9 of the DEIR have been added per this request. Please see revisions to Chapter 4.9 Land Use, in Chapter 7 of this Final EIR.

A13-3: Comment noted. The Draft EIR does not suggest that new building exceeding 159 feet will not pose a potential hazard to air navigation, only that certain existing buildings in the vicinity already exceed this height such that the 159-foot criteria is not necessarily a finite definition of flight hazards.

A13-4: Section 3.3.3.7 of the Oakland International Airport Land Use Compatibility Plan (ALUCP) does state that, “Land uses that may cause visual, electronic, navigational, or bird strike hazards to aircraft in flight shall be allowed within the airport influence area only if the uses are consistent with FAA rules and regulations.” Subsequently the City agrees that recommending this measure would help ensure that the proposed Project does not fundamentally conflict with the ALUCP. The DEIR is updated to include new Mitigation Measure Land-7C, which requires an aviation easement that addresses this comment (as well as comment A7-2 from the Alameda County Airport Land Use Commission). A more thorough description of aviation easements has also been added to Chapter 4.9 of the DEIR. Please see revisions to Chapter 4.9: Land Use, in Chapter 7 of this FEIR for these edits.

A13-5: Mitigation Measure Land-7B as worded in the Draft EIR already addresses rent and lease agreements. This comment also requests dedication of an aviation easement; see response to comment A13-4. The comment requesting that disclosures and easements be coordinated with the Port has been made as a changes to DEIR, see revisions to Chapter 4.9: Land Use, in Chapter 7 of this FEIR.

A13-6: Please see response to comment A7-3.

A13-7: Figure 4.10-3 in the Draft EIR shows noise contours for airport noise, derived from the ALUCP. Noise levels from the airport exceeding 60 CNEL do not extend into the residential portions of the

Project Area. The discussion under Impact Noise 8 (Draft EIR, p.4.10-30) notes that the City of Oakland considers a CNEL of less than 60 dBA CNEL as normally acceptable, and therefore the impact of noise from airport operations is less than significant. However, since single event noise will be audible and a possible concern (even though not causing exceedance of the City's 60 dBA CNEL threshold), noise studies for this area are recommended as a non-CEQA recommendation (see changes and revisions to Chapter 4.10: Noise, in Chapter 7 of this Final EIR).

A13-8: Comment noted. The DEIR does include measures to reduce impacts to intersections 84 and 100. As described on page 4.13-131 of the Draft EIR, Mitigation Measure Trans-67 would mitigate the impact at the Hegenberger Road/I-880 Southbound Off-Ramp intersection (#84) to a less than significant level. The Draft EIR conservatively identifies the impact as significant and unavoidable because City of Oakland cannot ensure the implementation of this measure as the intersection is under the jurisdiction of Caltrans and Caltrans is responsible for approving and implementing the measure. For the Hegenberger Road/Edgewater Drive intersection (#100), Mitigation Measure Trans-71 would reduce the intersection average delay but the impact would remain significant and unavoidable.

The DEIR finds that measures to improve traffic operations at the Airport Access Road/98th Avenue intersection (#102) are infeasible. As described on page 4.13-135 of the Draft EIR, the impact can be mitigated to a less than significant level by providing additional automobile travel lanes, such as a third left-turn lane on southbound Edgewater Drive and a fifth through lane on westbound Hegenberger Road. These improvements are considered infeasible because they cannot be accommodated within the existing right-of-way, require additional right-of-way, and may adversely affect pedestrian and bicycle access and circulation at the intersection, which is in conflict with City of Oakland's policies to promote non-automobile travel modes.

A13-9: As described on page 4.13-2 of the Draft EIR, major intersections were selected for analysis if the proposed Project would increase traffic volumes by 50 or more peak-hour trips. Intersections along Ron Cowan Parkway did not meet this criterion.

A13-10: Routes of ingress and egress other than Hegenberger Road or a roadway connection to 66th Avenue were considered as mitigation for impacts to intersection #100. Sub-Areas B and C of the proposed Project would have vehicular access to 66th Street via Oakport Street, as under existing conditions, which was a factor in modeling future traffic flows. Oakport Street will also be an option for traffic to connect to High Street and Alameda without utilizing I-880 or Hegenberger Road.

A13-11: Additional Traffic Demand Management measures could reduce the traffic impact on these intersections. As described on page 4.13-53 of the Draft EIR, the Specific Plan includes implementation of a robust TDM program as well as policies and infrastructure that encourage walking, and biking, and transit. The intersection impact analysis presented in the Draft EIR does not account for these TDM measures. Rather, the Draft EIR analysis presents a more conservative approach, appropriate because implementation of TDM measures cannot be ensured and because their effectiveness in reducing automobile trip generation cannot be accurately estimated at this time. Consequently, any TDM measures implemented as required by the DEIR and the City's SCAs would result in a reduced traffic impact.

A13-12: As noted in the Draft EIR (page 4.9-54), the potential land use conflict associated with introducing residential uses into the Airport Business Park “does not introduce a physical environmental effect that has not otherwise been addressed within this EIR”. Rather, this potential conflict “is a policy inconsistency with the Port’s LUDC and its intent to ensure orderly development of the Airport Business Park and prevent interference with airport operations. As such, this potential conflict does not rise to the level of a CEQA impact. However, discussion of this potential policy conflict is included in the EIR for purposes of public information and informed decision-making on the Project.” Therefore, this comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA.

However, for purposes of clarification, the following Draft EIR conclusions are presented below:

- Cumulative cancer risks and exposure to PM_{2.5} concentrations from roadways and railways near the Waterfront Residential District were estimated. The combined risk from existing nearby roadways and other sources is approximately 30 in a million or lower, compared to a combined (cumulative) threshold of 100 in a million. Therefore, existing ambient air quality conditions would have a less than significant effect on these new sensitive receptors (DEIR, page 4.3-73)
- In order to maintain the future potential cancer risk impacts at the Waterfront Residential District to below the threshold of 100 in a million, the cancer risk contributed by future TAC sources (including Plan Buildout development) needs to be limited to less than 70 in a million (i.e., the threshold of 100 in a million, less the existing exposure of 30 in a million). This risk minimization target for future conditions conservatively equates to an increase of as many as 6,250 truck trips per day from distribution centers on nearby roads (e.g., Edgewater Drive, or Oakport Street), or roughly 89 new Tier 4 emergency generators of 1,200 hp or less, or some combinations of the two. According to the land use assumptions for Plan Buildout, Sub-Area B may result in a net increase of as many as 5,540 truck trips, and most of these truck trips would not utilize Edgewater or Oakport northbound, but instead would travel southbound toward Hegenberger. Therefore, it is highly unlikely that nearby roads adjacent to the waterfront residential area would receive as many as 6,250 truck trips per day. The potential for the area in the vicinity of the Waterfront Residential Area to accommodate as many as 89 new emergency generators is remote. Therefore, existing and projected future exposure of new sensitive receptors within the Plan Buildout area (those not included in the Coliseum District) would be less than significant. In the unlikely event that truck traffic and/or the expansion of emergency generator use within Sub-Area B might exceed the risk minimization targets at the waterfront residential site in the future, and new residential uses would be required to implement all City of Oakland Standard Conditions of Approval, including SCA Air-2. The City’s SCA Air-2: Exposure to Air Pollution (Toxic Air Contaminants) would apply to any new residential development within the proposed Waterfront Residential District located near sources of PM_{2.5} and DPM, and within 1,000 feet of stationary and mobile sources of TACs. Implementation of this SCA would reduce TAC emission exposure of new sensitive receptors to a level of less than significant (DEIR, beginning on page 4.3-73).
- Only two businesses are within 2 miles of the Project area have received three or more odor complaints over the past three years, and neither of these businesses are located within the ABP. Given the infrequent occurrence of odor complaints, the potential for new sensitive receptors within the Project area to be affected by objectionable odors

affecting a substantial number of people would be less than significant (DEIR, page 4.3-46).

- Future redevelopment or construction at the Waterfront Residential site could encounter contamination. Based on review of soil data from the vicinity, portions of Sub-Area B appear to contain fill material impacted with PAHs, PCBs, TPH-D, TPH-MO, and SVOCs. Future development of any site that has a documented release of hazardous materials and is listed in a regulatory database is subject to site clean-up regulations as required by the designated lead regulatory agency. Locations planned for housing development under the proposed Project, such as the waterfront Residential District, are more sensitive than current industrial land uses. More stringent clean-up regulations will apply to these areas, even if the property has been considered remediated or closed based on compliance with standards for current land uses (DEIR, page 4.7-47).
- It is possible that existing and future business/industrial uses within the ABP could store or use acutely hazardous materials near the proposed Waterfront Residential area. To protect sensitive receptors from public health effects from a release of hazardous substances, the City of Oakland Municipal Code requires a handler of hazardous materials within 1,000 feet of a residence, school, hospital, or other sensitive receptor to make written disclosure of whether it will handle, store, or produce any hazardous substances. The City, at its discretion, may require such a facility to prepare a hazardous materials assessment report and remediation plan (HMARRP) and include public participation in the planning process. The HMARRP must identify hazardous materials used and stored at the property and the suitability of the site; analyze off-site consequences that could occur as a result of a release of hazardous substances (including fire); include a health risk assessment; and identify remedial measures to reduce or eliminate on-site and off-site hazards. These regulations will reduce this impact to a less than significant level (DEIR, page 4.7-37).
- According to the Airport Noise Contours for Oakland International Airport, the entire Project Area (including the Waterfront Residential area in Sub-Area B) is located outside the CNEL 60 dBA contour. The Alameda County ALUC considers a CNEL of less than 60 dBA as compatible for residences and all other land uses in the proposed Project. This is consistent with the City of Oakland, which considers a CNEL of less than 60 dBA as normally acceptable. Consequently this impact is less than significant.
- For new residential uses located west of Edgewater Drive, freeway-generated noise level are considered conditionally acceptable. Application of SCA Noise-4 would provide mitigation of interior noise at this location, consistent with the City's land use compatibility guidelines.

A13-13: Mitigation Measure Land-9 in the DEIR (p.4.9-72) explains that the sale option requires a finding by the Port Board that the property is no longer needed or required for the promotion of the public trust, and that the proceeds of the land sale are to be used at the Port Board's discretion for public trust purposes. Generally, the terms of any such sale are not CEQA matters. However, it is recognized that the Port, as stewards of the public trust, have the obligation to ensure no net loss of the public trust, and therefore will require any such sale to be at fair market value.

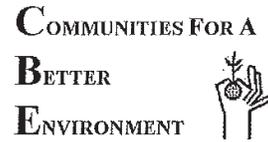
A13-14: Figure 3-4 is intended to be a conceptual map to convey some of the overlapping jurisdictions within and around the Project Area, not a detailed survey of boundaries. Chapter 4.9 of the DEIR

adequately describes the applicable jurisdiction of BCDC—see pages 4.9-29, 30. Note that since the extent of high tide can change over time, BCDC’s jurisdiction over areas subject to tidal action is not necessarily fixed.

Section “B” - Organization Comments

Comment letters from private organizations and representatives of private organizations are included in the following section, together with responses to all CEQA and EIR-related comments.

Comment Letter B1



September 4, 2014

VIA EMAIL

Devan Reiff
City of Oakland Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Email: dreiff@oaklandnet.com

**Re: Request for Extension of Time to Comment on the Proposed Coliseum
City Specific Plan Draft EIR [Case No. ZS13-103, ER13-0004]**

Dear Devan Reiff,

On behalf of Alliance of Californians for Community Empowerment, Causa Justa:: Just Cause, Communities for a Better Environment, East Bay Alliance for Sustainable Economy, East Bay Asian Youth Center, East Bay Housing Organizations, Oakland Community Organizations, Public Advocates, TRANSFORM, UNITE HERE Local 2850, Urban Peace Movement, we request a 45 day extension to submit written comments on the Proposed Coliseum City Specific Plan Draft EIR ("Coliseum City DEIR"). The Coliseum City DEIR is 1000+ page, with its appendices. It describes a massive project that would significantly change the community in which it is housed. The above-organizations, and the community in general, need the additional 45 days to analyze these documents.

Based on the Notice of Completion, the proposed project would significantly impact the environmental and economic wellbeing of the City in general, and East Oakland in particular. For instance, the DEIR contemplates streamlined project-level review of a large menu of potential projects, including:

- development of each of the three new sports and event venues (the Stadium, the Ballpark and the new Arena);
- development of approximately 4,000 new residential units;
- development of 875 new hotel rooms within Sub-Area A;
- development of more than 1.9 million square feet of new retail, commercial, and business-type development projects;
- improvements to public infrastructure systems (i.e., water, sewer and storm drains, electrical and power utilities, etc.);

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Comment Letter B1

- improvements to the public roadway and transportation systems, including roadway and sidewalk repairs and improvements, new bike lanes, and other similar transportation improvements;
- development of public parks and open space; and
- streamlined environmental review of other subsequent development and environmental enhancement projects.

The above-listed organizations request a 45 day extension to address the DEIR, including this large list of projects that will secure streamlined permitting, and deprive the community of future full opportunities to engage in CEQA review.

B1-1

Further, the City reached out to community-based organizations in East Oakland to participate in a stakeholder process regarding the Specific Plan and the Coliseum City DEIR. Community organizations have been waiting for that stakeholder group to be convened in order to discuss the Plan and the DEIR. Although CBE learned today that the City changed its mind, and does not now intend to engage in such a process, this only increases the need for a greater time to provide meaningful community input on the DEIR.

B1-2

Very Truly Yours,

/s/

Shana Lazerow

Legal Director

Communities for a Better Environment

Letter #B1 Response – Communities for a Better Environment (CBE)

- B1-1: The Notice of Availability (NOA) for the Draft EIR was released on Friday, August 22, 2014, with the 45-day review and comment period, as established by CEQA Guidelines (sections 15105), ending on October 6th. In response to numerous requests, the City Planning Department extended the official comment period an additional 11 days, to October 17, 2014. CEQA Guidelines, section 15105(a) also states that the public review period for a draft EIR should not be longer than 60 days except under unusual circumstances. There is nothing unusual about the proposed Project or the circumstances of its review; the 56-day public review period for the DEIR is close to the maximum suggested by statute. Please see Master Response to Comment #1.
- B1-2: This comment speaks to the City's outreach efforts to community-based organizations in East Oakland. Please see Master Response #2 regarding the City's Planning Process.



Comment Letter B2

CITIZENS COMMITTEE TO COMPLETE THE REFUGE

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City of Oakland
Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland CA 94612
Attn: Devan Reiff (dreiff@oaklandnet.com)

October 6, 2014

Subject: Draft Environmental Impact Report for the Coliseum Area Specific Plan, City of Oakland, Alameda County SCH No. 2013042066

Dear Mr. Reiff,

We are contacting you to request a two-week time extension to submit comments regarding the Coliseum Specific Area Plan Draft Environmental Impact Report (DEIR). We have submitted a Freedom of Information Act request to the San Francisco District Regulatory Division of the Army Corps of Engineers and they have not yet responded to our request. Their response would further inform comments the Citizens Committee to Complete the Refuge (CCCR) would submit.

B2-1

However, if a time extension is not granted, CCCR finds the identification of impacts to biological resources and the biological mitigation measures proposed in the Coliseum Specific Area Plan are woefully inadequate. The impacts to waters of the United States are significant and will NOT be reduced to a level that is less than significant by the mitigation measures proposed in the DEIR. In particular, the City's proposal to fill an eight acre wetlands mitigation site, a site that was created to mitigate the filling of wetlands at the Oakland Airport, would be highly inappropriate, if not impermissible. Filling this wetlands mitigation site would result in additional temporal losses of wetlands functions and values, and it is highly likely the lost functions and values will never be fully recovered through the mitigation proposed by this DEIR. The proposed specific area plan would therefore result in a net loss of wetlands, an adverse impact that would be significant.

B2-2

B2-3

Wetlands mitigation sites in general, are required to be protected in perpetuity to avoid just this type of situation - wetlands are filled, a wetlands mitigation site is established to recover the functions and values lost, and then a future project proposal fills the mitigated wetlands.

B2-4

The proposal for Residential Mixed Use development on the Edgewater Wetlands Mitigation site or for any proposed filling of wetlands or waters of the U.S. for development is not water dependent, and as such, the City of Oakland would be required to demonstrate suitable upland alternatives do not exist, pursuant to the 404 (b)(1) Guidelines.

B2-5

Under the 404 (b) (1) Guidelines (40 C.F.R. 230.10) the City must rebut the presumption that a practicable alternative exists that is less environmentally damaging. The preamble to the Guidelines states that it is the applicant's responsibility to rebut this presumption. The Memorandum of Agreement between EPA and the Corps concerning mitigation under the CWA 404 (b)(1) Guidelines (Mitigation MOA) states:

1. Section 230.10(a) allows permit issuance for only the least environmentally damaging practicable alternative. The thrust of this section on alternatives is avoidance of impacts. Section 230.10(a)(1) requires that to be permissible, an alternative must be the least environmentally damaging practicable alternative

CCCR Comments Oakland Specific Plan DEIR

10-6-14

Page 1 of 2

Comment Letter B2

(LEDPA). In addition, Section 230.10(a)(3) sets forth rebuttable presumptions that 1) alternatives for non-water dependent activities that do not involve special aquatic sites are available...

B2-5
cont'd

2. Minimization. Section 230.10(d) states that appropriate and practicable steps to minimize the adverse impacts will be required through project modifications and permit conditions.

Sequencing requires the applicant must first *avoid* impacts to wetlands, next *minimize* those impacts, and only after avoidance and minimization of impacts has occurred, compensate for any unavoidable impacts. In this instance, the applicant appears to have gone directly to compensatory mitigation.

Adding further insult to injury, the Edgewater Wetlands Mitigation site has already been transferred to the East Bay Regional Park District. These lands are not owned by the City of Oakland, but instead by the EBRPD whose mission is to "... acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands which balances public usage and education programs with protection and preservation of our natural and cultural resources."

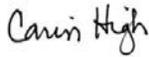
B2-6

The City must revise the proposed land use map for the area including and surrounding the Edgewater Seasonal Wetlands Mitigation site to that of "Open Space/Habitat." Failing that change, the DEIR is flawed with respect to the proposed identification of impacts to biological resources and the proposed mitigation of significant and adverse impacts, and must be revised and re-circulated.

B2-7

We hope you will consider granting the requested two-week time extension, to provide us the opportunity to provide additional substantive comments. Failing that, we request you enter these comments into the record. Please keep us advised of any additional public comment periods.

Sincerely,



Carin High
Citizens Committee to Complete the Refuge, Vice-Chair

Letter #B2 Response – Citizens Committee to Complete the Refuge (CCCR)

- B2-1: Please refer to Master Response to Comments #1 regarding the extension of the public comment period for the Draft EIR.
- B2-2: Please refer to Master Response #6: Impacts and Mitigation Measures Related to the Edgewater Seasonal Wetlands. In addition to the information in that Master Response, the Draft EIR (page 4.3-56) recognizes that fill and development of the Edgewater Seasonal Wetland will be subject to numerous subsequent permitting and regulatory requirements. Until such time as the details of any subsequent development proposal to fill the wetlands are prepared, permits from responsible agencies sought, and requirements and conditions of responsible regulatory agencies are fully known, no final determination can be made as to the efficacy of mitigation strategies. Therefore, consistent with the comment, impacts to special status species and their habitat resulting from the fill and development of Edgewater Seasonal Wetland are considered significant and unavoidable.
- B2-3: Please refer to Master Response #6: Impacts and Mitigation Measures Related to the Edgewater Seasonal Wetlands regarding the effectiveness of recommended mitigation measures. In addition to the information in that Master Response, the following addresses specific issues raised in this comment:
- Mitigation Measure Bio 1B-2 requires mitigation for habitat loss through creation of replacement freshwater seasonal wetland at a replacement ratio of 2:1. Achievement of that required ratio would ensure not only a no net loss, but a net gain in wetland habitat.
 - As to the temporal issues, Mitigation Measure Bio 1B-2 requires planting with appropriate native plants to achieve a functioning seasonal wetland and fenced to exclude people and land-based predators, performance standards that are accepted by the resource agencies for site re-vegetation, the restored areas monitored for a minimum of five years and remedial measures taken until the performance standards are met, and construction of the new wetland to be completed prior to removing the Edgewater Seasonal Wetland.
- B2-4: According to the US EPA, “A mitigation bank is a wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (*in certain circumstances*) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 or a similar state or local wetland regulation. A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency.”³ Specific to the Edgewater Seasonal Wetlands, please see Master Response #6 regarding the efficacy of the Seasonal Wetland Restoration Plan.
- B2-5: The Draft EIR recognizes (on pages 4.3-56, and elsewhere) that any subsequent project that seeks to fill and develop the Edgewater Seasonal Wetland as a new waterfront development site will be subject to numerous subsequent permitting and regulatory requirements of outside regional,

³ US EPA, Mitigation Banking Factsheet, accessed at:
<http://water.epa.gov/lawsregs/guidance/wetlands/mitbanking.cfm>

state and federal agencies with jurisdiction over the site. However, there currently is insufficient detail available for more detailed analysis. A list of applicable federal, State, regional and local regulations and policies is presented on page 4.3-26 of the Draft EIR, which include reference to both Section 401 and 404 of the Clean Water Act. Implementation of City of Oakland Standard Conditions of Approval (SCA) Bio-12: Regulatory Permits and Authorizations (among other SCAs) ensures that these regulatory requirements shall be met.

The Draft EIR analyzes the Project as proposed, consistent with the Coliseum City Master Plan. That Master Plan includes the proposed fill of Edgewater Seasonal Wetlands. The mitigation measure available under that scenario is compensatory replacement of freshwater seasonal wetland at a replacement ratio of 2:1. However, the Draft EIR Alternatives chapter also presents (beginning on page 5-83) an Environmentally Superior Alternative which, consistent with this comment, would retain the Edgewater Seasonal Wetlands in its current state, thereby avoiding potentially significant effects to sensitive status species and wetlands habitat. See also the further discussion under Master Response #6 regarding the efficacy and potential environmental benefits associated with the Seasonal Wetland Restoration Plan as recommended pursuant to Mitigation Measure Bio 1B-2.

- B2-6: Please refer to Master Response #6 regarding the efficacy and potential environmental benefits associated with the Seasonal Wetland Restoration Plan as recommended pursuant to Mitigation Measure Bio 1B-2.
- B2-7: The Draft EIR is not flawed in its analysis of the proposed Project and its potential impacts to Edgewater Seasonal Wetlands. The impacts to this wetland are clearly identified (stating on page 4.3-51 and 4.3-61), City of Oakland SCA's applicable to the impact are identified (including, but not limited to SCA Bio-12: Regulatory Permits and Authorizations), mitigation measures (including, but not limited to Mitigation Measure Bio 1A-2: Seasonal Wetland Restoration Plan) are recommended, and alternatives to the proposed fill (including the Environmentally Superior Alternative, which does not include fill of the wetlands) are identified. Please also refer to Master Response #6 regarding the Draft EIR's analysis of the Edgewater Seasonal Wetlands and the issue of recirculation.

Comment Letter B3-a



October 1, 2014

City of Oakland Planning Commission and Staff
Comments on Coliseum Area Specific Plan Draft EIR

Dear Planning Commissioners,

The Coliseum and Arena are important examples of midcentury architecture, as acknowledged in the DEIR. However, the DEIR is inadequate and incomplete in following through on the impacts analysis and appropriate mitigations for loss of either or both of these structures, and the API which contains them. (Since the deadline has been extended, we may submit additional comments.)

DESCRIPTION OF API DISTRICT AND ANALYSIS OF IMPACTS TO API DISTRICT

1) **The EIR is inadequate and incomplete in that it does not include any description of the boundaries or of the contributors (e.g., landscaping, signage, site design, etc.) to the API.** What are the boundaries of the API? What are the contributors? Do the parking lot and open areas fall within the boundaries? How does the site design contribute to the API, the setting and location of the API? These open and parking areas appear to be part of the resource as the site design clearly demonstrates that the location of the structures, the parking, the open areas for event vehicles and staging are deliberate and constitute patterns of development history in that the 60s development of such sports/entertainment venues were located and site designed (parking lots) to be easily freeway accessible. The site design and location assumed that patrons would arrive by automobile (national highway program following World War II), as opposed to earlier and current sports facilities which were previously and are currently located in city centers. Location and site design are important character-defining features of the API.

B3a-1

2) **The EIR is inadequate and incomplete in that it does not analyze impacts on the API, nor determine the status of the API with impacts of the proposed demolitions. Additionally, mitigations need to be considered, if there are negative adverse impacts to the API.** With the proposed demolition of the coliseum and the arena, what is the status of the API? There does not appear to be any analysis or discussion of impacts to the API? Does the API still exist with the proposed demolitions? What are the impacts to the API? If the API will no longer remain, what are the proposed mitigations for loss of the API?

B3a-2

RECOMMEND MITIGATION MEASURES

1) **The proposed mitigations are inadequate.** Since this proposed project would constitute loss of a significant and major mid-century modern City of Oakland historic resource and potential National Register historic resource, and potentially after analysis, the loss of a mid-century Area of Primary Importance, OHA recommends a contribution of 2% of the construction budget for the Coliseum replacement, 2% of the construction budget of the

B3a-3

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Arena site (if demolished), and 1% of the construction budget of any other areas in the API (after the EIR completes the API description and analysis). These financial contributions shall be submitted to the City prior to City approval of the Building Permit for each building permit submittal. This contribution shall be used to research and prepare an Intensive Survey (sequence of City areas of priority to be determined by historic preservation staff and the LPAB) of PDHPs (beginning in the year following the last year of the current survey).

B3a-3
cont'd

- 2) Decision makers may also consider an alternate with 50% of the above financial contribution(s) allocated for the Survey and 50% allocated for a Façade Improvement Program for City of Oakland PDHPs.

B3a-4

ECONOMIC ANALYSIS (4.4-32)

- 1) **The economic analysis is incomplete and inadequate in that the text looks only at current uses, without any analysis or financial backup. Also, it does not explore potential additional event uses, not currently scheduled, nor re-use of the facility.** The DEIR economic analysis only suggests that alternative use would not generate economic return, *'would be unlikely,'* without any study, technical analysis or fact-finding backup. It then concludes in the following sentence, again without any study or financial analysis, that incorporating the existing coliseum into the current planning design program *'is not viable'*. Further analysis is required, with credible financial analysis and backup information.

B3a-5

- 2) **Additionally, within the 800-acre Specific Plan project area, alternative designs and locations must certainly be viable and interchangeable, so that the current historic structures can be retained, with an alternate site for a new structure, thus meeting historic preservation goals AND project goals.** This needs further study, with credible financial analysis and backup information.

B3a-6

DEMOLITION FINDINGS

- 1) **The DEIR is incomplete and inadequate in that the DEIR anticipates the demolition of historic buildings and resources, and with its certification, it will provide and clear the first path in project review to demolition, without benefit of full information required for decision makers.**

Several years ago, the LPAB developed Demolition Findings for historic resources. These were adopted by City Council in 2010, as amendments to the Planning Code. They include submittal requirements for each finding (Attached). These findings were intended to provide additional information, not yet required in other regulations, to decision-makers for their consideration in reviewing any proposed demolition of a historic resource. These findings substantiated by required submittals, have not been included in this DEIR.

B3a-7

Later information regarding demolition (under the guise of a design review for a new building) will not hold the same weight for consideration by decision makers, as the certification of this EIR will have already adversely affected, tainted, any potential retention and reuse of any historic resource.

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This appears to be an abuse of discretion and loophole, with the only purpose being served is that of a 'piecemeal' approach to project review, circumventing full required information on a proposed historic demolition when it is first being considered.

Demolition and design review are two separate processes, clearly demonstrated by this DEIR.

FIRST, separate out the demolition findings, currently buried under the guise of design review, and address them with the proposed project demolition being considered NOW under this EIR, prior to the FEIR and EIR certification. These are clearly related to DEMOLITION and not to DESIGN REVIEW of a new structure. These are:

B3a-8

FINDINGS' SUBMITTAL REQUIREMENTS FOR INDIVIDUAL HISTORIC RESOURCES/HISTORIC DISTRICTS

With reference to Finding #1. (see 4.4-20)

ECONOMIC VIABILITY

The applicant shall submit a market analysis prepared by an architect, developer, real estate consultant, appraiser, or other real estate professional with extensive experience in both real estate and historic rehabilitation that demonstrates all of the following:

- a. The current use does not generate a reasonable economic return;*
- b. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return;*
- c. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return; and*
- d. Potential Federal Tax Credits, Mills Act Contracts, Façade Grants, Transfer of Development Rights or other funding sources are not feasible to bridge the gap identified above.*

B3a-9

BUILDING SOUNDNESS

The applicant shall submit a report from a licensed engineer or architect with extensive experience in rehabilitation as to the structural soundness of the property and its suitability for rehabilitation. The soundness report shall be based on the requirements contained in Document A, attached (SEE PLANNING COUNTER HANDOUT). The soundness report is based on a methodology used by San Francisco's Planning Department for Proposed Demolition of Historic Buildings.

BUILDING MAINTENANCE HISTORY

The applicant shall submit a cost estimate report prepared by a qualified cost estimator with extensive experience in rehabilitation, analyzing any building neglect contributing to any deterioration:

- a. Is the building free of a history of serious, continuing code violations?*
- b. Has the building been maintained and stabilized?*

Long term deferred maintenance and/or a history of continuing code violations not addressed by the owner, or other proper person having legal custody of the

Comment Letter B3-a

structure or building shall constitute a violation and will not be considered as a part of the economic infeasibility analysis bottom line.

EXISTING BUILDING APPRAISED VALUE

- a. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- b. Any listing of the property for sale or rent price asked, and offers received, if any, within the previous two years; and
- c. Existing Building /Property Appraisal (current within the last six months);
 1. Estimated market value of the property in its current condition under best practices management;
 2. After repair of construction deficiencies;
 3. After repair of construction deficiencies and maintenance;
 4. After any changes recommended by the Historic Preservation Staff/LPAB;
 5. After completion of the proposed demolition or removal; and
 6. After completion of the replacement proposal (not applicable).

PUBLIC BENEFITS

A public benefits analysis report shall be prepared and take into consideration the educational, cultural, social, equity and economic benefits of the historic building (and the proposed building – Not applicable). Some issues that shall be considered include, but are not limited to:

- a. The benefits to the City's tourism industry;
- b. The benefits to owners of other commercial and residential property owners and renters in the area;
- c. The services provided to the community, including social services;
- d. Housing and jobs opportunities;
- e. Civic, community, and neighborhood identity;
- f. Cultural heritage and the image of the City and local neighborhood; and
- g. Educational opportunities and cultural benefits regarding architectural and local history.

With reference to Finding #2. (see 4.4-20) Finding #2 is the ONLY finding that is applicable to design review of a replacement project.

With reference to Finding #3. (see 4.4-20)

- a. Could alterations or additions to the existing building make the current or a future use generate a reasonable economic return and/or architecturally/structurally accommodate the proposed uses?
- b. Do preservation alternatives exist which can achieve at least the same level of non-preservation benefits?

B3a-9
Cont.

Comment Letter B3-a

c. *Include discussion of potential economic benefits of a rehabilitated or reused cultural resource, including how building or district character might affect property values, attract commercial economic development and increase City tax revenues.*

B3a-9
cont'd

SECOND, revise the Planning Code, so that demolition and design review findings are reflected as separate processes, as the above clearly demonstrates that they are separate pieces of a project review, and can occur at different phases of project review. In this particular case, demolition is being considered prior to the submittal of a replacement project. Therefore, to consider the demolition findings under design review, in the future when a replacement structure is being reviewed, after demolition has already been considered in the project review process, is a 'piecemeal' approach, circumventing full required information on a proposed historic demolition at the time when it is first being considered.

B3a-10

Without this analysis, the DEIR is inadequate and incomplete in that it does not include this City Council-adopted required analysis for the proposed demolition of historic resources.

IS THE CASE MADE FOR WHOLESALE RECONFIGURATION OF THE COASTLINE?

We question whether the rationale for major reconstruction of the coastline is adequate. Given the large potential environmental impacts upon water, animal, and plant life, is there sufficient reason to make such huge changes? We would suggest that less impact would be better. An alternative should be supplied which pulls development further away from the water's edge. When we read about the mitigation (SCA Hydro-15) that with sea-level rise, garage areas could be built to flood, (to spare living quarters), we wonder why a solution is not proposed that provides much wider margin for public use, and protects private investment by keeping it away from flood areas. The main reason for digging a whole new water area, and making swaps between already-established marshy areas and new ones, is weak (Page 4.3-42):

B3a-11

The primary purpose of the new bay Inlet would be to create new waterfront edge within this Sub-Area as an attraction and amenity for new development.

Yet it is precisely this development that exacerbates the environmental impacts! Is it necessary? And is it wise? A city that lost its waterfront to greed and speculation at its founding should know that the bay edge is an irreplaceable public and natural resource. The water's-edge margin should be publicly accessible, and kept as wide as possible, in this low-lying area during a time of global sea-rise.

B3a-12

CONCLUSION

We would like to reiterate that the Coliseum and Arena are a major and well-known complex of mid-century architecture, of regional importance, and that this plan and DEIR do not adequately study their potential reuse, nor mitigate their proposed complete or partial loss.

Sincerely,



President



CITY OF OAKLAND SOUNDNESS REPORT REQUIREMENTS

Applicants proposing the demolition of any Category I or Category II resource that contributes to an Area of Primary Importance, S-7 zone, or S-20 zone require a report to determine the soundness of the historic building. This attachment explains what should be included in the soundness report.

Soundness reports are required to be produced by licensed design or construction professionals (architects, engineers, and contractors) or by certified specifiers, construction cost estimators or building inspectors. The author of the report must be a disinterested third party that is not involved in the development's ownership, design or construction. Professionals who prepare such reports must be familiar with the City's demolition regulations and knowledgeable about construction assemblies, processes and cost.

Authors of Soundness Reports should focus on the concept that "soundness" is an economic measure of a building, not an issue of structural compliance with the current Building Code. Further, they should distinguish costs to upgrade elements that were original construction deficiencies from those elements needing repair due to deferred maintenance, as explained below.

Without a determination that the structure is unsound, the recommendation of approval to demolish is more difficult to make. In this case, the applicant may be advised to consider a project that alters, rather than demolishes, the existing structure.

Definitions

Soundness is an economic measure of the feasibility of repairing construction deficiencies. It compares an estimate of construction-repair cost called the upgrade cost to an estimate called the replacement cost.

Hazard is defined the same as it is in the Demolition Findings, Category I and Category II, Finding 2. For this finding, a hazard constitutes a threat to health and safety that is not imminent.

Replacement cost is defined as the current cost to construct structures exactly the size of those proposed for demolition. The current costs are determined by the most recent City of Oakland Building Services Construction Valuation For Building Permits¹.

Unsound structure is a structure where the primary upgrade cost construction deficiencies exceeds 50 percent of its replacement cost or the primary *plus* secondary upgrade cost exceeds 75 percent.

Primary upgrade cost is an estimate of the cost to make the existing structure 'usable.' This is the cost to bring a construction deficient structure into compliance with the minimum standards of the Building Code in effect at the time of its construction, with certain retroactive life-safety exceptions.

¹ Market value based on the current costs of labor, materials, related fees, and any entrepreneurial profit or incentive.

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Soundness Report Requirements
Page 2

adding floor space in an addition, to increasing headroom in a basement or attic, or to installing interior upgrades, cannot be included, nor can certain “soft costs” and site improvements listed below. Bringing the structure into compliance with current seismic requirements of the Building Code is not an allowable expense, even though it may be prudent or desirable for the public good, or even if required by the Building Code for the scope of repair work. Routine, repetitive maintenance costs are also excluded. Contractor’s profit, overhead, and permit costs may be included, but Architects’ and Engineers’ design fees, and allowances for construction contingencies may not.

Secondary upgrade cost is an estimate of the cost of functional repairs attributable to lack of maintenance. For instance, a significant roof leak that went unrepaired for a sufficient length of time to cause mildewed gypsum board and rotted structural members is a secondary upgrade cost. Replacement of a building component because it is not pristine or modern does not qualify as a secondary upgrade cost unless the component does not meet required functional standards and/or is a hazard. For example, the replacement of rusted ductwork on a heating system that can maintain the temperature requirement does not qualify as a secondary upgrade cost nor is the replacement of a functional and safe knob and tubing wiring system. The cost to replace a pull-out fuse box that is not a hazard with a new circuit breaker panel cannot be included as an secondary upgrade cost, even if it is part of the proposed work.

Further examples items that cannot be included in the secondary upgrade cost calculation are:

- Replacement of roof flashing, step flashing, coping, gravel stops, and diverters. These are excluded from the calculation because these items can be replaced as part of the re-roofing process, and, in that sense, are maintenance items. Replacement of corroded galvanized sheet metal head flashing over doors and windows might be considered a cost allowed at the 75 percent level if it is clear that the corrosion resulted from lack of painting or other improper maintenance.
- Window replacements. The Building Code requires that windows, like all elements of structure, be maintained and repaired. Replacement of windows meeting the code requirements at the time of their installation cannot be included in 75 percent cost calculation. For instance, replacing single-glazed windows installed in 1972, before Title 24 energy requirements, with double-glazed, energy efficient windows would not be an allowed in the 75 percent cost calculation. Repair of leaky or aged windows may be included at the 75 percent threshold to the extent that it is demonstrable that the repair is necessitated by poor maintenance.
- Stair replacement or removal. Removal and replacement of existing stairs without legal headroom can be included as a primary upgrade cost only if the stairs are a means of egress required by the Building Code. If the stairs are not part of a required exit system, but provide access to a room or garage, their replacement to meet current headroom requirements or rise and run ratios cannot be included. Wooden exterior stairs have a finite life, and their periodic replacement is considered a maintenance issue. Only if it can be documented that improper construction led to the early loss of the stairs could their replacement be included in upgrade costs for soundness determination.

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Examples of what are and are not considered primary and secondary upgrade costs

For general guidelines for what is considered a primary and secondary upgrade cost, see the description in the three lists below. Also note that, in general, the code requires that buildings be maintained in accordance with the codes in effect at the time of their original construction. Please note that some of the concepts addressed in these standards are not detailed, and can only be determined upon review of specific cases by competent professional persons.

Work that could be included in the 50 percent threshold (the primary cost):

- Building Permit Application cost.
- Correcting lack of flashing or proper weather protection if not originally installed.
- Installing adequate weather protection and ventilation to prevent dampness in rooms if not originally constructed.
- Provision of garbage and rubbish storage and removal facilities if not originally constructed.
- Eliminating structural hazards in foundation due to structural inadequacies.
- Eliminated structural hazards in flooring or floor supports, such as defective members, or flooring or supports of insufficient size to safely carry the imposed loads.
- Correcting vertical walls or partitions which lean or are buckled due to defective materials or which are insufficient in size to carry loads.
- Eliminating structural hazards in ceilings, roofs, or other horizontal members, such as sagging or splitting, due to defective materials or insufficient size.
- Eliminating structural hazards in fireplaces and chimneys, such as listing, bulging or settlement due to defective materials or due to insufficient size or strength.
- Upgrading electrical wiring which does not conform to the regulations in effect at the time of installation.
- Upgrading plumbing materials and fixtures that were not installed in accordance with regulations in effect at the time of installation.
- Providing exiting in accordance with the code in effect at the time of construction.
- Correction of improper roof, surface or sub-surface drainage if not originally installed.
- Correction of structural pest infestation (termites, beetles, dry rot, etc.) to extent attributable to original construction deficiencies, (e.g., insufficient earth-wood separation).
- Contractor's profit and overhead, not to exceed 18 percent of construction subtotal, if unit costs used for repair items do not include Profit and Overhead.

Work that could be included in the cost estimate for the the 75 percent threshold (the primary plus secondary upgrade costs):

- Repair of fire-resistive construction and fire protection systems if required at the time of construction, including plaster and sheet rock where fire separation is required, and smoke detectors, fire sprinklers, and fire alarms when required.
- Repairs as need to provide at least one properly operating water closet, lavatory, and bathtub or shower.
- Repair of a sinks not operating properly.
- Provision of kitchen appliances, when provided by owner, in good working condition, excluding minor damage.
- Repair if needed of water heated to provide at least 8 gallons of hot water storage.

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Soundness Report Requirements
Page 4

- Repair to a sewage connection disposal system, if not working.
- Repair heating facilities to permit heat to habitable rooms, if not working.
- Repair ventilation equipment, such as bathroom fans, where operable windows are not provided, if not working.
- Provision of operable windows in habitable rooms (certain exceptions may apply).
- Repair of electrical wiring if not maintained in a safe condition.
- Repair of plumbing materials and fixtures if not maintained in good condition.
- Correcting vertical walls or partitions which lean or are buckled due to deterioration.
- Eliminating structural hazards in ceilings, roofs, or other horizontal members due to deterioration.
- Eliminating structural hazards in fireplaces and chimneys, such as listing, bulging or settlement due to deterioration.
- Eliminating chronic, severe mold and mildew.
- Repairing proper weather protection, including exterior coverings such as paint and roof coverings and windows and doors due to lack of maintenance.
- Repairing deteriorated, crumbling or loose plaster, gypsum board and floor finishes due to faulty, poorly maintained weather protection.
- Contractor's profit and overhead, not to exceed 18 percent of construction subtotal, if unit costs used for repair items do not include profit and overhead.

Work that is excluded from both the 50 percent and 75 percent thresholds (the primary and secondary upgrade costs):

- Architects' fees, Engineers' fees and other design fees.
- Construction contingency allowance.
- Addition of floor space, or increasing headroom or other programmatic requirements that are not required standards as part of the original structure.
- Adding electrical receptacles where not necessary;
- Installation of a higher capacity electrical service, unless the existing is a hazard.
- Finish upgrades, such as new cabinetry, countertops, tile, stonework and other interior finishes;
- Site work, such as repairs to walkways, driveways, decks on grade, and retaining walls not part of the building foundation.
- Landscape and irrigation work.
- Removal of fire hazards, such as buildup of combustible waste and vegetation.
- Removal of accumulation of weeds, vegetation, trash, junk, debris, garbage, stagnant water.
- Elimination of insect, vermin or rodent infestation.
- Other routine, repetitive maintenance costs.

Content of soundness report

The Soundness Report should begin with a thorough description of the building in question: its age, size (e.g., footprint area, height, number of stories, square footage), roof form, roofing material, construction type, foundation and floor system, exterior siding, interior wall finish, and a description of repairs, maintenance, and any remodeling or additions. Documentation supporting the previous should be included in an appendix, using copies of the building permit history of the building.

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Next, the replacement cost should be calculated using the definitions described above. Both the 50 and the 75 percent threshold should be computed and noted.

The 50 percent upgrade cost (the primary cost) should be described next, with line item descriptions of each element qualifying for upgrade (those due to initial construction deficiencies), followed by the unit cost, the unit multiplier, and the total cost for that element. If the sum of these cost items does not exceed 50 percent of the replacement cost, than a 75 percent upgrade cost (secondary plus primary upgrade cost) can be detailed, including the previous upgrade items and adding in costs for repair of qualifying items deteriorated due to deferred maintenance, presented in a similar format.

Generalities and assertions unsupported by professional, detailed justification, or by photographic evidence or other documentation will undermine the essential credibility of the report. Replacement of many structural assemblies and mechanical systems is justified only if the existing elements are hazards. Careful and thorough demonstration of the hazardous condition is required, to justify including the replacement in the upgrade cost estimate.

Copies of any pest report, if such work is needed, and any other documentation supporting the conclusions of the soundness report, should be provided. Pest control work should be carefully analyzed to determine which portions of work and cost are applicable to the 50 percent (primary upgrade cost) threshold and which to the 75 percent (primary plus secondary upgrade cost) threshold.

Clear and well-labeled photographs of the façade, and close-ups that document elements needing upgrade work, are essential to support assertions that the elements in question qualify for inclusion in the upgrade cost.

A factual summary of the findings is a useful conclusion to the document.

How will the City decide whether to approve the demolition application?

The Soundness Report will be reviewed and considered in conjunction with all other required submittals by the Findings for Demolition of Local Register Historic Properties. All of these reports will be reviewed by the appropriate advisory group(s) and decision maker(s). A replacement project, if any, must also meet the Demolition Findings.

Because a finding that a building is unsound makes approval of the demolition more probable, and because some costs included in the soundness report represent a subjective professional judgment, there may be a temptation to inflate the upgrade cost estimate, by including costs of elements that do not require repair or by exaggerating the cost of repairs, or by suggesting seismic or other structural upgrades beyond the scope of the requirements. Resist this temptation. Presentation of soundness reports with inflated upgrade costs or low replacement costs may lead to denial of the related demolition permits, or require a peer review, paid for by the applicant.

If the Soundness Report is credible and demonstrates that the structure in question is sound/not sound, the report findings will be taken into consideration, along with other required submittals by the Findings

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If the Soundness Report is credible and demonstrates that the structure in question is sound/not sound, the report findings will be taken into consideration, along with other required submittals by the Findings for Demolition of Local Register Historic Properties, for evaluation and determination of demolition approval, when reviewed by Landmarks Preservation Advisory Board and the Planning Commission.

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Category II

FINDINGS REQUIRED FOR THE DEMOLITION OF HISTORIC PROPERTIES

This handout contains the findings required to be met to approve a Regular Design Review application to demolish a historic structure in the City of Oakland. These findings are required by Section 17.136.075 of the Planning Code. All other regulations, including analysis required under the California Environmental Quality Act, apply.

The handout also describes the items required to be submitted with the design review application. The goal of the required submittals is to assist staff in evaluating whether a project meets the findings required to demolish a building. The submittals may consist of economic and financial analyses, informational reports, and/or "discussion points" required to be addressed within a design or historic analysis of a project. The submittals are not criteria for whether a demolition can or cannot occur; they are only the information required by the City to make a determination as to whether an application meets the required findings for demolition. Further, the required submittals are not meant to discourage either contemporary or historicist architecture in new construction. The Planning Director can, from time to time, make modifications to the required submittals if they are consistent with the intent of the proposed requirements.

All reports required for the demolition findings must be prepared by independent third party consultants or be peer reviewed. Reports will be paid for by the applicant and consultant shall be approved by, and report to, the City. All applicable discussion points shall be taken into account when making a finding. If a point is not applicable, the analysis shall state why. Any submittal may also include attributes that support the demolition proposal and/or the replacement project.

A complete application for demolition of historic property includes following:

- A completed application for Regular Design Review.
- A description of how a project meets the findings described in this form.
- The required submittals described in this form.
- A complete application for the replacement project, including plans designed by a licensed architect.

Different findings are required for the demolition of three categories of historic structures:

- **Category I** includes any Landmark; Heritage Property; property rated "A" or "B" by the Oakland Cultural Heritage Survey; or Preservation Study List Property. This category excludes any property that falls into Category II.
- **Category II** includes properties in an S-7 or S-20 zone or an Area of Primary Importance. Any building, including those that do not contribute to the historic quality of the district, fall into this category.
- **Category III** includes properties rated "C" by the Oakland Cultural Heritage Survey or contributors to an Area of Secondary Importance. This category excludes any property that falls into Category II.

Please call the Oakland Cultural Heritage Survey at (510)238-6879 to determine if a property falls into any of the three categories described above.



CITY OF OAKLAND DEMOLITION FINDINGS FOR CATEGORY II HISTORIC PROPERTIES

The following findings are required to be met to demolish a Category II Historic Structure. This category includes any property in the S-7 or S-20 zone or in an historic neighborhood defined as an “Area of Primary Importance” by the Oakland Cultural Survey. The demolition of any building, including those that do not contribute to the historic district, fall into this category.

Finding 1 or Finding 2 plus Findings 4, 5 and 6, below, must be met to demolish a Category II Historic Resource that contributes to a historic district. Findings 3, 4, and 5 are required to be met to demolish a noncontributing property. Please indicate how the proposed demolition meets the required findings and include all the applicable submittal materials for the corresponding findings.

Finding 1 (contributing properties): The existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return.

Finding 1 submittal requirements:

1. *Building Use – Economic Viability.* The applicant shall submit a market analysis prepared by an architect, developer, real estate consultant, appraiser, or other real estate professional with extensive experience in both real estate and historic rehabilitation that demonstrates all of the following:
 - a. The current use does not generate a reasonable economic return (may include market report of like uses and building scale in the same or similar neighborhood);
 - b. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return;
 - c. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return; and
 - d. Potential Federal Tax Credits, Mills Act Contracts, Façade Grants, Transfer of Development Rights or other funding sources are not feasible to bridge the gap identified above.
2. *Building Soundness.* The applicant shall submit a report from a licensed engineer or architect with extensive experience in rehabilitation as to the structural soundness of the property and its suitability for rehabilitation. The soundness report shall be based on the requirements contained in the Soundness Report Requirements, attached.
3. *Building Maintenance History.* The applicant shall submit a building maintenance history. The report shall also answer the following questions:
 - a. What is the cost to repair any code violations?
 - b. Is the building free of a history of serious, continuing code violations?
 - c. Has the building been properly maintained and stabilized?

Long term deferred maintenance and/or a history of continuing code violations not addressed by the owner, or other proper person having legal custody of the structure or building shall constitute a

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violation and will not be considered as a part of the bottom line of the economic viability report (see submittal requirement #1).

4. *Existing Building Appraised Value.* All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - a. Any listing of the property for sale or rent price asked, and offers received, if any, within the previous two years; and
 - b. Existing Building/Property Appraisal (current within the last six months):
 - i. Estimated market value of the property in its current condition under best practices management;
 - ii. After repair of construction deficiencies as defined in the Soundness Report Requirements, attached;
 - iii. After repair of construction deficiencies and maintenance as defined in the Soundness Report Requirements, attached;
 - iv. After any changes recommended by the Historic Preservation Staff/LPAB;
 - v. After completion of the proposed demolition or removal; and
 - vi. After completion of the replacement proposal.
5. *Public Benefits.* A public benefits analysis report shall be prepared and take into consideration the educational, cultural, social, equity, and economic benefits of the historic building and the proposed building. Some issues that shall be considered include, but are not limited to:
 - a. The benefits to the City's tourism industry;
 - b. The benefits to owners of other commercial and residential property owners and renters in the area;
 - c. The services provided to the community, including social services;
 - d. Housing and jobs opportunities;
 - e. Civic, community, and neighborhood identity;
 - f. Cultural heritage and the image of the City and local neighborhood; and
 - g. Educational opportunities and cultural benefits regarding architectural and local history.
6. *Optional Submittal: Sustainability - Life Cycle Assessment Criteria.* The applicant may wish to submit a Life Cycle Assessment Report to demonstrate the quality of the replacement proposal and of the existing building as described below. Demonstration that the durability and expected life of the new proposal's quality of construction, materials and craftsmanship, including the cost of demolition or deconstruction of the historic resource, exceeds the value of the embodied energy of the building's existing materials, durability of materials, quality of construction, level of craftsmanship, cost to repair construction deficiencies and maintenance.

Finding 2 (contributing properties): The property constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not imminent.

Finding 2 submittal requirements:

1. A declaration from the Building Official or the City Council that the structure to be demolished is a threat to the public health and safety although such threat is not immediate.
2. A report from a licensed engineer or architect with extensive experience in rehabilitation as to the structural soundness of the property and its suitability for rehabilitation. The soundness report shall be based on the requirements contained in the Soundness Report Requirements, attached.
 - a. Is the building free of a history of serious, continuing code violations?

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3. The applicant shall submit a building maintenance history. The report shall answer the following questions:
 - a. What is the cost to repair any code violations?
 - b. Is the building free of a history of serious, continuing code violations?
 - c. Has the building been properly maintained and stabilized?

Long term deferred maintenance and/or a history of continuing code violations not addressed by the owner, or other proper person having legal custody of the structure or building shall constitute a violation and will not be considered as a part of the bottom line of the economic viability report. Based on these reports, the other submittals contained in Finding 1 may be required.

Finding 3 (noncontributing properties): The existing facility is either: (a) seriously deteriorated or a hazard, or (b) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not imminent.

Finding 3 submittal requirements:

Same as submittal findings as Finding 1, but demolition or removal is also permitted if either:

- For (a): A declaration from the Building Official or the City Council that the structure to be demolished is a threat to the public health and safety although such threat is not immediate or a public nuisance; or
- For (b): The Property is determined to be “of no particular interest” by the Oakland Cultural Heritage Survey. If the property is so rated due to alterations, reversal of the historic architectural integrity is not economically or physically feasible (as determined under Local Register Properties (ii), (iii) and (iv)).

Finding 4 (all properties): The design quality of the replacement facility is equal/superior to that of the existing facility.

Finding 4 submittal requirements:

A report shall be submitted that addresses whether the proposal demonstrates equal or superior quality with respect to:

1. A clearly identifiable visual or design value. For instance, does the replacement proposal express its present character as strongly as the historic design expressed its past?
2. Durability, quality, and design value of surface materials. Durable and quality materials include, but are not limited to: stone, granite, marble, concrete, highest quality and detailed glass curtain wall, terra cotta or other materials appropriate to the design style of the building or context of the neighborhood. In terms of design value, are materials in the replacement building used to enhance the architectural design elements of the building instead of used solely for the sake of variety?
3. Significant enhancement of the visual interest of the surrounding area;
4. High quality detailing;
5. Composition. A well composed building integrates all aspects of the building (materials, façade patterns, proportions, openings, forms, massing, detailing, etc.) into its overall character and design.
6. Site setting, neighborhood, and streetscape contexts;

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7. Incorporating “especially fine” construction details, methods, or structural materials. These include those that successfully address challenging structural problems, contribute significantly to the building’s overall design quality, exhibit fine craftsmanship, or are visible design elements;
8. The replacement building’s reflection of the time it was designed, not merely a caricature of the demolished building;
9. The replacement building’s contemporary interpretation of the demolished building’s elements in terms of the cultural, historic, economic, or technological trends of its time.

Finding 5 (all properties): For all properties in a district: the design of the replacement project is compatible with the character of the preservation district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:

1. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
2. New street frontage with forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
3. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;
4. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;
5. Is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and
6. The replacement project will not cause the district to lose its current historic status.

Finding 5 submittal requirements:

Analysis of the findings prepared by a historic architect or professional with equivalent experience. Other discussion points include the following:

1. The proposed design not only protects the integrity and aesthetic quality of the historic district but enhances and enlivens the historic fabric at the same time respecting and recognizing the district or due to circumstances discussed in the analysis, the project has been designed as a background project to the district (i.e., a simplified version of a period revival style).
2. The new building’s contemporary interpretation of the demolished building’s elements in terms of the cultural, historic, economic, or technological trends of its time.
3. If a replacement project conveys an authenticity of its own time, it is compatible with the authenticity of the existing historic district.
4. The compatibility of the design of the replacement proposal with the district without being merely a compilation of façade features that are common to district or a caricature of the buildings in the district.

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Finding 6 (contributing properties): It is economically, functionally architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

Finding 6 submittal requirements:

A report shall be submitted that addresses the following discussion points:

1. Could alternations or additions to the existing building make the current or a future use generate a reasonable economic return and/or architecturally/structurally accommodate the proposed uses?
2. Do preservation alternatives exist which can achieve at least the same level of non-preservation benefits?
3. Include discussion of potential economic benefits of a rehabilitated or reused cultural resource, including how building or district character might affect property values, attract commercial economic development, and increase City tax revenues.

Category I

**FINDINGS REQUIRED FOR THE DEMOLITION OF
HISTORIC PROPERTIES**

This handout contains the findings required to be met to approve a Regular Design Review application to demolish a historic structure in the City of Oakland. These findings are required by Section 17.136.075 of the Planning Code. All other regulations, including analysis required under the California Environmental Quality Act, apply.

The handout also describes the items required to be submitted with the design review application. The goal of the required submittals is to assist staff in evaluating whether a project meets the findings required to demolish a building. The submittals may consist of economic and financial analyses, informational reports, and/or "discussion points" required to be addressed within a design or historic analysis of a project. The submittals are not criteria for whether a demolition can or cannot occur; they are only the information required by the City to make a determination as to whether an application meets the required findings for demolition. Further, the required submittals are not meant to discourage either contemporary or historicist architecture in new construction. The Planning Director can, from time to time, make modifications to the required submittals if they are consistent with the intent of the proposed requirements.

All reports required for the demolition findings must be prepared by independent third party consultants or be peer reviewed. Reports will be paid for by the applicant and consultant shall be approved by, and report to, the City. All applicable discussion points shall be taken into account when making a finding. If a point is not applicable, the analysis shall state why. Any submittal may also include attributes that support the demolition proposal and/or the replacement project.

A complete application for demolition of historic property includes following:

- A completed application for Regular Design Review.
- A description of how a project meets the findings described in this form.
- The required submittals described in this form.
- A complete application for the replacement project, including plans designed by a licensed architect.

Different findings are required for the demolition of three categories of historic structures::

- **Category I** includes any Landmark; Heritage Property; property rated "A" or "B" by the Oakland Cultural Heritage Survey; or Preservation Study List Property. This category excludes any property that falls into Category II.
- **Category II** includes properties in an S-7 or S-20 zone or an Area of Primary Importance. Any building, including those that do not contribute to the historic quality of the district, fall into this category.
- **Category III** includes properties rated "C" by the Oakland Cultural Heritage Survey or contributors to an Area of Secondary Importance. This category excludes any property that falls into Category II.

Please call the Oakland Cultural Heritage Survey at (510)238-6879 to determine if a property falls into any of the three categories described above.



CITY OF OAKLAND DEMOLITION FINDINGS FOR CATEGORY I HISTORIC PROPERTIES

The following findings are required to be met to demolish a Category I Historic Structure. This category includes any Landmark; Heritage Property; property rated "A" or "B" by the Oakland Cultural Heritage Survey; or Preservation Study List Property. This category excludes any properties contained in Category II, such as buildings that contribute to the historic quality of an Area of Primary Importance, S-7 zone, or S-20 zone.

A proposal to demolish a Category I historic resource must meet Finding 1 or Finding 2 and also meet both Findings 3 and 4, below. Please indicate how the proposed demolition meets the required findings and include all the applicable required submittal materials for the corresponding findings.

Finding 1: The existing property has no reasonable use or cannot generate a reasonable economic return and the development replacing it will provide such use or generate such return.

Finding 1 submittal requirements:

1. ***Building Use – Economic Viability.*** The applicant shall submit a market analysis prepared by an architect, developer, real estate consultant, appraiser, or other real estate professional with extensive experience in both real estate and historic rehabilitation that demonstrates all of the following:
 - a. The current use does not generate a reasonable economic return (may include market report of like uses and building scale in the same or similar neighborhood);
 - b. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return;
 - c. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return; and
 - d. Potential Federal Tax Credits, Mills Act Contracts, Façade Grants, Transfer of Development Rights or other funding sources are not feasible to bridge the gap identified above.
2. ***Building Soundness.*** The applicant shall submit a report from a licensed engineer or architect with extensive experience in rehabilitation as to the structural soundness of the property and its suitability for rehabilitation. The soundness report shall be based on the requirements contained in the Soundness Report Requirements, attached.
3. ***Building Maintenance History.*** The applicant shall submit a cost estimate report prepared by a qualified cost estimator with extensive experience in rehabilitation, analyzing any building neglect contributing to any deterioration;
 - a. Is the building free of a history of serious, continuing code violations?
 - b. Has the building been maintained and stabilized?

Long term deferred maintenance and/or a history of continuing code violations not addressed by the owner, or other proper person having legal custody of the structure or building shall constitute a violation and will not be considered as a part of the economic infeasibility analysis bottom line.

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4. *Existing Building Appraised Value.* All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - a. Any listing of the property for sale or rent price asked, and offers received, if any, within the previous two years; and
 - b. Existing Building/Property Appraisal (current within the last six months):
 - i. Estimated market value of the property in its current condition under best practices management;
 - ii. After repair of construction deficiencies as defined in the Soundness Report Requirements, attached;
 - iii. After repair of construction deficiencies and maintenance as defined in the Soundness Report Requirements, attached;
 - iv. After any changes recommended by the Historic Preservation Staff/LPAB;
 - v. After completion of the proposed demolition or removal; and
 - vi. After completion of the replacement proposal.
5. *Public Benefits.* A public benefits analysis report shall be prepared and take into consideration the educational, cultural, social, equity, and economic benefits of the historic building and the proposed building. Some issues that shall be considered include, but are not limited to:
 - a. The benefits to the City's tourism industry;
 - b. The benefits to owners of other commercial and residential property owners and renters in the area;
 - c. The services provided to the community, including social services;
 - d. Housing and jobs opportunities;
 - e. Civic, community, and neighborhood identity;
 - f. Cultural heritage and the image of the City and local neighborhood; and
 - g. Educational opportunities and cultural benefits regarding architectural and local history.
6. *Optional Submittal: Sustainability - Life Cycle Assessment Criteria.* The applicant may wish to submit a Life Cycle Assessment Report to demonstrate the quality of the replacement proposal and of the existing building as described below. Demonstration that the durability and expected life of the new proposal's quality of construction, materials and craftsmanship, including the cost of demolition or deconstruction of the historic resource, exceeds the value of the embodied energy of the building's existing materials, durability of materials, quality of construction, level of craftsmanship, cost to repair construction deficiencies and maintenance.

Finding 2: The property constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not imminent.

Finding 2 submittal requirements:

1. A declaration from the Building Official or the City Council that the structure to be demolished is a threat to the public health and safety although such threat is not immediate.
2. A report from a licensed engineer or architect with extensive experience in rehabilitation as to the structural soundness of the property and its suitability for rehabilitation. The soundness report shall be based on the requirements contained in the Soundness Report Requirements, attached.
3. A building maintenance history report.

Based on these reports, the other submittals contained in Finding 1 may be required.

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Finding 3: The design quality of the replacement facility is equal/superior to that of the existing facility. Analysis prepared by a historic architect or professional with equivalent experience.

Finding 3 submittal requirements:

A report shall be submitted that addresses whether the proposal demonstrates equal or superior quality with respect to:

1. A clearly identifiable visual or design value. For instance, does the replacement proposal express its present character as strongly as the historic design expressed its past?
2. Durability, quality, and design value of surface materials. Durable and quality materials include, but are not limited to: stone, granite, marble, concrete, highest quality and detailed glass curtain wall, terra cotta or other materials appropriate to the design style of the building or context of the neighborhood. In terms of design value, are materials in the replacement building used to enhance the architectural design elements of the building instead of used solely for the sake of variety?
3. Significant enhancement of the visual interest of the surrounding area;
4. High quality detailing;
5. Composition. A well composed building integrates all aspects of the building (materials, façade patterns, proportions, openings, forms, massing, detailing, etc.) into its overall character and design.
6. Site setting, neighborhood, and streetscape contexts;
7. Incorporating “especially fine” construction details, methods, or structural materials. These include those that successfully address challenging structural problems, contribute significantly to the building’s overall design quality, exhibit fine craftsmanship, or are visible design elements;
8. The replacement building’s reflection of the time it was designed, not merely a caricature of the demolished building;
9. The replacement building’s contemporary interpretation of the demolished building’s elements in terms of the cultural, historic, economic, or technological trends of its time.

Finding 4: It is economically, functionally architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

Finding 4 submittal requirements:

A report shall be submitted that addresses the following discussion points:

1. Could alternations or additions to the existing building make the current or a future use generate a reasonable economic return and/or architecturally/structurally accommodate the proposed uses?
2. Do preservation alternatives exist which can achieve at least the same level of non-preservation benefits?
3. Include discussion of potential economic benefits of a rehabilitated or reused cultural resource, including how building or district character might affect property values, attract commercial economic development, and increase City tax revenues.

Letter #B3a Response – Oakland Heritage Alliance (OHA)

- B3A-1: As indicated on page 4.4-31 of the DEIR, “the OCHS rates the Oakland Coliseum as “A” (Highest Importance) and the Arena as “B+” (Major Importance). The individual buildings are also rated as “1+”, which means they are contributing structures to an Area of Primary Importance (i.e., the Coliseum Complex).” As also indicated on page 4.4-31, the Oakland Coliseum Complex (or API) includes the Coliseum and Arena, associated ancillary buildings, landscaping, fencing, and signage. Although this comment provides a rationale for inclusion of the parking lots surrounding the sports facilities as part of the Coliseum Complex, there is nothing unique or remarkable about the design or appearance of these parking lots that would warrant their inclusion in the historical API. These parking lots are, however, part of the overall historic context and setting of the Coliseum Complex.
- B3A-2: The DEIR (starting at page 4.4-36) concludes that the “loss of the existing Oakland Coliseum as an individual historic resource and as the major contributor to the Coliseum Complex historic district would be a significant and unavoidable impact. Unlike the Coliseum, demolition of the existing Arena is identified as only one of several potential development options within the Coliseum District pursuant to the Specific Plan. However, because this option is possible (and even the preferred outcome to feasibly redevelop the Coliseum District in accordance with the objectives of the Coliseum City Master Plan), this EIR conservatively assumes demolition of the Arena may need to occur. HABS recordation, public interpretation, and financial contributions for historic preservation projects may partially compensate for, but cannot mitigate the loss of a historical resource to a less than significant level. The loss of the existing Arena as an individual historic resource and the remaining contributor to the Coliseum Complex historic district is also conservatively deemed significant and unavoidable.” Thus, the DEIR does analyze impacts to the API, and recommends mitigation measures to address this impact.
- B3A-3: This comment provides no justification for its proposed methodology of assessing 2% of the construction budget as a mitigation exaction. The monetary value associated with loss of the historic Coliseum Complex is not assumed in the Draft EIR, nor has it been articulated in this comment. To the extent that there may be an intrinsic historic value associated with the Coliseum Complex, that value is rationally the same regardless of what the construction budget of a replacement structure might be. Under the suggested approach, the historic value associated with the Coliseum Complex would vary depending upon the value of a replacement project. For example, the historic value of the Coliseum Complex would be substantially less than the commenter’s calculation of over \$9 million if the replacement project were to theoretically be a big-box retail store with a construction value far less than that of a new stadium. For this reason, the suggested construction budget-based methodology for assessing a mitigation exaction does not meet the CEQA standard.

The Draft EIR does include MM Cultural 1A-3, which requires a financial contribution be made to the City of Oakland and used to fund historic preservation projects within or in the vicinity of the Coliseum District. This mitigation measure is not considered capable of fully compensating for the impact, such that the impact would be reduced to a less than significant level. Irrespective of the dollar amount of any such contribution, the loss of the Coliseum Complex (or just the Oakland Coliseum, alone) is identified as being significant and unavoidable, and the amount of any financial contribution ultimately made pursuant to MM Cultural 1A-3 does not alter this CEQA conclusion.

Mitigation Measure Cultural 1A-3, as presented in the Draft EIR requires the project applicant(s) to make a financial contribution to the City of Oakland, to be used to fund historic preservation projects within or in the vicinity of the Coliseum District (such as the City's Façade Improvement Program or the Tenant Improvement Program), and identifies a process by which the amount of this contribution should be established (i.e., based on a formula to be determined by the Landmarks Preservation Advisory Board). Staff is recommending that the language of this mitigation measure be revised (see revisions to Chapter 4.4: Historic and Cultural Resources, in Chapter 7 of this FEIR) to more accurately reflect that the Landmark Preservation Advisory Board may recommend a formula or contribution amount for the City Council's consideration, but that the amount of any such contribution shall be as negotiated between the City and the developer(s), and as ultimately determined by the City Council.

B3A-4: As indicated above, any amount of financial contribution, and any future use of such contribution, shall be as negotiated between the City and the developer(s), and as ultimately determined by the City Council.

B3A-5: The information provided on page 4.4-32 is intended to preliminarily address the City's Planning Code and implementing Historic Preservation Element Policy 3.5, which requires Design Review approval prior to demolition of historic resources, with approval of demolition contingent upon meeting several findings, including a finding that the existing property has no reasonable use or cannot generate a reasonable economic return. As part of this preliminary assessment, the DEIR indicates that, "the Coliseum is such a large, limited use facility that any alternative use that may seek to reuse the facility for other purposes (i.e., as a soccer field for amateur or even professional teams or other such reduced-size events) would be unlikely to generate a sufficient economic return to justify its on-going operation, and that incorporation of the existing Coliseum into the current planning and design program of the proposed Specific Plan is not viable."

To further support the Draft EIR's assertion that an alternative use, such as professional soccer, would be unlikely to generate a sufficient economic return to justify the Coliseum's on-going operation, please consider the following:

- According to the Oakland-Alameda County Coliseum Authority's budget summary, the Authority's budget for fiscal year 2014-2015 includes expenses of approximately \$31.0 million (not including debt service on the Arena or Coliseum). Of that amount, approximately \$21.47 million is budgeted for operating expenses of the facilities (including the Coliseum and the Arena).⁴
- That same budget projects annual revenues of approximately \$22.3 million (not including City and County contributions to the debt service on the Arena or Coliseum, or carry-over revenues from prior years' budgets).
- Of that \$22 million dollars in facility-generated revenues, the rents and other facility fees paid by the sports franchises and other event promoters are projected to be approximately \$8.3 million.

⁴ Oakland-Alameda County Coliseum Authority Staff Report of the Budget for 2014-2015, September 24, 2104

These budget numbers indicate that, in order to keep the Coliseum and the Arena operating, total revenues from use of these facilities (including parking revenue, concessions, sports franchise rents and facility fees, etc.) needs to generate approximately \$22 million per year, with user costs of approximately \$8.3 million.

To assess the potential of whether an alternative use could generate sufficient economic return through user costs, financial information about professional soccer has been hypothetically used a potential, most likely revenue generating use of the Coliseum. According to Forbes, the San Jose Earthquakes professional soccer franchise generates annual total revenue of approximately \$15 million, and the highest revenue-generating US professional soccer team, the Seattle Sounders, generates annual revenues of approximately \$48 million.⁵ Based on these numbers, a professional soccer team with similar revenues as the Earthquakes would need to pay over 50% of its annual revenues in rents and fees, and a professional soccer team with revenues similar to the highest revenue-generating team in the league would need to pay nearly 20% of its annual revenues in rents and fees. By comparison, the rents and fees currently paid by the Raider's and the A's represent less than 1% of their total annual revenues.⁶

Based on identified operating expenses for the existing sports venues and the likely revenues that could be generated by other types of venue users (such as professional soccer), the statement that other alternative users would be "unlikely to generate a sufficient economic return to justify its on-going operation," appears justified.

B3A-6: Please see response to Comment B3A-5 above regarding the unlikely scenario whereby alternative uses at the Coliseum could generate sufficient economic return to justify its on-going operation. Secondly, (as noted on page 4.11-34 of the Draft EIR), "the land surrounding the new venues is needed for development of new revenue-generating uses such as residential, retail, hotels, and science and technology uses." Third, retaining the Coliseum and building a new Stadium would be redundant and not economically viable. However, (as indicated in the DEIR Project Description), if the Warriors ultimately leave Oakland, then the Arena is anticipated to be incorporated into the economic development plans for the Coliseum District, demolition of the existing Arena would not occur, and the significant impact related to the loss of the Arena as an historic resource would be avoided.

B3A-7: The Draft EIR does not include a draft of City Council or Planning Commission Demolition Findings to be considered as part of the EIR. City staff does not believe that it is appropriate for these Findings to be included in the EIR for the following reasons:

- The demolition findings indicated in this comment are found in section 17.136 of the Oakland Planning Code, pursuant to the City's Design Review process. The City's Design Review process is supplemented by a City handout, which contains the findings required

⁵ Forbes, accessed at: <http://www.forbes.com/sites/chris-smith/2013/11/20/major-league-soccer-s-most-valuable-teams/>

⁶ According to statistica.com (per <http://www.statista.com/statistics/195286/revenue-of-the-oakland-raiders-since-2006>), and Forbes (<http://blog.sfgate.com/johnshea/2014/03/26/forbes-sf-giants-oakland-as-are-filthy-rich-check-these-numbers/>), the Oakland Raiders' total annual revenue was \$244 million in 2013, and the Oakland A's revenues in 2014 were estimated at \$161 million. Forbes also said the A's "play in one of the most antiquated ballparks in baseball and are profitable only because of the league's revenue-sharing system."

to be met to approve a Regular Design Review application that would involve demolishing a historic structure in the City of Oakland. Section 17.136.075 provides regulations for demolition or removal of historic properties and provides that *Regular Design Review approval (emphasis added)* for the demolition or removal of any [historic resource] may be granted only if the proposal conforms to the regular design review criteria, all other applicable design review criteria, and additional criteria (i.e., the “demolition findings”). The Coliseum Area Specific Plan is not subject to Design Review, and no individual development projects (such as a new Stadium, which, when proposed, will be subject to Design Review), are currently proposed. Furthermore, no demolition permits are currently being sought. Implementation of the City’s Design Review and demolition permit process and its requirements, including the demolition findings, are premature for the Project at this time.

- The City’s obligations pursuant to CEQA are to disclose any potential environmental impacts of the proposed Project, to recommend mitigation measures which can reduce or avoid such impacts where feasible, and to consider alternatives to the Project which may have lesser environmental effects. These CEQA obligations are fully addressed and included in the Draft EIR in regard to historic resources.

City decision-makers, public agencies and the public have full and complete disclosure of the Project’s impacts pertaining to the potential demolition of the Coliseum and possibly the Arena, as well as the impacts associated with the loss of the Coliseum District and its contributing elements. Demolition findings, if and when applicable, will be made if and when demolition is proposed and the City considers Design Review approvals of the replacement project, and any decision on that demolition permit will be based on the findings made at that time. The EIR also includes several alternatives whereby preservation or partial preservation and reuse of the Coliseum Complex buildings could potentially be accomplished.

B3A-8: The Draft EIR (starting at page 4.4-32) includes an appropriate discussion pursuant to CEQA of the City’s Planning Code requirements for Design Review approval prior to demolition of historic resources, and lists and discusses each of the applicable demolition findings. The Draft EIR has advanced the environmental review and disclosure associated with that process ahead of any actual Design Review or demolition permit application. Finally, the EIR included a full disclosure of such impacts, identified applicable mitigation measures, and included a discussion of alternatives capable of avoiding this impact (see pages 5-6, and discussion of the Environmentally Superior Alternative beginning on page 5-83 of the Draft EIR).

Nevertheless, in an attempt to more directly address the demolition findings criteria, the following responses (mostly derived from information already included in the Draft EIR, or in further amplification of that same information) is provided in the responses below.

B3A-9: This comment lists the Demolition Findings regarding economic viability of the historic resource. The findings require the “applicant” to submit a market analysis prepared by an architect, developer, real estate consultant, appraiser, or other real estate professional with extensive experience in both real estate and historic rehabilitation. The City has chosen to address these questions in the context of the EIR, without the benefit of such expertise, but with substantial evidence to support these conclusions:

- Does the current use generate a reasonable economic return? Based on the Oakland-Alameda County Coliseum Authority’s 2014-2015 Budget (see response to Comment B3A-5, above), the current use of the Coliseum by both professional sports franchises (the Raiders and the A’s) and current use of the Arena by the Warriors and other events, does generate sufficient revenue to maintain a balanced budget for these facilities. However, the sports franchises have all clearly signaled their intention to no longer use these existing facilities.
- Is there an appropriate and reasonable alternate use to the buildings that could generate a future reasonable economic return? Without the Raiders and/or the A’s, the economic viability of an alternative use of the Coliseum is highly unlikely (see response to Comment B3A-5, above). If the Warriors are successful in their efforts to move to San Francisco, reduced use of the Arena could still potentially generate sufficient economic return to justify its on-going operation, particularly if it were more heavily marketed for other non-sports events and given the high costs to construct an alternative venue capable of accommodating large, non-basketball events (see DEIR, page 4.4-33).
- Could alterations or additions to the existing buildings make the current or future use generate a reasonable economic return? As addressed in the Draft EIR (beginning on page 5-84), there is an alternative to the Project whereby the Raiders and/or the A’s “could choose make substantial renovations and improvements to the existing Coliseum, increasing the value of the facility as an economic revenue source by increasing luxury box seats; replacing or removing the previous 1990s addition with a separate, new renovation that improves safety and views for fans, making other improvements to enhance aesthetics, and making necessary infrastructure improvements to fix existing inadequacies.” “Another option would be for the Raiders and the A’s to collaboratively design and construct renovations and improvements to the existing Coliseum that better suit each of their respective needs, such that the Coliseum can be retained as a fully functioning, efficient, multi-purpose sports venue.” However, this mitigation strategy is not consistent with “the intentions of either the Raiders or the A’s, and is not consistent with the Coliseum City Master Plan.” As such, this mitigation strategy may conflict with the basic objectives of the proposed Project and may prove infeasible.
- Could potential federal tax credits, Mills Act contracts, façade grants, transfer of development rights or other funding sources feasibly bridge the gap identified above? It is reasonable to conclude that other funding sources as listed above could help off-set certain costs associated with use of a retained Arena should the Warriors ultimately leave. However, it would not be economically viable (even with moderate “gap” funding) to operate two large arena facilities immediately adjacent to each other, should the Warriors ultimately decide to stay in Oakland but at a new facility as indicated in the Specific Plan. The funding gap necessary to generate a sufficient economic return on the Coliseum with no major (football or baseball) professional sports franchises paying rent and other fees and drawing patrons for parking and concessions revenue is far too wide to be bridged by grants and tax credits.
- Is the building’s structural soundness suitability for rehabilitation? Certainly both the Coliseum and the Arena are structurally sound, and they currently host approximately 2.5

million combined visitors per year. Its structural soundness is not a factor in the proposed demolition of these historic resources.

- Are there any building neglect issues contributing to deterioration of the facilities? According to the Oakland-Alameda County Coliseum Authority's 2014-2015 Budget, the JPA has invested over \$5.1 million dollars into capital improvements at the Coliseum, and over \$6.8 million into capital improvements at the Arena. These costs do not include any additional private investments made by the Warriors, Raiders or A's. Building neglect or deterioration is not a factor in the proposed demolition of these historic resources. However, based on statements made by the raiders and A's ownerships, they have indicated that these buildings are outmoded and not to the current expectations and standards of professional sports venues.
- What is the existing buildings' appraised value? While there may be market value estimates of the properties in their current condition, this information is not available to the EIR preparers. However, if the sports franchises decide to relocate and not use the existing Coliseum, and assuming no replacement use could generate sufficient economic return to justify its on-going operation, there would be little to no market value remaining in the Coliseum.
- What are the comparative benefits of the historic building (i.e., the Coliseum and Arena) as compared to the proposed Project, specifically as relates to the City's tourism industry? Based on the numbers presented in the Draft EIR (page 4.11-4), there are 220 events held at the existing Coliseum Complex facilities (FY 2013) that support annual attendance of nearly 4.3 million people. The majority of the events and attendance are for sporting events by the three professional sports franchises. The Coliseum currently hosts a total of 10 NFL games, 81 MLB regular season games, and 24 other events per year. The Arena currently hosts a total of 45 NBA games and 60 other events (concerts, shows, etc.) per year.

With the three new sports facilities as proposed in the Coliseum District, these new facilities are anticipated to accommodate almost 300 events per year in the future with annual attendance of 6.35 million people. Of that total, the professional sports teams would support 140 home games with 4.1 million attendees, (as indicated on page 4.11-20 of the Draft EIR). Combined with the additional sports and entertainment-based retail space programmed within the Project, the City's tourism industry would stand to benefit substantially from the increase in approximately 2 million attendees.

- What are the comparative benefits of the historic building (i.e., the Coliseum and Arena) as compared to the proposed Project, specifically as relates to job opportunities? All of the activities involved in producing the sports and other events and managing the facilities within the Coliseum Complex currently supports nearly 1.7 million event hours of work per year (representing 911 full-time equivalent jobs for 2,350 part-time and event-based employees), plus 188 full-time staff positions on-site (as presented in Table 4.11-9 of the Draft EIR).

With the three new sports facilities as proposed in the Coliseum District, the activities involved in producing the sports and other events and managing the facilities would support substantial employment growth on-site (as summarized in Table 4.11-11 of the

DEIR). Future employment is estimated to include 2.6 million event hours of work per year (representing 3,550 part-time and event-based employees), plus about 250 full-time staff positions on-site. This represent an employment growth of about 51% over current employment on-site within the Coliseum Complex area. Substantially greater numbers of jobs would be generated by the development of office, retail and technology-based employment that is also included as part of the Project, but not used here for comparative purposes.

- What are the comparative benefits of the historic building (i.e., the Coliseum and Arena) as compared to the proposed Project, specifically as relates to housing opportunities?

There is no existing housing in the Project Area. The proposed Project includes development of up to 4,000 housing units within the Coliseum District’s ballpark village housing and BART station area TOD development (and an additional 1,750 units along the northwest waterfront in Sub-Area B). The new housing is anticipated to accommodate 5,750 households with a population of 10,240 residents. All of this new housing represents new growth in housing opportunities.

- What are the comparative benefits of the historic building (i.e., the Coliseum and Arena) as compared to the proposed Project, specifically as relates to civic, community, and neighborhood identity, and the cultural heritage and the image of the City and local neighborhood?

The Coliseum District is currently an urbanized area dominated by the sports and entertainment complex, surrounded by asphalt surface parking, industrial buildings and transportation infrastructure (see page 4.1-1 of the DEIR), and adds little to neighborhood identity and image.

As indicated in the Project Description (Chapter 3 of the DEIR), the Project intends to “replace the existing obsolete sports facilities with state-of-the-art new sports venues that will bring a world-class sports experience to Oakland. The approach is to create a 21st century sports district that is integrated into an active, urban environment that includes retail, entertainment, arts, culture, live and work uses - creating sports venues that become part of a new urban place. The Master Plan will also create a new retail and entertainment zone contiguous to the new sports venues. These retail and entertainment uses are designed to become the gateway elements to the new Stadium and Ballpark, becoming a central public activity focus for the Master Plan Area. This retail and entertainment zone is intended to be a unique regional destination that is active seven days a week, serving local residents, event participants and the broader City and region. The area between the new sports venues is planned to become a high-density mixed-use neighborhood. This area will include new housing, a hotel and office uses. Ground floor uses will be regional and neighborhood-service retail. The area is designed to integrate into the sports and entertainment zone and to establish a dynamic and active urban fabric. It will include retail, entertainment, arts, and cultural uses that form an authentic urban place supporting opportunities to live, work and play.

- What are the comparative benefits of the historic building (i.e., the Coliseum and Arena) as compared to the proposed Project, specifically related to educational opportunities and cultural benefits regarding architectural and local history?

As noted in the Draft EIR (page 4.4-9) the Coliseum Complex has been described as “one of the largest and most conspicuous examples of rational clarity in site plan and structural design, and a major

monument of American architecture and engineering of the 1960s,” and at the time of its construction considered to be “unmatched in sports architecture.” Both the Coliseum and the Arena have undergone major renovations since originally constructed, and today the Oakland Coliseum is the only multi-purpose stadium in the United States that serves as a full-time home to both a MLB team (the Oakland Athletics) and a NFL team (the Oakland Raiders). As such, the Coliseum and the Arena have been important contributors to Oakland’s architectural history for over 50 years.

The Coliseum has a legacy of hosting the Raiders to 1 League Championship in 1967, 3 Super Bowl Championships in 1976, 1980 and 1983, as well as 1 Conference Championship season in 2002. It has also hosted the A’s to 4 World Series Championships, 6 pennants, and 18 playoff appearances. The Arena has hosted the Golden State Warriors to 13 playoff appearances, including the 1975 NBA Title. Each of these professional sports franchises have clearly been important elements of Oakland’s history, and their fans are known throughout the sports world for their fanaticism. However, each of these three sports franchises now feel that their 50-year old facilities are outdated and obsolete.

- Do preservation alternatives exist which can achieve at least the same level of non-preservation benefits? As addressed in the Draft EIR (beginning on page 5-84), there is a preservation alternative whereby the Raiders and/or the A’s could choose make substantial renovations and improvements to the existing Coliseum, increasing the value of the facility as an economic revenue source by increasing luxury box seats; replacing or removing the previous 1990s addition with a separate, new renovation that improves safety and views for fans, making other improvements to enhance aesthetics, and making necessary infrastructure improvements to fix existing inadequacies. However, this alternative would not achieve the benefits (or Project Objectives) of creating new sports and entertainment venues that are more appealing and which provide a greater visitor experience for fans and event patrons, thereby increasing the number of events held in each venue and increasing the overall average attendance at each event or game. Furthermore, neither the Raiders nor the A’s have made any commitments to such an alternative, and without their participation this alternative may not be capable of retaining the existing sports teams and maximizing the economic value for Oakland and Alameda County from these sports facilities.

There is also a preservation alternative inherent in the Project whereby the existing Arena would remain available for lease by the Warriors should they reconsider their plans to move to San Francisco, but would also be retained and used to host numerous other special events throughout the year should the Warriors implement their relocation to San Francisco.

B3A-10: As noted in response to Comment B3A-8, the City’s established procedures for CEQA review have been appropriate, adequate and complete in preparation of this Draft EIR. The commenter’s suggestion for revising the Planning Code to require Demolition Findings in advance of Design Review is of interest to City staff and could be useful in future CEQA analyses, but is not the currently applicable regulation that applies to the Project.

B3A-11: As indicated in the Project Description (page 3-20) the Project’s proposed General Plan Land Use Diagram amendment revises land use designations for properties along the shoreline of San

Leandro Bay, Damon Slough and Elmhurst Creek to an Urban Park and Open Space designation, reflecting a 100-foot shoreline setback band. This 100-foot open space designation is protective of biological and water quality resources, and consistent with BCDC and City General Plan policies. Furthermore (as indicated on page 4.8-3 of the DEIR), based on FEMA maps, the Project Area is largely located in an area designated with minimal flooding potential. There is a 100-year flood zone (Zone A) associated with the area contained within the banks of the drainage channels, and a small portion of land adjacent to San Leandro Bay (within the 100-foot open space setback) subject to a one percent or greater chance of annual flooding. No development is proposed within flood-prone area.

B3A-12: This comment pertains to the relative merits of the Project, and specifically questions the wisdom of building near the coastline and dredging the Bay. This comment does not address the adequacy or accuracy of the EIR and no CEQA response is required.

Comment Letter B3-b



October 17, 2014

City of Oakland Planning Commission, Staff, and Consultants
By electronic submission

Dear Planning Commissioners, Staff, and Consultants,

These comments on the Coliseum Area DEIR and Plan are *in addition* to our previous comment letter, and in particular provide more specific recommendations for Mitigation MMA Cultural 1A-3.

In the DEIR, the mitigations for removal of important historic resources are far insufficient and entirely inadequate with relation to the importance and size of the potentially demolished historic resources.

Mitigation must follow the requirement for a nexus, and for proportionality, as pointed out in the 2014 CEQA Guidelines, distributed by the Association of Environmental Professionals:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S.825 (1987); and

(B) The mitigation measure must be “roughly proportional” to the impacts of the project. *Dolan v. City of Tigard* , 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be “roughly proportional” to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

B3b-1

As the DEIR clearly states, these are large, highly-rated, national- and regional-level mid-century modern buildings, well-known iconic structures of the Bay Area. Thus, if they were to be demolished, mitigation must not be underpowered or taken lightly. Below we describe an appropriate approach to mitigation .

- NEXUS: Mitigation funds will be used for historic preservation purposes, and targeted to East Oakland, to mitigate the loss of important cultural resources, to carry out projects such as façade improvements and tenant improvements on existing commercial properties, and to enhance the local cultural heritage image and identity of existing commercial businesses, and distinct neighborhoods and communities along the East 14th Street corridor. This will simultaneously mitigate some of the damage to historic resources and help relieve the potential competitive disadvantage posed by the large new development to the many small businesses currently or potentially located in the area and serving the existing population.

B3b-2

- PROPORTIONALITY: Dependent upon whether all historic resources are removed, or only partial demolition occurs, the mitigation amounts should be adjusted. See table on the next page for an example of how this should be structured.

B3b-3

Allowable uses of mitigation funds should include:

- commercial façade and tenant improvement grants in East Oakland [or more narrowly, along East 14th Street and other commercial corridors between Lake Merritt and the San Leandro border]. We would propose that the program should coordinate with others such as the *Oakland Sustainable Neighborhoods Initiative (OSNI)*, and implement the grants in the most accessible and immediate way compatible with the goal of getting the funds in use where they are most needed.
- nominations of properties to local, state, and federal historic registers, which may help some such properties become eligible for additional tax credits, Mills Act Contracts, and the use of the Historic Building Code;
- feasibility studies, including peer reviews: architectural, structural, economic and planning;

B3b-4

Comment Letter B3-b

- efforts to promote and foster historic and neighborhood identity; and
- projects that promote cultural heritage and the image of distinct neighborhoods/communities along the lengthy commercial corridor, by 1) creating historic context statements such as those related to potential historic districts and architectural surveys; and 2) carrying out historic and cultural research and documentation, (including the peer review of historic preservation determinations contained in CEQA evaluations, especially where useful in encouraging local economic activity);

B3b-4
cont'd

Whether a private developer or a public developer (such as the city of Oakland or a City and County authority or other public entity) would pursue these projects entailing the demolition of one or both historic resources, the same mitigation contribution would be required. Mitigation is not dependent upon who is removing the historic resources.

Under applicable Oakland regulations, generally demolition is not permitted until the replacement project is approved and ready to move forward. Oakland Heritage Alliance supports this approach, but since the plan is inconclusive on this point, we are supplying two possible approaches to mitigation.

IF PROJECT IS IN TWO PHASES, MITIGATION FEES APPLY TO EACH PHASE

DEMOLITION PHASE:

Upon application for a demolition permit:

50% of the mitigation fee is due prior to City issuance of a demolition permit

10% each year following until mitigation fee is completely paid

AND CONSTRUCTION PHASE:

Upon application for subsequent City-required permits for new construction:

50% of the mitigation fee is due prior to City issuance of a grading, building permit, and/or other City required permit(s);

10% each year following until mitigation fee is completely paid

B3b-5

IF PROJECT INCLUDES DEMOLITION AND NEW CONSTRUCTION

Upon application for the first City required permit;

25% of the mitigation fee is due prior to issuance of the first City-required permit (i.e., demolition, grading, building, etc.)

15% each year after until mitigation fee is completely paid

Mitigation is based on demolition and all construction costs.

We define demolition cost as the full cost of demolishing the historic resource, removing or disposing of materials, and clearing its immediate surroundings to the boundaries of the Area of Primary Importance, as determined by independent third-party research by a qualified historic consultant per the Secretary of the Interior Standards, with review and approval by the LPAB. The cost of new construction would include all construction upon the site of the historic resource and its immediate surroundings to the boundary of the API. Costs include demolition, grading, permit costs, full costs of building construction, including labor, overhead, and materials.

For setting the appropriate mitigation contribution, we propose the following table, which allows for either 100% demolition or 50% demolition, where 100% entails removal of both historic buildings, and 50% entails removal of one.

B3b-6

For the purpose of calculating the appropriate mitigation for removal of a historic resource, a second valuation method could perhaps be created, assessing the value of the two historic structures. OHA reserves the right to review any studies and comment on any proposed alternative methods. For the sake of simplicity, here we are suggesting that together they might be worth approximately \$500,000,000 and one might be \$250,000,000.

Comment Letter B3-b

HIST PROP % DEMO	CONSTRUCTION COST				
	under \$1 mil	%1-10 mil	%10-100 mil	100-500 mil	500 mil+
100%	2%	1.75%	1.50%	1.20%	1%
50%	1.2%	1%	0.75%	0.60%	0.50%

To give a sense of comparable other costs, mitigations, contributions, and projects, we note the following:

- 1) City of Oakland Public Art projects are funded at 1.5% of the budgets of capital improvement projects;
- 2) Raiders' stadium is expected to cost roughly \$1 billion;
- 3) A's stadium could run \$400 to \$600 million;
- 4) Estimated \$150 million to tear up the O.co Coliseum parking lots to build the new streets, water pipes and sewers needed to lure hotels, condos and restaurants that will help subsidize the stadium;
- 5) Recent stadium rehabs—Arrowhead Stadium Kansas City, \$375 million, capacity 76,416; estimated rehab of Busch stadium, Indianapolis \$5–6.7 million
- 6) Cost of most recent new football stadiums: \$720 M—Lucas Oil Stadium, \$1.5 billion Cowboys Stadium, \$1.6 billion MetLife Stadium;
- 7) Three recent baseball parks \$611 M—Nationals Park; \$900M—Citi Field; \$1.5 bill—Yankee Stadium;
- 8) Estimated cost for Los Angeles Historic Resource Survey Report (under context statement framework)—\$5,236,500
- 9) Settlement for demolition of Emporium dome—\$2.5 million on a \$410 million project = .6%, being used for a Historic Preservation Fund in SF, currently funding many projects in San Francisco

B3b-6
cont'd

Please also incorporate the Landmarks Preservation Advisory Board minutes and comments into the EIR review. The LPAB held an extensive discussion about this project, on September 8, but this was not reported upon to the Planning Commission in the staff report nor verbally. Please respond to all the points raised.

B3b-7

We look forward to working with the team in assessing the great value of these well-known and well-regarded mid-century-modern historic resources, familiar to so many people for both their architectural significance and for the many historic events that have occurred in them, and to find appropriate mitigation should they be demolished. We would like to work with you long before the FEIR comes back, in order to assure that adequate measures are provided.

Thank you for your consideration,



Alison Finlay, President



Naomi Schiff, Boardmember

Letter #B3b Response – Oakland Heritage Alliance

The comments in this letter are in addition to OHA's previous comment letter (Letter B3A), and in particular provide more specific recommendations for Mitigation MM Cultural 1A-3.

- B3B-1: This comment suggests that the mitigation measures identified in the Draft EIR addressing the removal of important historic resources are far insufficient and entirely inadequate, given the importance and size of the potentially demolished historic resources. It suggests that mitigation must follow the requirement for a nexus, and for proportionality, as pointed out in the 2014 CEQA Guidelines.
- B3B-2: As presented in the Draft EIR, MM Cultural 1A-3 is already consistent with the suggestion provided in this comment. That mitigation measure calls for the project applicant(s) to make a financial contribution to the City of Oakland to be used to fund historic preservation projects within or in the vicinity of the Coliseum District, such as a Façade Improvement Program or Tenant Improvement Program.
- B3B-3: Comment noted. As presented in the Draft EIR, MM Cultural 1A-3 already provides that contributions will be determined by the City at the time of the approval for specific [individual] projects.
- B3B-4: The existing language included in MM Cultural 1A-3 is already consistent with this suggestion, and staff appreciates the added, detailed recommendations for future use of mitigation funds.
- B3B-5: Comment is noted, and the recommendations for a phased funding strategy will be forwarded on to City decision-makers.
- B3B-6: Please see response to Comment B3A-3 regarding the rough proportionality requirements for CEQA-based mitigation. This comment also cites, as a reference point, a settlement for demolition of the Emporium dome in San Francisco, wherein \$2.5 million was provided on a \$410 million project (or approximately 0.6%), with that money being used for a Historic Preservation Fund. It should also be noted that this San Francisco fund was established pursuant to a civil action suit alleging that certain actions taken by the developer of the old Emporium site on Market Street had violated the conditions under which the City & County of San Francisco had approved construction of the project. As a result of negotiations between the parties, the law suit was settled with the developer agreeing to provide \$2.5 million to the City.⁷ Even at the 0.6% ratio cited in this reference (which is substantially less than the 1% to 2% of construction costs suggested as the mitigation fund in this comment), this amount was based on a settlement for alleged violations, not simply as compensatory mitigation.

This comment also notes that alternative valuation method could perhaps be created to assess the value of the two historic structures, and that OHA reserves the right to review any studies and to comment on any proposed alternative methods. Comment noted.

⁷ City and County of San Francisco, Historic Preservation Fund Committee, accessed at: <http://sfgsa.org/index.aspx?page=676>

B3B-7: Comment noted, please see responses to Comments from the Landmarks Preservation Advisory Board Meeting.

Comment Letter B4

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May 20, 2013

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250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Comments to Notice of Preparation of Draft Environmental Impact Report for
Oakland Coliseum Area Specific Plan
Case Nos.: ER13-0004 and ZS13-103 ("Project")

Dear Mr. Reiff:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments in response to the City's Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Oakland Coliseum Area Specific Plan.

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

Sub-Area A of the Project surrounds UP's main line tracks. The current train traffic includes freight trains, as well as daily Capitol Corridor and Amtrak Starlight passenger

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BUILDING AMERICA®

Comment Letter B4

City of Oakland
May 20, 2013

trains. Nearby at-grade rail crossings near the Project include High Street, 50th Avenue, 66th Avenue, 85th Avenue, and 98th Avenue. UP anticipates that the train volume near the Project area may increase in the near future. UP requests that the City and the Project developers keep in mind that this is a vital and growing rail corridor and must be protected for future growth by not creating uses that limit continued rail use.

Zoning

UP believes that maintaining industrial use areas along existing rail corridors reflects good land use planning. During the preparation of the DEIR, UP requests that a study be performed to examine the Project's risks associated with any proposed residential zoning, commercial zoning, or zoning other than industrial, if any, near railroad property. For example, zoning that allows residential or retail uses near the rail corridor could result in increased pedestrian traffic, vehicular traffic and the likelihood of trespassing on the railroad right-of-way.

B4-1

Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Project may render inadequate the current safety devices in place on the nearby crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the City, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Additionally, train cars may be forced to block at-grade roadway intersections, causing traffic disruptions.

B4-2

UP requests that the DEIR examine any increase in pedestrian and vehicular traffic and the impacts on the adjacent at-grade road crossings to see if any mitigation measures should be included in the Project. UP suggests that the City assess whether any grade-separations or crossings closures can be incorporated into the Project's development plans.

B4-3

Noise and Vibration Impact

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. UP requests that, as a mitigation measure, the City should require future developers to disclose to the general public the daytime and nighttime noise levels naturally occurring with UP's long-standing freight rail service, as well as the pre-existing and predictably-occurring vibration. These disclosures should note UP's anticipation that train volume will increase in the future. The Project's development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

B4-4

UP appreciates the City giving due consideration to the above concerns, as this proposed Project may result in significant impacts to land use and public safety.

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Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Austin Fearnow
Assistant Manager, Real Estate
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690
Omaha, NE 68179

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,



Patrick R. McGill
Senior Counsel – Real Estate
Union Pacific Railroad Company

cc: Austin Fearnow

Letter #B4 Response – Union Pacific Railroad (UPRR)

B4-1: The DEIR evaluates the potential safety impacts associated with the Project's adjacency to the rail lines in multiple locations:

- Chapter 4.2: Air Quality notes that the proposed Project would develop new residential uses in areas of concern from toxic air contaminants from rail traffic. Emissions from locomotive activity were estimated and used to model resulting air pollutant concentrations and found to result in a cumulative cancer risk below a threshold of significance (DEIR, page 4.2-73).
- Chapter 4.10: Noise finds that application of SCA Noise-4 would provide mitigation of interior noise levels for the proposed residential uses along the UPRR line (p. 4.10-27), and that SCA Noise-6 would require all residential projects located adjacent to an active rail line to incorporate structural design measures as necessary to reduce groundborne vibration (p. 4.10-30).
- Chapter 4.13: Traffic and Transportation evaluates hazards generated by travel over at-grade railroad crossings (see Impact Trans-85, on p.4.10-155), and finds a significant and unavoidable hazard due to increased pedestrian and bike crossings and potential queuing of vehicle onto railroad tracks. The City's SCA Trans-5 will require an analysis of potential queuing onto railroad tracks and requires implementation of identified improvement measures to reduce potential adverse impacts. The DEIR also recommends Mitigation Measure Trans-86 (see page 4.10-157), which requires implementation of additional safety measure capable of reducing impacts related to potential vehicle queuing onto the railroad tracks to a less than significant level. The DEIR finds that installation of the recommended safety mechanisms identified in MM Trans-86 may not prove feasible (physically, financially or otherwise), and are dependent upon the consent or approval of the CPUC or Railroad, and therefore conservatively finds this impact to be significant and unavoidable.

This comment also raises a concern regarding the Project's likely increase of trespass onto the railroad right-of-way. To better address this concern, an additional mitigation measure is recommended (see revisions to Chapter 4.13: Transportation and Circulation, Mitigation Measure Transp-85B, in Chapter 7 of this FIER for new text related to this measure), which would provide for an open space buffer along the rail tracks that would provide for appropriate fencing adjacent to the rail tracks, and a Class I bicycle facility along the inside of the fence as a means of preventing trespass onto the rail right-of-way.

B4-2: Mitigation Measure Trans-86 recommends implementation of the following types of safety improvements to enhance current safety devices currently in place at existing rail crossings:

- Bringing sidewalks into ADA compliance, including detectable surface, smooth path of travel, and wider (or new) sidewalks;
- Replacing median curb and delineators with a raised medians;
- Adding W10-1 and/or W10-2 railroad crossing warning signs;
- Vertical delineation of the centerline of 66th Avenue, 69th Avenue and 75th Avenue approaching the railroad crossing; and

- Removing the center islands and bringing southbound right-turns through the intersection, relocating crossing arms to preserve sight distance.

All of these recommended safety improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). However, implementation of these improved safety mechanisms would reduce this impact to a less than significant level.

With or without the proposed Project, cumulative growth and cumulative traffic increases throughout the City may increase conflicts with train operations, causing trains to proceed more slowly through the City and make rail service less effective and efficient. However, it would be speculative for the EIR to evaluate the impacts of the proposed Project on train operations and subsequent indirect impacts on traffic. Many unknown factors exist, such as the future volume and nature of train operations, and whether CPUC and UPRR would approve the installation of recommended safety measures. These unknown variables would render further analysis of indirect traffic impacts on rail operations infeasible at this time.

- B4-3: The DEIR (Chapter 4.10, Impact Trans-85 on p.4.10-155) includes the analysis requested in this comment, and recommends appropriate mitigation measures (see also response to Comments B4-1 and -2, above). This comment also suggests that the City assess whether any grade separations or closures of existing crossing can be incorporated into the proposed Project.

As noted in the Project Description (beginning on page 3-41 of the Draft EIR) the Project proposes a newly built Intermodal Transit Hub to better link BART, the Oakland Airport Connector, Amtrak, and AC Transit buses to the Coliseum District. The Intermodal Transit Hub is a proposed new building designed to facilitate interconnections, security, and legibility between each of these transit modes. The Project proposes to connect this improved Transit Hub to the Coliseum District via a substantially improved, grade-separated pedestrian concourse located along the 73rd Avenue right-of-way. This new concourse is proposed to link directly to the new Stadium and Ballpark (and potentially across I-880 to the new Arena), and to the surrounding Sports Entertainment Zone. This proposed new grade-separated concourse will substantially improve pedestrian, bicycle, and transit connections across the Union Pacific railroad tracks.

Further grade separations at existing at-grade crossings at 66th, 69th or 75th Avenues were not included as recommended actions in Mitigation Measure Trans-85 due to likely physical or financial infeasibility, including the proximity of the Niles and Canyon Sub lines to one another, the proximity of the Canyon Sub line to San Leandro Street, and the presence of the elevated BART tracks above the Canyon Sub line. Closing existing at-grade rail crossings may exacerbate other traffic impacts, including increased vehicle queuing across remaining at-grade crossings.

- B4-4: The Draft EIR (see page 4.10-30) includes an assessment of noise and vibration levels from freight rail service, and cites the following City SCA's to address these concerns:
- SCA Noise-4 requires that noise levels be controlled indoors to meet the City's interior noise level goals through the reasonable and feasible use of sound-rated exterior building elements and acoustical treatment of any penetrations in the building shell.
 - SCA Noise-5 requires inclusion of a Statement of Disclosure Notice in the CC&R's (Covenants, Conditions and Restrictions) on the lease or title to all new tenants or

owners of the units, acknowledging the noise generating activity and the single event noise occurrences.

- SCA Noise-6: Vibration requires all residential projects located adjacent to an active rail line to be assessed by an acoustical consultant to determine whether structural design measures are necessary to reduce groundborne vibration and to incorporate such measures.



EAST OAKLAND BUILDING HEALTHY COMMUNITIES

October 17, 2014

Devan Reiff, AICP
City of Oakland
Department of Planning and Building – Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
dreiff@oaklandnet.com

Re: Coliseum Area Draft EIR and Specific Plan

Dear Mr. Reiff:

I am writing on behalf of the East Oakland Building Healthy Communities Land Use Workgroup to express my concerns about the impacts of this Plan on existing East Oakland residents and the lack of a no robust community engagement process. East Oakland Building Healthy Communities brings together youth and adult residents, community based organizations, schools, business, health care service providers, and government agencies to work towards improved community and individual health. The ultimate goal of this initiative is a thriving East Oakland. We are one of 14 sites selected by The California Endowment to participate in the statewide Building Healthy Communities initiative, a 10-year plan to improve health in underserved, geographically and ethnically diverse communities throughout California.

Coliseum City will be one of the largest development projects Oakland has seen in decades. It will transform East Oakland, and if done right it can create opportunities for good jobs, affordable housing, and other public health and environmental benefits for our community. East Oakland Building Healthy Communities has been in conversation about Coliseum City with the Oakland Planning Department for 18 months. Our goal over this time period has been to put people first and add a human dimension to the City's planning process. During this process, we've heard about a national economic recovery, but it has largely bypassed East Oakland, where we continue to experience high unemployment, low-wage jobs, toxic industrial health impacts, and the consequences of public and private disinvestment in economic activity, housing stock, transportation infrastructure, environmental clean-up and public services.

In May 2013, we wrote to urge that the Draft EIR and Specific Plan reflect these community needs:

1. Protect neighborhoods, offer opportunity and make Oakland a better place to live for our current residents
2. Improve health outcomes, not further burden this community



Comment Letter B5

EAST OAKLAND BUILDING HEALTHY COMMUNITIES

3. Develop pro-active policies well in advance of any development proposals that will set the table for the best projects to come, and allow the community to see health-producing equitable benefits
4. Determine possibilities for public use and/or ownership of these sites, including protection of these sites for urban agriculture
5. Preserve and increase housing affordability for current residents and specifically prevent displacement

As we review the draft EIR and Specific Plan, we see a few examples where community input has been considered. The Specific Plan calls for community gardens and urban agriculture, but the City has not undertaken a serious program to support land trusts for housing or agriculture. However, there are gaps in the Plan and DEIR that have not gone far enough to address our concerns. The Coliseum City Area Specific Plan, through public agency action and investment, will make the area increase land values. That added value should be shared with existing residents and workers, by ensuring that they benefit from the project and are not displaced by it. The East Oakland Coliseum City project must bring quality jobs, affordable housing and improve health outcomes for those most in need and not further burden this community.

B5-1

I respectfully submit the following comment letter on behalf of the Land Use Work Group and Human Impact Partners and the partner organization letters. The voice of East Oakland residents need to be heard so that we can create a healthier East Oakland for all residents and lift up our existing residents.

Because we received no written response to our last communication, at this time, I ask for a written response.

Sincerely,

//Nehanda Imara//, Chair

EAST OAKLAND BUILDING HEALTHY COMMUNITIES LAND USE WORK GROUP



EAST OAKLAND BUILDING HEALTHY COMMUNITIES

EAST OAKLAND BUILDING HEALTHY COMMUNITIES LAND USE WORK GROUP

Participating Organizations

ACCE

ACPHD

Acta Non Verba

Allen Temple Baptist Church

Causa Justa:: Just Cause

Community Health for Asian Americans

Communities for a Better Environment

East Bay Alliance for a Sustainable Economy

East Bay Housing Organizations

Ella Baker Center

Full Harvest Urban Farm

HOPE Collaborative

Oakland Community Organizations

Oakland Food Policy Council

PUEBLO

TransForm

Urban Strategies Council

Contact us

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EAST OAKLAND BUILDING HEALTHY COMMUNITIES

October 17, 2014

Devan Reiff, AICP
City of Oakland
Department of Planning and Building – Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Sent via email to: dreiff@oaklandnet.com

RE: Comments on the Draft Environmental Impact Report (DEIR) for the Coliseum Area Specific Plan, City Case #ER13-0004

Dear Mr. Reiff:

This letter comprises a written response to the Draft Environmental Impact Report (DEIR) and the proposed Coliseum Area Specific Plan (referred to herein as the Specific Plan). We write these comments on behalf of *Human Impact Partners* and *East Oakland Building Healthy Communities (EOBHC)*. Human Impact Partners (HIP) is a nonprofit organization working to transform the policies and places people need to live healthy lives by increasing the consideration of health and equity in decision making. EOBHC brings together youth and adult residents, community based organizations, schools, business, health care service providers, and government agencies to work towards improved community and individual health. EOBHC strives to create a thriving East Oakland.

While access to healthcare and genetics are factors that determine our health status, there is growing recognition that the places where we live, work, learn, and play affect our health directly as well as indirectly by changing our personal behaviors related to health. Although we spend a higher percent of our GDP on healthcare than any other country, the U.S. is facing very high levels of chronic disease, including obesity, diabetes, and asthma. Oakland and other cities around the country also face huge inequities in health outcomes, with life expectancy, for example, varying by more than a decade between neighboring Zip codes.¹ For this reason, planning proposals such as the Coliseum Area Specific Plan, represent important opportunities to address the environmental and social determinants of health and health equity and improve public health for all.

Comprehensive Health Analysis Supported by NEPA and CEQA

The inclusion of a robust, systematic approach to public health is supported by both NEPA and CEQA. The CEQA Guidelines state that “health and safety problems caused

B5-2



EAST OAKLAND BUILDING HEALTHY COMMUNITIES

by the physical changes” of a proposal must be discussed (14 CCR §15126.2 (a)). Regulations from the Council on Environmental Quality (CEQ) specifically define health as one of the effects that must be considered in an EIS or an Environmental Assessment (EA). [40 CFR § 1501.7(a)(3)] In defining “effects,” the regulations state: “‘Effects’ includes ecological, aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.”ⁱ [40 C.F.R. § 1508.8] The regulations also instruct agencies to consider “the degree to which the proposed action affects public health or safety” in determining significance. [40 C.F.R. § 1508.27] The priority health concerns raised by our organization and associated community partners are significant within these parameters, and are likely to add important information that is relevant to the decision-making process.

B5-2
cont'd

Additionally, in determining whether an effect may be significant (and therefore require analysis in the EIS) one of the factors that should be considered is “the degree to which the effects on the human environment are likely to be highly controversial”. [40 CFR § 1508.27 (b) 4] In the case of the proposed Specific Plan, potential impacts to health have been identified by community partners in comments on the Notice of Preparation of the DEIR and represent areas of controversy.

The purpose of this letter

While the DEIR includes some evaluation of health effects, there is additional health evidence related to the potential impacts of the proposed Specific Plan that should be considered. Therefore we provide empirical evidence to support the links between health outcomes that are relevant to the Specific Plan and DEIR. We present available data relevant to these connections, request that additional health analysis be conducted and incorporated into the Final EIR (FEIR), and we provide some recommendations for how potential impacts to health may be mitigated.

B5-3

This letter focuses on a few of the environmental and social factors that are relevant to the Specific Plan and that have direct or indirect relationships to health outcomes that have been documented in the literature. These factors are referred to as health determinants. Specifically, this letter focuses on three health determinants: **air**

ⁱ Environmental justice guidance discusses what is relevant to health effects in the general population and states: “The EPA NEPA analyst should develop a full understanding of baseline demographic, socioeconomic, and environmental conditions so that a comprehensive assessment of the types of impacts that may be imposed upon all human and natural resources...can be conducted and an understanding of how these impacts may translate into human health concerns can be developed.” U.S. Environmental Protection Agency. Final Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Compliance Analyses. U.S. Environmental Protection Agency; Apr, 1998. [accessed July 12, 2011]. 1998. [online]. Available: http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_epa0498.pdf.



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quality, noise, and community cohesion. We focus on these three health determinants, and not all relevant determinants, due to time constraints – it was not feasible to do a complete analysis of all potential health impacts of the Specific Plan in the limited time available – and because other EOBHC affiliated organizations are addressing other important factors relevant to health, such as housing and employment in their comments. Our selection should not be viewed as confirmation that other factors have been addressed in the Specific Plan in a way that protects health or that they have been comprehensively analyzed in the DEIR. It is our hope that the health consequences of all factors that the Specific Plan will influence be thoroughly analyzed, including issues that are not mentioned in this letter.

Air Quality

Health effects related to air emissions exposure are relevant to the Specific Plan through the following characteristics of the proposal:

- The Coliseum District and Plan Area are in the Western Alameda County CARE (Community Area Risk Evaluation) area designated by the Bay Area Air Quality Management District (BAAQMD) as an impacted community due to high toxic air contaminants (TAC) emissions and sensitive populations.
- New development will be located near existing and planned sources of TACs and within 500 feet of freeways and high-volume roadways, containing 100,000 or more average daily vehicle trips, including high numbers of diesel trucks, as well as rail traffic.
- Construction for the Coliseum District and at Plan Buildout (development scenario assumptions under the Specific Plan are completed) will generate dust, ozone precursors, and particulate matter.
- New development in the Coliseum District and in Plan Buildout would result in an increase in criteria air pollutant and precursor emissions and implementation of transportation demand management is not expected to bring the increase in emissions below significant levels – both for daily and annual emissions.

The DEIR addresses health risks due to air emissions exposure in the following ways:

- Identifies specific health risks and potential sources of criteria pollutants.
- Conducts health risk assessments (HRAs) of emissions during the construction period and of traffic generated by Plan Buildout on existing on-site and off-site sensitive receptors.
- Predicts significant and unavoidable impacts from air quality effects of construction and Plan Buildout. Some impacts are likely to occur even after identified mitigation measures are implemented.

B5-3,
cont'd.



EAST OAKLAND BUILDING HEALTHY COMMUNITIES

- Identifies mitigation measures including retrofitting construction equipment, installing filters on new residential uses, and applying Oakland’s Standard Conditions of Approval during construction of larger projects in Plan Buildout.
- Identifies mitigation measures such as Oakland’s Standard Conditions of Approval, which includes conducting project specific HRAs on new residential development in Plan Buildout and subsequent mitigation measures if impacts are predicted, such as retrofitting and minimizing idling of construction equipment and installing air filters on new residential uses.

B5-3, cont’d.

Evidence from the literature

Although the DEIR addresses some of the health effects of air emissions, the following evidence from the research literature should be presented and considered in the FEIR.

Particulate matter, carbon monoxide, nitrogen dioxide, and ozone have well-established causal relationships with human health and are subject to nationwide ambient air quality standards, monitoring and control requirements under the Federal Clean Air Act, as mentioned in the DEIR.²

Previous studies have found correlations between the health effects of pollution from traffic sources and asthma and other respiratory diseases, cardiovascular disease, lung cancer, pre-term and low birth weight births, and premature death. There is also emerging evidence about the potential connections between air quality and obesity and neurological effects. The following describes the evidence for these health effects in more detail, though the evidence cited here is far from comprehensive.

B5-4

Asthma and other respiratory diseases – Air quality and respiratory diseases such as asthma have been found to be associated with poor air quality.^{3 4} By age 18, children exposed to higher levels of PM_{2.5}, NO_x, and elemental carbon (products of fossil fuel combustion, especially diesel) are five times more likely (7.9% vs. 1.6%) to have underdeveloped lungs (80% of normal) compared to teenagers living in communities with lower pollutant levels.⁵

Cardiovascular disease – Air pollutants, including ozone and particulate matter, have been reported as causal factors for cardiovascular mortality and respiratory disease and illness.⁶ Particulate matter from roadway vehicles may exacerbate cardiovascular disease, leading to an increase in hospital visits and premature death.⁷ In a Los Angeles study, researchers found that people with an increased



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exposure to 10 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ had a carotid intima-media thickness (thickness of artery walls) increase of 5.9 percent.⁸

Lung Cancer – Several studies, including two meta-analyses, have concluded that occupational exposure to diesel engine exhaust may increase the risk of lung cancer.^{9 10} In 1999, the State of California concluded that diesel engine exhaust is a carcinogen, and a 2000 California risk assessment attributed 70 percent of the cancer risk from air pollution to diesel engine exhaust.¹¹ On-road diesel trucks represent the largest emission source of diesel engine exhaust PM in the state.¹²

Birth outcomes – A number of studies performed between 1996 and 2010 examined the relationship between exposure to air pollution and preterm birth and low birth weight. Both preterm births and low birth weight are a significant health concern to infants as they are highly correlated to physical and mental disabilities and infant mortality.^{13 14 15} A 2003 study conducted in Los Angeles County found that those living closest to distance-weighted traffic density (living close to heavy traffic roads and thus having higher exposure levels to motor vehicle emissions) may have an 8 percent increase in risk of pre-term birth.¹⁶ Ritz et al. (2007) subsequently conducted a case-control survey study in Southern California to analyze air pollution effects on pregnancy outcomes.¹⁷ They found that pregnant women who were exposed to $\text{PM}_{2.5}$ and CO in their first trimester had associated increased risk of preterm births (10–29 percent and 20–25 percent, respectively). Additionally, pregnant women exposed to CO levels of 0.91 ppm and above during their last six weeks of pregnancy showed increased odds of preterm birth (3–33 percent).¹⁸

B5-4,
cont'd.

Birth defects have also been found to be associated with air pollutants. Ritz et al. (2002) found a dose-response effect for second-month exposure to CO and ozone and resulting cardiac ventricular septal defects (CO) and aortic artery and valve defects, pulmonary artery and valve anomalies, and conotruncal defects (ozone).¹⁹

Premature death and mortality – Poor air quality may also be associated with premature death (defined as dying before one's average life expectancy). The World Health Organization (WHO) estimates that air pollution causes approximately two million premature deaths worldwide each year.²⁰ The WHO also estimates that there is an increased risk of dying of between 0.2 and 0.6 percent for each increase in 10 $\mu\text{g}/\text{m}^3$ in ozone.²¹ Specifically in relation to the presence of particulate matter, WHO reports that average life expectancy decreases by 1.5 years when you compare cities at the highest and lowest PM levels.²²

In addition to premature death, poor air quality is also associated with mortality. Mortality rates from respiratory illness in the most air-polluted cities compared to the least air-polluted cities are 1.26 times higher.²³ In a 2008 draft study, the



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Environmental Protection Agency (EPA) states that there is a 1–8 percent increased risk of mortality for every 50 µg/m³ of PM₁₀ and a 1–3.5 percent increase in mortality for every 25 µg/m³ of PM_{2.5}.²⁴ Jerrett et al. (2005) concluded that there was a 1.17 relative risk of all-cause mortality associated with an increase of 10 µg/m³ in PM_{2.5},²⁵ and Ostro (2006) found PM_{2.5} levels to be associated with mortality.²⁶ Specifically, a 10 µg/m³ change in two day average PM_{2.5} concentration corresponded to a 0.6 percent increase in all-cause mortality.²⁷

B5-4,
cont'd.

Obesity – A recent study has linked prenatal exposure to polycyclic aromatic hydrocarbons (PAHs), which are a byproduct of combustion that are known human carcinogens and have endocrine disrupting effects, with increase BMI in children.²⁸ This supports emerging evidence of a connection between poor air quality and obesity, though more research is needed.

Exposure to Air Pollutants in Vulnerable Populations – Some populations may be more physically vulnerable to the impacts of air pollution exposures. The elderly and the young, as well as populations with higher rates of respiratory disease such as asthma and chronic obstructive pulmonary disease (COPD), and populations with other environmental or occupational health exposures (e.g., indoor air quality) that impact cardiovascular or respiratory diseases may be more sensitive to adverse health effects.

B5-5

The locations of roadways, the volume of traffic on roadways, meteorological conditions, and people’s proximity to these facilities determines their exposure to transportation-related air pollutants from vehicle sources. Epidemiologic studies have demonstrated that children and adults living in proximity to freeways or busy roadways have poorer health outcomes.^{29 30 31 32 33 34}

B5-6

Health-based standards for ambient air have been developed by the EPA for each of the “criteria pollutants” (O₃, CO, PM, NO₂, SO₂, and lead) as mandated by the Clean Air Act. The Clean Air Act also requires states to develop specific plans to achieve these standards. One way that these pollutants are regulated is through a national network of air quality monitors that provides information on ambient concentrations for each of the criteria air pollutants. Despite promulgation of National Ambient Air Quality Standards (NAAQS) for criteria pollutants, implementation of air quality control plans, and nationwide monitoring, air pollutants are believed to continue to have significant impacts on human health.

Air Pollution and Equity – The California Environmental Justice Advisory Committee asserts that highways and freeways may act as a stationary source of emissions for residents in nearby communities, exposing residents to disproportionate amounts of air pollutants such as PM_{2.5} from vehicle emissions.³⁵ In California, African

B5-7



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Americans, Asians, and Latinos are more likely to live close to major highways and suffer more pollution and resultant public health problems such as increased cancer risk.^{36 37} Low-income residents may be more likely to live in poorer housing conditions with higher levels of indoor air pollutants, and may also live closer to industrial land uses or busy roadways. A study in Southern California showed that income and non-white racial status were associated with significantly higher rates of PM_{2.5} (specifically PM_{2.5} from chromium and diesel) exposure.³⁸ These factors may result in variation in the estimates of air pollution-related health effects. For example, a recent study of mortality and air pollution in Los Angeles found that concentration response functions based on a within-city estimate were two-to-three times those based on regional studies.³⁹

B5-7,
cont'd.

East Oakland and Alameda County Health Outcomes Data

The following presents the status of health outcomes relevant to air quality effects described above that were available for East Oakland, Alameda County, and the three Zip codes that make up East Oakland and surround the Plan Area.

Table 1. Status of All-Cause and Air Quality Related Mortality for East Oakland and Alameda County

	Age-adjusted rates per 100,000 pop		
	East Oakland (EO)	Alameda County (AC)	EO how many times higher than AC**
All-cause mortality	899	605	1.5
All cancer mortality*	212	152	1.4
Heart disease mortality	182	130	1.4
Lung cancer mortality	53	33	1.6
Chronic lower respiratory disease mortality	39	29	1.4
Diabetes mortality	37	21	1.8

* All data are from 2010-2012 except for all cancer mortality, which is from 2008-2010
 ** All EO rates are significantly higher than AC

B5-8

Table 2. All-Cause Mortality Rate by Race/Ethnicity, East Oakland, 2010-2012

Black	1,148
White	950
Pacific Islander	946
Asian	617
Latino	507
Total	899



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Table 3. Status of Air Quality Related ED and Hospitalization Rates for East Oakland and Alameda County⁴⁰

	Age-adjusted rates per 100,000 pop (Zipcodes: 94603, 94605, 94621)*		
	East Oakland (EO)	Alameda County (AC)	EO how many times higher than AC**
Respiratory disease ED visits	4,767	2,710	1.8
Respiratory disease hospitalizations	1,262	777	1.6
Asthma ED visits	1,162	543	2.1
Asthma hospitalizations	299	139	2.2
Childhood asthma (<5) ED visits	1,489	1,032	1.4
Childhood asthma (<5) hospitalizations	844	429	2.0
Heart disease ED visits	443	273	1.6
Heart disease hospitalizations	1,096	778	1.4
Diabetes-related ED visits	4,277	2,056	2.1
Diabetes-related hospitalizations	1,779	974	1.8

* All data are from 2009-2011

** All EO rates are significantly higher than AC

B5-8,
cont'd.

All health outcomes relevant to air pollution exposure are higher for East Oakland, where the Specific Area Plan is located, compared to Alameda County. Asthma and diabetes-related visits are over two times higher than the Alameda County rate.

Potential impacts

The Specific Plan will result in increased new and existing resident exposure to emissions from stationary and mobile sources and, as the literature cited above indicates, this exposure will increase resident’s risk of a number of health problems associated with air pollution. There are also likely to be impacts to vulnerable populations because residents are already burdened by disproportionate exposure living in the CARE area, which has environmental justice implications.

Recommendations

- In considering the above evidence, we recommend that additional health analyses be presented in the FEIR, including providing existing rates for air quality-related health outcomes and the future predicted rates during

B5-9

EAST OAKLAND BUILDING HEALTHY COMMUNITIES

construction and at Plan Buildout to provide information related to the health burden of the Specific Plan. Predictions of changes in mortality, for example, should be included in the FEIR.

- Where quantitative methods for the prediction of health impacts do not exist, qualitative estimates based on existing and predicted exposures are possible, and would provide a more complete health analysis. For example, the EIR should state clearly that asthma hospitalization rates are likely to increase as a result of the Specific Plan.
- Ensure that affordable housing development isn't concentrated in the areas with the poorest air quality (e.g., closest to the freeway), because income is correlated with other health vulnerabilities.
- Phase construction to minimize residential exposure to emissions from construction.
- Require installation of HEPA air filtration (MERV 16 or higher) in new and existing residential units and in other nearby sensitive uses, such as schools.
- Orient buildings and air intakes away from air pollution sources.
- Cite and orient buildings to minimize impacts of air emissions, particularly on vulnerable populations. Utilize the CARB Land Use and Air Quality Handbook as a guide.
- Increase tree canopy, and bio-filter vegetation along high-traffic roads (i.e. Hegenberger Corridor, San Leandro Street, and 880 freeway).
- Require unbundled parking in new housing units, (that are not zoned near the I-880 freeway), to allow newly constructed parking spaces to be leased separate from the cost of rent for housing. In this way, those who do not need parking can have lower housing costs, freeing up income for other wants and needs. Requiring the cost of parking to be separate can make rents more affordable for those looking to save money or who have no need for a private parking space. Requiring unbundling of parking will also lower vehicle use in the area, which will reduce emissions and promote walkability and transit use.
- Implement Transit First Design; including transit signal priority and bus bulbs, which will make operating transit more safe, efficient and reliable in the Plan Area. Site transit areas for better visibility and efficiency, which will improve accessibility and alleviate psychological burdens many transit riders feel regarding transit being "on time." Utilize transit hubs, better interconnection between BART, The Oakland Airport Connector, Amtrak, AC Transit, the upcoming East Bay Bus- Rapid Transit (BRT) Project, and "complete streets" designs, which focus on pedestrian safety, access, and expediency and reduce vehicle use; reducing air emissions.
- Prioritize pedestrian and bicycle circulation and improvements by having the Specific Area Plan build on the policies of the City of Oakland's Bicycle Master

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B5-10



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Plan; maximizing pedestrian and bicycle connectivity; improving lighting; and creating wider sidewalks, safer access to the BART Station, pedestrian scrambles, way-finding, and bike lanes. These strategies will improve air quality by reducing the need for automobiles.

- Encourage Transportation Demand Management (TDM) Programs, such as carpool and vanpool ride matching services and transit passes for area employees, and Car Share Pods. TDM strategies encourage alternative modes of travel that reduce vehicle miles traveled and the overall vehicle trips made from a new project. This can create less traffic, reduce the need for new parking, and lead to cleaner air.

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We also suggest the following additional evidence related to mitigation measures be considered.

Recent environmental research discusses broad planning recommendations to reduce community exposure to major infrastructure, including avoiding siting new residential buildings and other sensitive land uses (such as health care facilities, child daycare centers, and playgrounds) within 500 feet of freeways and high-traffic roads,⁴¹ and siting truck routes away from areas that include sensitive land uses.⁴² Additional options to reduce exposure include setting stricter standards for vehicle emissions, reducing vehicle miles travelled (VMT) through land use planning and multi-modal transportation options, and use of roadside structures such as sound walls and vegetation.

B5-11

A 2012 study prepared by the California Environmental Protection Agency’s Air Resources Board looked at previously published research on potential measures to reduce exposure to nearby traffic pollution. The study cited research on both site-related measures and methods related to building design as potential solutions to reducing community exposure. The study found that *“No single building-related measure has been identified as adequate to reduce entry of pollutants from nearby roadways to the extent expected from set-back under common conditions.”*

Site-related measures included the use of sound walls (roadside barriers) and vegetation located near the roadway. Sound barriers near roadways were found to reduce pollutant concentrations near the roadway, however, this led to higher concentrations of pollutants both on the roadway itself and at a distance from the roadway. Placing vegetation near roadways was found to remove some gaseous pollutants through absorption or interception, however, some of the polluting particles can be re-released by blowing winds.

A 2008 study examining the impacts of noise barriers and vegetation on air quality near roadways found that sound walls and roadside barriers combined with



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vegetation was more effective than either measure alone, showing more consistent dispersal of pollutants and to greater distances. The study cautions that while pollutant concentrations near the roadway were reduced, concentrations of pollutants both on the roadway and at a distance are shown to increase, resulting in shifting exposure to others rather than reducing it all together. Additionally, the effectiveness of these techniques was found to vary under different environmental conditions related to weather and topography.⁴³ Other research on roadside barriers and vegetation found that roadway elevation also influences the effectiveness of these measures. Barriers and vegetation were shown to be most effective along at-grade roadways.⁴⁴

Building-related mitigation measures were also addressed by the 2012 California Environmental Protection Agency Air Resources Board’s study. Three building features were a key focus in this study, including the location of air intake, high efficiency filtration with mechanical ventilation, and portable air cleaning devices. The study recommended locating air intakes for mechanical ventilation systems on the sides of buildings furthest from polluting sources, such as major roadways, to limit the amount of pollutants that are absorbed through the intake.⁴⁵ Locating air intake and exhaust is an increasingly important topic in California due to California Energy Code, part six, Title 24 of the California Code of Regulations requiring all new homes to use mechanical ventilation.⁴⁶ An article entitled “*Air Intake Placement – Recommendations From Years of Modeling Results*” by Smith and Schuyler (2006) examines optimal placement of outdoor air intakes to minimize the amount of contaminants entering a building.⁴⁷ Exhaust sources including diesel and gas generators and boilers, idling diesel vehicles (loading area and/or bus stop), and mobile vehicle traffic on roadways are key concerns related to air intake. Similar to the California EPA study, Smith and Schuyler recommend using the building itself as a protection from exhaust sources for ground level air intakes. Additionally, placing ground level intakes between two closely situated buildings should be avoided to reduce a potential “valley effect” caused by buildings trapping and funneling pollutants through a corridor.⁴⁸

The use of high efficiency filtration systems in conjunction with mechanical ventilation is gaining increased interest. Mechanical ventilation utilizes a fan to actively draw in outdoor air through an intake vent and then push the air throughout the building. The outdoor air is pulled through a filter to remove contaminants. Filter efficiency is commonly measured using the Minimum Efficiency Reporting Value (MERV) rating system.

The 2012 California Air Resources Board’s study reports that utilizing high efficiency, (MERV) 13 to 16 or higher, pleated particle filters near busy roadways “would generally be considered the most effective approach to filtration because

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they can remove the very small particles emitted by motor vehicles without emitting ozone, formaldehyde, or other harmful byproducts.” Research has found filters with a MERV 16 rating to reduce the concentration of ultrafine particles by approximately 90% on average when properly maintained (e.g., filters changed regularly).⁴⁹

High efficiency portable air cleaners can be useful in existing homes that do not have mechanical ventilation. As described above, air cleaners were found to significantly reduce indoor exposure to pollutants such as black carbon and ultrafine particles. Portable air cleaners are not as capable as in-duct air cleaners for treating large areas, however they can be effective for smaller, appropriately sized areas such as individual rooms or an apartment.⁵⁰

The California Air Resources Board is currently funding an effort to further examine the effectiveness of portable air cleaners in a study entitled “*Evaluation of Pollutant Emissions from Portable Air Cleaners*”.

Noise

Health effects related to noise exposure are relevant to the Specific Plan through the following characteristics of the proposal:

- The Specific Plan will generate noise and vibrations both from construction and operation that could exceed limits set by Oakland’s noise ordinance for both new and existing sensitive uses, including hotels and residential buildings.
- The Specific Plan also includes new residential uses to be constructed next to existing sources of noise and vibration, including freeway, and rail lines.

The DEIR addresses health risks due to noise exposure in the following ways:

- Mentions that noise can be injurious to human health in citing Oakland’s Noise Ordinance, but does not review specific health effects of noise exposure.
- Conducts a noise measurement study to assess existing long term and short-term noise levels throughout the area, finding that the major sources of noise in the area include noise from sports events, BART, and traffic on San Leandro St. and the I-880 freeway.
- Predicts construction noise would exceed the city’s noise ordinance at new and existing uses, but finds that Standard Conditions of Approval should make construction noise impacts less than significant.
- Predicts interior noise levels in new residential developments at Buildout would exceed the city’s noise ordinance based on the location of the stadium

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B5-12

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and ballpark, BART, and traffic noise. These new sensitive, residential receptors would experience noise exposure considered “normally unacceptable” according to Oakland’s Noise Ordinance. However, findings predict noise mitigation, such as sound-rated windows and walls, should reduce noise to less than significant levels.

- In areas adjacent to BART and heavy rail lines, vibrations could exceed Federal Transit Administration (FTA) standards in new mixed-use residential buildings. The city requires an acoustical assessment for developments in these areas, and implementation of strategies to reduce vibration levels if necessary.
- Predicts event day noise from the stadium is likely to exceed Oakland’s noise ordinance. At off-site receptors, the stadium and residential building design could reduce noise levels to meet the ordinance. However, at on-site residential buildings it will not be possible to bring noise levels below the ordinance threshold, and impacts are significant and unavoidable. The interior noise standard could likely be achieved through sound-rated windows and walls, but exterior noise on event days for on-site residential uses will be “well over the city’s noise ordinance limits.” The DEIR thus recommends that prospective residents receive a disclosure notice about elevated noise levels.

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Evidence from the literature

The following represents a review of the public health literature on the relationships between noise and health and should be considered in additional health analyses in the FEIR.

The health impacts of environmental noise may depend on the intensity of noise, the duration of exposure, and the context of exposure. According to the WHO Guidelines for Community Noise,⁵¹ which reviews a significant amount of the research on noise and health, long-term exposure to moderate levels of environmental noise can adversely affect sleep, school and work performance, blood pressure, and cardiovascular disease. The focus in this section is on noise levels; though other factors (e.g., the frequency) of noise can be important as well. The following findings are identified in this literature:

B5-13

Sleep: Traffic noise has been linked to impaired sleep quality.^{52 53} Reductions of noise by 6–14 dBA result in subjective and objective improvements in sleep; studies show an increase in the percentage of awakenings at night at noise levels of 55–60 dBA.⁵⁴ A lack of sleep has health consequences such as fatigue, impaired endocrine



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and immune system, and psychological effects. Sleep can also impact quality of life, intellectual capacity, education, and risk of accidents.⁵⁵

Annoyance – Annoyance is defined as “a feeling of displeasure associated with any agent or condition known or believed by an individual or a group to be adversely affecting them.”^{56 57} Annoyance is related to several health effects associated with noise, including elevated blood pressure, circulatory disease, ulcer, and colitis.⁵⁸ Subjective reports of annoyance are the most widely studied impact of noise and the relationship has been quantified.^{59 60} Annoyance from noise may result in anger, disappointment, dissatisfaction, withdrawal, helplessness, depression, anxiety, distraction, agitation, or exhaustion.^{61 62 63}

Speech and language – Noise can interfere with speech communication outdoors, in workplaces, and in schoolrooms, interfering with the ability of people to perform their work.⁶⁴

Learning and educational performance – Chronic road noise can affect cognitive performance of children, including attention span, concentration and remembering, and reading ability.^{65 66 67}

Cardiovascular disease – The biological pathway between noise and cardiovascular disease (both hypertension and myocardial infarction) is based on noise-induced stress, which triggers the release of hormones such as cortisol, noradrenaline, and adrenaline, which in turn can affect hypertension, blood lipids, and blood glucose, all of which are risk factors for cardiovascular disease.^{68 69}

Hypertension – There is a dose-response relationship between environmental noise from traffic and high blood pressure;⁷⁰ people who live near chronic roadway noise (more than 20,000 vehicles/day) are twice as likely to have hypertension, and men specifically are almost four times more likely.⁷¹ A review by Babisch summarizes studies on the relationship between noise and hypertension.^{72 73} A large study published in 2009 found a notable effect of noise on hypertension at > 64 dB(A) (OR 1.45, 95 percent CI 1.04 - 2.02) with age acting as an effect modifier (effects in middle aged 40- 59).⁷⁴

Myocardial Infarction -- Increasing community noise, including traffic noise, has been shown to increase the risk of myocardial infarction at noise levels above 50–60 dBA.^{75 76 77 78}

Stress – The combination of noise and poor quality housing can be associated with higher stress and stress hormone levels.⁷⁹

Noise Exposure and Vulnerable Populations – Groups who are at higher risk for noise exposure are those less able to cope with the impacts, including people with

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decreased abilities (old, ill, or depressed people); people with particular diseases; people dealing with complex cognitive tasks, such as reading acquisition; young children; and the elderly in general.

East Oakland and Alameda County Health Outcomes Data

See health outcomes data provided above that are relevant to both air quality and noise exposure.

Potential impacts

The Specific Plan is highly likely to result in increased resident exposure to noise levels that exceed safe thresholds from a health and equity perspective and, as the literature cited above indicates, this exposure will increase resident's risk of a number of health problems associated with these noise levels. There may also be impacts to residents living near the Plan Area and at other sensitive receptors if noise mitigations do not address these existing structures that are not included in the Specific Plan.

B5-14

Recommendations

- Considering the above evidence in the literature, we recommend that the FEIR include data to summarize existing conditions for the above mentioned health outcomes as well as an analysis of how the Specific Plan could impact these conditions by causing changes in levels of noise exposure. Quantitative predictions of the impacts of increased noise could be conducted for sleep disruption, annoyance, and potentially cardiovascular disease outcomes.
- Where quantitative methods for the prediction of health impacts do not exist, qualitative estimates based on existing and predicted noise levels are possible, and would provide a more complete health analysis.
- Conduct additional analysis at sensitive receptors located outside the Plan Area (e.g., existing residences) and mitigate (e.g., by paying for the installation of sound-rated windows) where noise is expected to exceed thresholds.
- Include information about the health effects of noise exposure and any quantitative or qualitative estimates of predicted rates of health outcomes in disclosure statements.
- Phase construction to prevent noise disturbances at new residential developments.
- Use stadium designs that minimize noise impacts on neighboring residential uses, such as those mentioned in the DEIR.

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- Ensure that affordable housing development isn't concentrated in areas with the highest noise levels.
- Install a noise barrier at the Coliseum BART station.
- Require installation of sound rated windows and walls.
- Cite and orient buildings to minimize impacts of noise, particularly on vulnerable populations.

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Community Cohesion

Health effects related to community cohesion are relevant to the Specific Plan through the following characteristics of the proposal:

- Introduces new, higher income residents.
- Creates a new neighborhood with new transportation and pedestrian facilities, open/public spaces, greenery, and park facilities.
- Creates new mixed-use development.
- Introduces more trip generators (residential, retail, commercial, and sporting events).
- Introduces more traffic in nearby areas for existing residents.
- Creates public spaces that the existing nearby community may be able to enjoy.

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The DEIR addresses health risks due to community cohesion in the following ways:

- Cites existing policies from the General Plan which are relevant to social cohesion, such as establishing the Coliseum Area as a neighborhood "activity center," with uses and design elements that attract people and encourage social interaction: "Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, and street amenities such as trash cans and benches, and attractive landscaping."
- Because there are no residential uses currently in the area, the DEIR states that residential displacement is not a concern.
- States that the Specific Plan could increase crime in the area through increased population and intensity of use in the Coliseum area, but that revitalization could ultimately reduce crime in surrounding areas.
- States it is difficult to measure crime in the specific area itself because it overlaps several police districts, however the DEIR states that violent crime in the Plan Area is relatively low due to the lack of population in the area, but that violent crime in surrounding neighborhoods to the north and east is high.



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- States that impacts on crime and police resources would ultimately be less than significant, and that “new development may reduce crime by incorporating crime prevention through environmental design principles and up-to-date security features and technology, and by economic growth and revitalization, and increased local and regional employment.”

Evidence from the literature

There are a number of terms used in the social science and public health literature to refer to the support and positive effects that social networks and communities can provide to individuals. These terms, used here, include: social or community cohesion, social capital, or, more generally, having a sense of community. Researchers have found that these social and community connections are important for health.

Social support and networks have been linked to improvements in physical and mental health through multiple mechanisms.⁸⁰ Social support can buffer stressful situations, prevent feelings of isolation, and contribute to self-esteem.⁸¹ In contrast, people with self-reported severe lack of social support were 2.19 times more likely to report fair or poor health than people who did not lack social support.⁸² Group membership in a community and some social activities have been shown to decrease mortality rates and cognitive impairment in the elderly.^{83 84} A higher level of civic engagement through ties to community groups can be associated with increased exposure to health-promoting messages.⁸⁵ On the other hand, individuals with low levels of social support or who are socially isolated have higher mortality rates, for example from cardiovascular disease, cancer, and HIV.^{86 87 88 89 90} There is also a strong association between perceived social isolation and depression.⁹¹

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Community cohesion may also be protective against crime and violence. Researchers analyzed national data measuring social capital and homicide rates between 1974 and 1993 and found that increased perceived trust of one’s neighbors was associated with lower homicide rates.⁹² The same researchers found that homicide rates also predicted levels of social capital, so the greater the violence, the lower the social capital, controlling for income, region, and urbanization.⁹³

Various components of the built and social environment may contribute to a community’s level of social cohesion. Neighborhoods that include a mix of land uses, pedestrian spaces, lower levels of street traffic, greenery or open space, and safety from crime benefit health by enabling walking, gathering, and social interaction.⁹⁴ Factors that have been linked to social interactions include the presence of semipublic spaces, particularly front porches,^{95 96 97 98} the presence of trees and other vegetation,⁹⁹ and the spaciousness and arrangement of open spaces.^{100 101} In



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addition, factors that encourage people to walk more, such as neighborhood services and amenities, pedestrian facilities and safe walking environments, and more dense development contribute to casual social interaction.^{102 103}

Researchers measuring neighborhood walking, unplanned interactions, the formation of social ties, and acts of neighboring found neighborhood amenities contributed to walking, walking contributed to unplanned interactions, and walking and access to amenities was related to acts of neighboring. However, they also found that personal attitudes, such as preferences for walking to daily activities or interacting with neighbors, were of high significance for the formation of social ties and acts of neighboring.¹⁰⁴ Other results addressing these issues are mixed as well. One researcher who compared mixed-use, more dense and walkable neighborhoods with more car-oriented suburbs suggested people living in the walkable neighborhoods had higher levels of social capital compared with those living in car-oriented suburbs. Social capital was measured by how well residents knew their neighbors, their political participation, their trust or faith in other people, and their social engagement.¹⁰⁵ Other studies find that traditional (pre-WWII), or less car-centric, residential development is not necessarily associated with the formation of social ties or greater civic engagement.^{106 107}

One researcher's review of the New Urbanism movement, which advocates for traditional neighborhood design and claims a benefit of this design is a stronger sense of community, concluded that the primary and empirically supported way the design of neighborhoods contributes to social capital is through the creation of venues for social contact. Architectural form, site layout, and certain features of neighborhoods, like public spaces, can increase the frequency of resident interactions, but other factors, such as non-place based social networks, or individual preferences for types of living environments and same group affiliation may be *more* important for creating a sense of community.¹⁰⁸ Social interaction is important for community cohesion, but on its own doesn't lead to a tight-knit community.

Green space – One noted amenity that has been found to contribute to community is green space. In a study of Chicago public housing, residents of buildings with more trees and grass reported that they knew their neighbors better, socialized with them more often, had stronger feelings of community, and felt safer and better adjusted than did residents of more barren, but otherwise identical, buildings.¹⁰⁹

Traffic volumes and speeds – Traffic volumes and speeds are neighborhood features that evidence suggests are important for social interaction. A seminal study of the impact of traffic on three streets in a San Francisco neighborhood illustrates how traffic volumes and speed influence the way people use streets for non-traffic

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functions.¹¹⁰ The study found associations between traffic intensity and aspects of perceived livability, levels of social interaction, and families' preferences for living in the neighborhoods, whereby the streets with greater traffic intensity had lower levels of perceived livability and fewer neighborhood families that socialized with each other.¹¹¹

Further, a study by Hüttenmoser investigated two contrasting groups of five year-olds.¹¹² One group was raised in surroundings that allowed them to play on streets with little street traffic and without the presence of adults. The other group could not leave their homes unaccompanied by adults and lived near streets with more traffic. The study found a clear connection between the time children spent outside and the dangerousness and perceived attractiveness of their living environments. Adults accompanied the children that lived near traffic hazards, which had the effect of limiting the time this group of children spent outside. The researchers found that, for the traffic hazard children, the social contact with other children in the immediate neighborhood was half of that of the children in the low-traffic neighborhoods. They also found that the same was true for the adults.¹¹³ This research highlighted how street traffic and unsuitable surroundings may hinder children's social and motor development and can put a strain on parents, as well. Poor motor skills development in children has been shown to have social and psychological consequences, such as difficulties interacting with other children.¹¹⁴

Crime and violence – As mentioned above, crime and violence inhibit community cohesion and health. Community violence impacts the perceived safety of a neighborhood, which limits social interactions, increases fear and adversely affects social cohesion.¹¹⁵ ¹¹⁶ Research has also found that group membership and social trust is negatively associated with gun violence; as gun violence increases group membership and social trust decreases.¹¹⁷ Therefore, urban design strategies that deter crime may also contribute indirectly to social cohesion. Crime Prevention Through Environmental Design (CPTED) is one such strategy and evaluations of this approach have shown to reduce robberies (by a 30-84%), depending upon how many CPTED components were implemented.¹¹⁸ In addition, researchers in Chicago public housing found that greener surroundings were associated with a lower incidence of crimes. Specifically, buildings with high levels of greenery had 48 percent fewer property crimes and 56 percent fewer violent crimes than buildings with little or no greenery.¹¹⁹

Indirect Displacement – One factor that has been found to reduce community cohesion is indirect displacement, which refers to the gradual involuntary relocation of existing residents over time as rents increase, property values rise, and long-time residents can no longer afford to live in the area. A report from Causa Justa :: Just Cause, and conducted with the Alameda County Public Health Department,

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“Development without Displacement, Resisting Gentrification in the Bay Area,” details the ways that displacement disrupts social networks and how this disruption is detrimental for community health and well-being.¹²⁰ The report also describes many additional impacts to health and well being from displacement. Therefore, this review encourages the inclusion of those findings in the FEIR to provide a more complete health analysis of indirect displacement as a result of the Specific Plan.

East Oakland and Alameda County Health Outcomes Data

The following presents the status of health outcomes relevant to community cohesion effects described above that were available for East Oakland, Alameda County, and the three Zip codes that make up East Oakland and surround the Plan Area.

Table 4. Status of All-Cause and Community Cohesion Related Mortality for East Oakland and Alameda County

	Age-adjusted rates per 100,000 pop		
	East Oakland (EO)	Alameda County (AC)	EO how many times higher than AC**
All-cause mortality*	899	605	1.5
Unintentional injuries mortality	38	21	1.8
Homicide	33	9	3.7

* All data are from 2010-2012
 ** All EO rates are significantly higher than AC

B5-18

Table 5. Status of Community Cohesion Related ED and Hospitalization Rates for East Oakland and Alameda County¹²¹

	Age-adjusted rates per 100,000 pop (Zipcodes: 94603, 94605, 94621)*		
	East Oakland (EO)	Alameda County (AC)	EO how many times higher than AC**
Unintentional injury ED visits	8,260	5,889	1.4
Unintentional injury hospitalizations	716	546	1.3



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Mental disorder ED visits	1,762	1,064	1.7
Mental disorder hospitalizations	826	531	1.6
Substance abuse ED visits	794	439	1.8
Substance abuse hospitalizations	198	118	1.7
Motor vehicle accident ED visits	1,349	698	1.9
Assault ED visits	1,086	389	2.8
* All data are from 2009-2011			
** All EO rates are significantly higher than AC			

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All health outcomes relevant to community cohesion are statistically significantly higher for East Oakland, where the Specific Area Plan is located, compared to Alameda County. The homicide mortality rate is close to four times higher and assault ED visits are almost three times higher than the Alameda County rate.

Potential impacts

- The Specific Plan is likely to shape the social cohesion of the Coliseum and surrounding areas. The mix of land uses, dense residential development, pedestrian-oriented spaces, public/open spaces, and greenery and park space will likely contribute to social interactions, which may contribute to a sense of community and the associated health benefits.
- However, indirect displacement could occur from more affluent new residents pricing existing residents out of the area. This could contribute to a loss of social cohesion and consequently social isolation and higher crime, fear, stress, poor mental health, injuries, and fatalities.
- Increased traffic in general, and on high-traffic days specifically, is likely to affect social opportunities for new residents and for existing residents that live near the Coliseum area.

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Recommendations

- Conduct an analysis of indirect displacement and provide affordable housing provisions in the Specific Plan to protect against any predicted indirect displacement.
- The City of Oakland should pass additional policies to protect existing residents from displacement, such as an Impact Fee.
- Include open spaces, greenery, safe pedestrian facilities, and low-traffic streets so that social interactions are encouraged.
- Create ample access to open spaces and amenities created in the Coliseum area from neighborhoods nearby, so existing residents can use these new spaces.

B5-22



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- Implement ample lighting and CPTED principles.
- Increase access to the Plan Area to allow surrounding neighborhoods to benefit from the project; including access points that provide at least a ½ mile walking distance from surrounding neighborhoods (accepted as a reasonable walking distance).
- Increase the number of access points from the surrounding neighborhoods (there are currently only four streets included in the Specific Plan that provide access into the Plan Area).
- Ensure the following types of uses are developed within the Plan Area: healthy and affordable food, banks and medical facilities.
- Include public facilities, such as a recreation center and park with programming, while ensuring affordable and accessible programs to existing residents.
- Ensure the broader community has access to and can enjoy the water front and retail spaces within the Plan Area.
- Implement Transit First Designs (listed above in “Air Quality Recommendations”). These will enhance community cohesion as they will encourage community interaction and cultural engagement in the area.
- Implement pedestrian and bicycle circulation and improvements (listed above in “Air Quality Recommendations”). These will promote community cohesion and liveliness in the Plan Area.
- Conduct a social impact assessment to understand how the project will impact the exiting culture of the surrounding neighborhood.
- Establish an ongoing Community Engagement process (an oversight mechanism where residents can sit with developers and the City to inform, consult, and collaborate in decision-making).

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Thank you for considering these findings and recommendations. We would be happy to discuss any of the information presented here, or answer any questions you may have.

Please feel free to contact us at Nehanda Imara, Chair East Oakland Building Healthy Communities, Land Use Working Group, nimara@cbecal.org, 510-302-0430 ext 21 or marnie@humanimpact.org or 510.452-9442, ext. 105.

We look forward to your response and meeting with you again as the process moves forward.

Sincerely,



EAST OAKLAND BUILDING HEALTHY COMMUNITIES

EAST OAKLAND BUILDING HEALTHY COMMUNITIES WORKGROUP 4 - BUILT ENVIRONMENT

Cc:

ACPHD

Acta Non Verba

Allen Temple Baptist Church Prophetic Justice Ministries

Causa Justa:: Just Cause

Communities for a Better Environment

HOPE Collaborative HOPE Collaborative

Oakland Food Policy Council

PUEBLO

TransForm

Urban Strategies Council Urban Strategies Council

Full Harvest Urban Farm Consultant



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Letter #B5 Response – East Oakland Building Healthy Communities Land Use Workgroup (EOBHC)

- B5-1: This comment provides an overview of the more detailed and specific comments which follow, which are individually responded to below. Please also see Master Response to Comments #4 regarding displacement and affordable housing, Master Response to Comments #5 regarding the types of jobs anticipated under the Project, and Master Response # 2 regarding the City's planning process.
- B5-2: This comment provides an overview of the more detailed and specific health-related comments which follow, and that are individually responded to below. The important health-related information contained in this letter will be provided to City decision-makers for their consideration of the Project through this Final EIR.
- B5-3: The list of health effects and potential impacts described in this comment are fully included in the Draft EIR's air quality chapter.
- B5-4: Public health impacts due to air quality emissions are considered in the current federal, state, county and city criteria and regulations used in the Draft EIR, summarized in Table 4.2-1 of the Draft EIR, and described at some length in the Environmental Setting section of the Air Quality chapter of the Draft EIR (Section 4.2).

As noted on page 4.2-30 of the DEIR, the entire Planning area and much of its surroundings are located within the Western Alameda County CARE community. Under the CARE program, a Cumulative Impacts Working Group was formed to discuss revisions to the Air District's regulations and guidelines. The recommendations of this Working Group were incorporated into the BAAQMD's 2012 CEQA Guidelines. While the BAAQMD no longer promulgates these Guidelines, the City of Oakland's CEQA significance thresholds used in this EIR are consistent with and rely on those same guidelines and recommendations.

- B5-5: The air quality assessment methodology used in the Draft EIR included many very conservative assumptions in its analysis (as detailed in Appendix 4.2B of the Draft EIR), including the following:
- Sensitive receptors are assumed to be exposed to exterior air quality emissions 24 hours per day, seven days per week;
 - Increased cancer risks are estimated for a lifetime resident;
 - Cancer risk adjustment factors were used, calculated based on the age sensitivity factors recommended in the Cal/EPA OEHHA Technical Support Document (TSD) and the 2010 BAAQMD Health and Safety Risk Analysis Guidelines. This approach accounts for an "anticipated special sensitivity to carcinogens" of infants and children. Cancer risk estimates are weighted by a factor of 1.7 for a resident aged 70 and above, by a factor of 10 for exposures that occur from the third trimester of pregnancy to two years of age, by a factor of three for exposures that occur from two years through 15 years of age.
 - For the assessment of cumulative health risk impacts, numerous assumptions were made in order to conservatively estimate human exposure to chemicals. These assumptions include parameters such as breathing rates, exposure time and frequency,

exposure duration, and human activity patterns. While a mean value derived from scientifically defensible studies is the best estimate of central tendency, the exposure variables used in the analysis are high-end estimates.

The combination of several high-end estimates used as exposure parameters may substantially overestimate chemical intake. The health risks calculated in the Draft EIR analysis are therefore likely to be higher than may be required to be protective of public health, and health risks as identified in the Draft EIR estimates are the upper-bounds of incremental probability.

- B5-6: See response to Comment B5-5 above regarding adjustments for children and elderly. Refined air quality modeling was conducted to assess emissions from roadways, such that the proximity to freeways/roadways was taken into consideration. The Cal3QHCR model version 13196 was used for modeling of roadways with traffic volumes greater than 10,000 vehicles per day, and for Highway I-880. The Cal3QHCR model used meteorological data from the USEPA ISCST3 model as received from the BAAQMD. Effects relative to proximity to these roads and freeways are also accounted for in the air dispersion analysis, using a grid of receptor points. The receptor grid includes spacing of 20 and 50 meters, extending out to a distance of approximately 1 mile from the Coliseum boundary.
- B5-7: Comment noted. As indicated in the Draft EIR (page 4.2-29), the BAAQMD has initiated the Community Air Risk Evaluation (CARE) program to help identify communities in the Bay Area that are disproportionately impacted by local emission sources. The CARE program serves as a foundation for the District's efforts to reduce population exposure to toxic air contaminants (TAC). Under the CARE program, BAAQMD aims to identify areas (referred to in this context as "priority" or "impacted" communities) with high TAC emissions and sensitive populations that could be affected by them, and to use this information to establish policies and programs to reduce TAC emissions and exposures. As indicated above in response to Comment B5-4, the significance thresholds used in this EIR are consistent with and rely on the recommendations of the CARE Working Group.
- B5-8: The Project's effects on new and existing resident exposure to emissions from stationary and mobile sources, and resulting increased risk is analyzed in the Draft EIR. The conclusions presented in the Draft EIR indicate:
- For off-site residents in the vicinity, the Project's operations (primarily vehicle emissions) will contribute 3.9 in a million cancer risks and 0.17 ug/m³ of PM_{2.5} concentrations as compared to existing conditions, and 0.3 in a million cancer risk and 0.01 ug/m³ PM_{2.5} compared to 2035 baseline. These increased risks are well below the applicable 10.0 in a million cancer risks and 0.3 ug/m³ of PM_{2.5} concentration thresholds, and very minimal compared to existing background conditions (see page 4.3- of the DIER).
 - New sources of TAC emissions resulting from construction activity at the Coliseum District could result in an increase in cancer risk level for the maximum exposed individual of greater than the threshold of 10 in one million. To reduce construction period toxic air contaminant emissions, mitigation measure Air 6A-1: Reduced Construction Emissions is recommended to achieve health risk standard. Identified methods to achieve these standards include, but are not limited to requiring on-site construction equipment to include emission reduction technologies such as low-

emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or add-on devices such as particulate filters that are capable of reducing toxic air contaminants (especially DPM and PM_{2.5}) beyond the 45% reduction as required in the City's SCAs, such that construction emissions result in cancer risks of less than 10 in a million for off-site sensitive receptors.

B5-9: The air quality analysis presented in the Draft EIR uses City-established health-based criteria as threshold levels for both criteria pollutants and toxic air contaminants. These thresholds (used in this EIR as well as all other current City of Oakland environmental reviews) are generally based upon the BAAQMD 2011 CEQA Guidelines and Thresholds, which included recommendations of the CARE Working Group. While the BAAQMD no longer promulgates these Guidelines, the City of Oakland's CEQA significance thresholds used in this EIR are consistent with and rely on those same guidelines and recommendations. These thresholds are based on exposure levels considered protective of cancer risk, chronic health conditions, acute health conditions, and exposures to PM_{2.5} concentration that may be harmful to respiration.

B5-10: The list of mitigation measures recommended by the commenter are addressed individually below:

- The commenter recommends ensuring that affordable housing development isn't concentrated in the areas with the poorest air quality (e.g., closest to the freeway). The terms by which affordable housing may be included in the Project will be dependent upon the Disposition and Development Agreement as negotiated between the City and the developers. To the extent that the Project does include affordable housing, none of the Project's proposed housing sites are in immediate proximity to the freeway, but are all identified housing sites are within areas of concern from the TAC emissions from high volumes of vehicle traffic on I-880, as well as rail traffic. Pursuant to City of Oakland Standard Condition of Approval SCA Air-2, special overlay zones containing development standards that minimize potential exposure to toxic air contaminants will be implemented (see Draft EIR, page 4.2-44).
- The commenter recommends phasing construction to minimize residential exposure to emissions from construction. As indicated in the Draft EIR (see page 4.2-50), demolition and future construction at the Coliseum District will be built out in incremental stages. However, the modeling presented in the Draft EIR conservatively assume that both demolition and construction phases will start at the same time, and thus the Draft EIR presents higher emissions of criteria air pollutants and air toxics for the first few years of construction. This approach does not likely have a substantial bearing on the daily criteria air pollutant emissions, but provides a conservative (i.e., worst-case) analysis for human health impacts associated with construction.
- The commenter recommends requiring installation of HEPA air filtration (MERV 16 or higher) in new and existing residential units and in other nearby sensitive uses, such as schools. The Draft EIR (see page 4.2-72) requires compliance with SCA Air-2, which would reduce the exposure of each new residential development site at the Coliseum District to DPM through the installation of air filtration systems (filters of MERV-13 or higher, with 85 percent filtration efficiency) or other equivalent measures, to reduce indoor DPM to acceptable levels. In order for the cumulative health impact to be below the threshold, the cancer risk at the on-site maximum exposed individual sensitive receptor (MEISR) will have to be reduced by 39%, and PM_{2.5} concentration will have to

be reduced by 58%. According to USEPA, the particle removal efficiency of MERV-13 or higher is between 85 to 90 percent. This level of particle removal efficiency is more than sufficient to reduce the cancer risk and PM_{2.5} concentration to be less than significance under normal building HVAC operation condition.

As indicated in response to Comment B5-8 (above) the health risks to existing off-site sensitive receptors (i.e., existing residences and schools) in the vicinity that would result from the Project's operations are below applicable thresholds, and no additional mitigation measures are required. With implementation of MM Air 6A-1: Reduced Construction Emissions, the toxic air contaminant emissions from construction activities would reduce emissions affecting adjacent existing residents to a level of less than applicable thresholds, and no off-site mitigation is required.

- The commenter recommends orienting buildings and air intakes away from air pollution sources. SCA Air-2 (as presented on page 4.2-38 of the DEIR) requires that the Project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods, if feasible.
- The commenter recommends siting and orienting buildings to minimize impacts of air emissions, particularly on vulnerable populations, and utilizing the CARB Land Use and Air Quality Handbook as a guide. New development within the Project Area will be located near existing and planned sources of toxic air contaminants, and within 500 feet of freeways and high-volume roadways (inconsistent with the CARB Land Use and Air Quality Handbook guidelines. However, pursuant to City of Oakland Standard Condition of Approval SCA Air-2, special overlay zones containing development standards that minimize potential exposure to toxic air contaminants will be implemented (see Draft EIR, page 4.2-44).
- The commenter recommends increase tree canopy, and bio-filter vegetation along high-traffic roads (i.e., Hegenberger Corridor, San Leandro Street, and the I-880 freeway). SCA Air-2 (as presented on page 4.2-38 of the DEIR) requires that the Project plant trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: pine (*Pinus nigra* var. *maritima*), cypress (*X Cupressocyparis leylandii*), hybrid popular (*Populus deltoids X trichocarpa*) and redwood (*Sequoia sempervirens*).
- The commenter recommends unbundled parking in new housing units to allow newly constructed parking spaces to be leased separate from the cost of rent for housing. In this way, the lower parking will also lower vehicle use in the area, which will reduce emissions and promote walkability and transit use. SCA Trans-3: Parking and Transportation Demand Management (as presented on page 4.13-41 of the Draft EIR) requires Project developments to submit a Transportation and Parking Demand Management Plan (TDM) for review and approval by the City which achieves a 20% vehicle trip reduction. TDM strategies listed in this SCA to consider include, but are not limited to selling or leasing parking spaces separately from residential units.
- The commenter recommends implementation of Transit First Design; including transit signal priority and bus bulbs, which will make operating transit more safe, efficient and

reliable in the Plan Area. As noted in the DEIR (beginning on page 4.2-42) the Project includes strategies for improving the efficiency of the existing transit system and to make transit (especially BART ridership at the Coliseum BART station) more convenient and accessible. The Project includes transit-oriented development at the Coliseum BART station, and includes plans and strategies to improve and promote greater reliance on transit as the transportation mode of choice for sporting events and other activities at the new sports and events venues. The Specific Plan provides for a mix of land uses, compact and high-density residential and commercial activities near transit, and a land use development plan that can reduce motor vehicle travel and emissions. Specific transit enhancement proposed under the Plan (see page 4.13-51) include:

- Collaborating with AC Transit to improve bus service to the Project Area by incorporating additional features into the bus network around and through the Project Area such as new bus routes or altering new routes through the Project Area to better serve the new uses, locating bus stops on far-side of intersections, and improving bus stop facilities (shelters, benches, real-time transit arrival displays, route maps/schedules, trash receptacles, etc.);
 - Realigning San Leandro Street to expand the pedestrian boarding areas for AC Transit buses and accommodate a side platform at the BART Station; and
 - Enhancing the Coliseum/Airport BART Station to provide a seamless and welcoming pedestrian connection to and from the BART Station.
- The commenter recommends prioritizing pedestrian and bicycle circulation and improvements, thereby improving air quality by reducing the need for automobiles. As noted in the DEIR (beginning on page 4.2-50) the Project includes strategies for prioritizing pedestrian and bicycle circulation and improvements, including:
 - Providing an elevated concourse (replacing the existing pedestrian bridge) connecting the BART and Amtrak stations to the Project Area and across I-880, and providing a pedestrian promenade connecting the stadium and ball park sites;
 - Providing minimum pedestrian clear zone within the sidewalk realm on both sides of streets;
 - Limiting driveways and curb-cuts to a single curb cut for each block face and maintain a level pedestrian clear zone across all driveways and curb-cuts;
 - Providing pedestrian-scale street lighting or up lighting along all streets;
 - Providing marked crosswalks across all approaches to intersecting streets and maintain dedicated curb ramps for each crosswalk;
 - Providing a Class 1 Path on the south side of 66th Avenue and providing a Class 1 Path on the east side of the Loop Road between Hegenberger Road;
 - Providing Class 2 Bike Lanes from 66th Avenue into the Project Area at the Coliseum Way intersection, and providing Class 2 Bike Lanes on A Street, adjacent to the baseball stadium;

- Providing bicycle facilities within the cross-section of the elevated concourse (replacing the existing pedestrian bridge) connecting the BART and Amtrak stations;
 - Providing bicycle facilities within the pedestrian promenade;
 - Providing bicycle parking near building entrances, pedestrian plazas, and on-street bike corrals, and a bicycle station at the special event venues; and
 - Incorporating bicycle signal actuation, bicycle boxes, two-stage turn queue boxes, and other features to facilitate bicycle travel;
 - Providing Class 2 Bike Lanes on Edgewater Drive from Hegenberger Road to the Bay Trail; and
 - Maintaining a minimum pedestrian clear zone within the sidewalk realm on both sides of Edgewater Drive;
- The commenter recommends encouraging Transportation Demand Management (TDM) Programs, such as carpool and vanpool ride matching services and transit passes for area employees, and Car Share Pods. SCA Trans-3: Parking and Transportation Demand Management (as presented on page 4.13-41 of the Draft EIR) requires Project developments to submit a Transportation and Parking Demand Management Plan (TDM) for review and approval by the City which achieves a 20% vehicle trip reduction. TDM strategies listed in this SCA to consider include, but are not limited to direct on-site sales of transit passes, provision of a transit subsidy to employees or residents who use transit or commute by other alternative modes, provision of an ongoing contribution to AC Transit services, a guaranteed ride home program for employees, pre-tax commuter benefits (commuter checks) for employees, and on-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.

B5-11: As indicated in response to Comment B5-10, each of the recommended measures are either incorporated into the Project Description or required pursuant to City SCAs.

B5-12: These lists of health effects and potential impacts are fully included in the Draft EIR's noise chapter.

B5-13: Most of the public health impacts due to environmental noise are considered in the current federal, state, county and city criteria and regulations used in the DEIR. In particular, the effects of noise on sleep, annoyance levels, speech & learning performance are taken into account in the development of the Federal, State and local regulations and ordinances mentioned in the DEIR as follows:

- Federal - The Federal Transit Agency (FTA) criteria for assessing noise impacts use the EPA "Levels" document, which takes into account annoyance, interference in sleep and speech interference.
- State - The California Noise Insulation Standards address exterior noise insulation and inter-dwelling impact and airborne sound insulation. The standards are intended to protect persons from hearing loss or impairment and interference with speech and sleep.

- Local - The Alameda County Airport Land Use Compatibility Plan (ALUCP) references the Caltrans Airport Land Use Planning Handbook, which addresses annoyance, speech, sleep, community reaction and learning and educational performance of public and private schools. The Oakland General Plan Noise Element addresses sleep and speech interference.

The literature cited in the comment demonstrates some progress in the quantitative and qualitative analysis of noise effects on cardiovascular disease, including hypertension and myocardial infarction since the original EPA research. However, many of the authors, as well as the later published (2011) Airport Use Planning Handbook, conclude that the relationship between noise and cardiovascular related diseases has not yet been sufficiently quantified. No conclusive literature or evidence was presented that demonstrate any clear effects of noise on stress and vulnerable populations. In summary, the health effects of project related noise are addressed in the DEIR by the application of the relevant noise criteria and regulations which were developed with consideration of such health effects. The references cited in the comment do not provide sufficient criteria to develop any additional, meaningful analysis of health effects from project related noise.

B5-14: The noise analysis presented in the Draft EIR uses City-established and health-based criteria as threshold levels for noise exposure. These thresholds (used in this EIR as well as all other current City of Oakland environmental reviews) are based upon noise levels found in federal, state and local regulations and policies as potentially causing interference with communication, annoyance, peace and comfort, or be injurious to health.

B5-15: The list of recommended mitigation measures included in this comment addressing noise impacts are addressed individually below:

- The commenter recommends conducting additional analysis at sensitive receptors located outside the Plan Area, and mitigating by paying for the installation of sound-rated windows where noise is expected to exceed thresholds. As indicated in the Draft EIR (page 4.10-23), future noise from the proposed new sports venues heard at existing off-site residences is expected to be similar to existing conditions, and on game days would exceed the City's noise ordinance limit of L_{33} 55 dBA by 2 to 5 dBA. Since the estimated noise levels from the new stadium and ballpark at the nearest existing residences is similar to existing conditions and just slightly greater than the noise ordinance limits, it is expected that the noise ordinance limits could be met at these existing residences with careful design of the new stadiums and their PA systems.

To clarify that this expectation is in fact a requirement of the Project, a new mitigation measure has been added to the EIR (see revisions to Chapter 4.10: Noise, in Chapter 7 of this FEIR, Mitigation Measure Noise2 A-1), requiring that the design of new sports venues consider off-site noise impacts and be designed such that there will be no increase in game day noise levels at existing off-site receptors as compared to existing conditions. With implementation of this expectation as a required mitigation measure, no off-site impacts would occur and no mitigation at off-site receivers is necessary.

- The commenter recommends including information about the health effects of noise exposure and any quantitative or qualitative estimates of predicted rates of health outcomes in disclosure statements. The Draft EIR (page 4.10-24) acknowledges that the recommendation to provide future new residents within the Project Area with full

disclosure of the presence of the sports and entertainment activities at the Stadium and Ballpark and the likelihood that noise from these sources will exceed applicable City noise standards, would not mitigate noise impacts at on-site residences to a less than significant level. The addition of information regarding the health effects of noise exposure and any predicted health outcomes would not change that conclusion or further mitigate the impact. Thus, the terms of any such a disclosure are not an EIR mitigation measure and no change or addition is necessary to satisfy CEQA.

- The commenter recommends phasing construction to prevent noise disturbances at new residential developments. As indicated in the Draft EIR (see page 4.10-20), demolition and future construction at the Coliseum District will be built out in incremental stages, and the Project will likely allow for construction of the football and baseball stadiums in advance of construction of nearby residential uses within the Project. This would minimize, to some extent, the potential impact of construction noise for these large facilities on nearby Project noise sensitive uses (such as the hotel and residences). However, in many instances, noise from construction would exceed the City's noise ordinance due to proximity of Project buildings to both existing uses and new uses. Through the implementation of the City's standard conditions of approval construction noise will be less than significant.
- The commenter recommends using stadium designs that minimize noise impacts on neighboring residential uses. As noted in the Draft EIR (page 4.10-23) it is expected that the noise ordinance limits could be met at these existing residences with careful design of the new stadiums and their PA systems. To clarify that this expectation is in fact a requirement of the Project, a new mitigation measure has been added to the EIR (see revisions to Chapter 4.10: Noise in Chapter 7 of this FEIR, Mitigation Measure Noise 2A-1), requiring that the design of new sports venues consider off-site noise impacts and be designed such that there will be no increase in game day noise levels at existing off-site receptors as compared to existing conditions.
- The commenter recommends ensuring that affordable housing development isn't concentrated in areas with the highest noise levels. The terms by which affordable housing may be included in the Project will be dependent upon the Disposition and Development Agreement as negotiated between the City and the developers. To the extent that the Project does include affordable housing, all of these housing sites would be subject to noise from open air stadiums. While there are some stadium design features that can reduce the noise, achieving the required degree of noise attenuation at all on-site residences is not considered to be realistic for an open-air stadium. Achieving the interior noise standard of 45 dBA at all proposed on-site residential areas is feasible through the use of sound-rated windows and exterior walls at the residential receiver.
- The commenter recommends installing a noise barrier at the Coliseum BART station. As noted in the Draft EIR (beginning at page 4.10-26), due to the presence of both BART and heavy rail lines, noise levels in most of the locations within the Coliseum District proposed for residential development are considered normally unacceptable. Development in these areas can generally only proceed if a detailed analysis of noise reduction requirements is conducted, and if highly effective noise insulation, mitigation, or abatement features are included in the design. The City's SCA Noise-4 will require future studies to show how interior levels would be controlled to achieve an interior Ldn

of 45 dBA. While these studies may suggest a noise barrier be developed to address BART and rail noise, highly effective noise insulation at the new residences is also a potential and likely outcome of these studies.

- The commenter recommends the City require installation of sound rated windows and walls. As described in the Draft EIR (page 4.10-27), the City's SCA Noise-4 will be required for all new residential development within the Coliseum District. This SCA (as described on page 4.10-16 of the DEIR) requires noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures be incorporated into project building design if necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and to achieve an acceptable interior noise level.
- The commenter recommends siting and orienting buildings to minimize impacts of noise, particularly on vulnerable populations. Pursuant to implementation of required SCA-4, the final recommendations for sound-rated assemblies and/or other appropriate features/measures will depend on the specific building designs and layout of buildings on the site, and shall be determined during the design phases.

B5-16: Please see further discussion on specific topics, below. Also, please note that many of the topics or issues of concern presented in this comment under the category of social cohesion, while important to the overall planning process, are not threshold topics related to CEQA.

B5-17: There is not sufficient information currently available to indicate any physical impacts that can reasonably be evaluated at this time. The commenter's suggested criteria of social cohesion or social capital are not CEQA considerations and, therefore not included in the City's established thresholds of significance for environmental review pursuant to CEQA and are not included in, or are appropriate for use in this EIR analysis.

B5-18: The commenters' analysis of health outcomes relevant to community cohesion is noted. Please see response to Comment B5-17.

B5-19: As indicated in the Specific Plan and EIR Project Description (page 3-19) the Project's urban design principles are intended to result in an attraction for people to live nearby, be designed in such a manner as to add to the overall activity of the area, provide a transition and connection from the existing adjacent neighborhoods, and create a vibrant, urban, mixed-use district.

B5-20: Please see Master Response #4 regarding issues related to Displacement and their analysis pursuant to CEQA.

B5-21: As indicated in the Draft EIR (page 4.13-148), high-traffic events (such as football games) is expected to result in about a 30% increase in traffic over the existing game-day condition with the larger Stadium. These additional trips would exacerbate already congested traffic conditions in the vicinity of the Coliseum District. To best address traffic congestion issues on game-day events, the Draft EIR (page 4.13-150) recommends implementation of an Event Traffic Management Plan (MM Trans-81) to reduce the automobile trips generated by special events and better manage the traffic traveling to and from the new venues. The Event Traffic Management Plan shall consider plans for roadway closures and manual control of traffic by police officers during peak congestion periods before and after the games, and a way-finding plan with changeable message signs on

freeways and surrounding major streets to direct patrons to available parking facilities, thereby minimizing impacts on the surrounding neighborhood to the extent practicable.

B5-22: As indicated in the responses above, most of the topics presented under the category of social cohesion, while important to the overall planning process, are not threshold topics related to CEQA. These individual recommendations that the commenter would like to be considered for the Project to better address social cohesion are addressed for informational purposes, individually below:

- The commenter recommends that the City analyze indirect displacement, provide affordable housing provisions in the Specific Plan to protect against any predicted indirect displacement, and pass additional City policies to protect existing residents from displacement, such as an impact fee. Please see Master Response #4 regarding issues related to displacement and their analysis pursuant to CEQA.
- The commenter recommends including open spaces, greenery, safe pedestrian facilities, and low-traffic streets so that social interactions are encouraged, and encourages creation of ample access to open spaces and amenities created in the Coliseum area from neighborhoods nearby, so existing residents can use these new spaces. Comment noted. Please see Master Response #7 regarding parks, open space and improvements to the public realm.
- The commenter recommends the implementation of ample lighting and CPTED principles. As indicated in the Draft EIR (page 4.1-7) new development will be required to implement SCA Aesthetics-1, which requires a Lighting Plan demonstrating that proposed lighting fixtures are adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties, and that all lighting shall be architecturally integrated into the site.

The City's Crime Prevention through Environmental Design (CPTED) process is as a way to achieve and sustain substantial reduction in crime and to improve living conditions through the City's design review process. CPTED checklists are available for residential, commercial, and civic projects and the City's Corridor Design Guidelines include specific CPTED guidelines. The City will utilize these tools as applicable within the Project.

- The commenter recommends increasing access to the Plan Area to allow surrounding neighborhoods to benefit from the Project, including access points that provide at least a ½ mile walking distance from surrounding neighborhoods. Opportunities for increased access to the Coliseum District are extremely limited due to the presence of I-880 to the west, the rail lines to the east and the elevated Hegenberger/73rd Street arterial roadway to the south. However, as noted in the Project Description (beginning on page 3-41 of the Draft EIR) the Project proposes a newly built Intermodal Transit Hub to better link BART, the Oakland Airport Connector, Amtrak, and AC Transit buses to the Coliseum District. The Intermodal Transit Hub is a proposed new building designed to facilitate interconnections, security, and legibility between each of these transit modes. The Project proposes to connect this improved Transit Hub to the Coliseum District via a substantially improved, grade-separated pedestrian concourse located along the 73rd Avenue right-of-way. This new concourse is proposed to link directly to the new Stadium and Ballpark (and potentially across I-880 to the new Arena), and to the surrounding Sports Entertainment Zone. This proposed new grade-separated concourse will substantially improve pedestrian, bicycle, and transit connections from surrounding

neighborhoods, across the Union Pacific railroad tracks, and into the Project site. Additional safety improvements at other at-grade rail crossings include bringing sidewalks into ADA compliance, replacing median curb and delineators with a raised median, adding railroad crossing warning signs, and installing a sidewalk on the south side of 75th Avenue.

- The commenter recommends ensuring the following types of uses are developed within the Plan Area: healthy and affordable food, banks and medical facilities. The Specific Plan can only provide the opportunity for such uses to be developed, and the City can only encourage and facilitate private development applications for such uses. The Plan does create multiple opportunities for such uses and the City's economic development efforts will continue to attempt to bring such uses to this community.
- The commenter recommends including public facilities, such as a recreation center and park with programming, while ensuring affordable and accessible programs to existing residents. See Master Response to Comments #7 regarding parks, open space and improvements to the public realm.
- The commenter recommends the City ensure that the broader community has access to, and can enjoy the water front and retail spaces within the Plan Area. As indicated in Master Response to Comments #7 regarding parks, open space and improvements to the public realm, the Specific Plan's open space program includes several urban design elements and public realm improvements specifically intended to promote a strong sense of community and an appealing setting, fully accessible to future Project residents as well as neighbors and the general public. Additionally, the Project proposes a pedestrian and bicycle trail along the upland edge of Damon Slough that will connect from the Coliseum BART station, around the edges of the Coliseum District, and eventually connecting to the Martin Luther King, Jr. Regional Shoreline Park along the San Leandro Bay. The Damon Slough Trail will provide a new BART-to-the-Bay pedestrian and bicycle connection not currently available, accessible to all members of the public.
- The commenter recommends implementation of Transit First Designs to enhance community cohesion. As addressed in response to Comment B5-10 above, the Project includes strategies for improving the efficiency of the existing transit system and to make transit (especially BART ridership at the Coliseum BART station) more convenient and accessible. The Project includes transit-oriented development at the Coliseum BART station, and includes plans and strategies to improve and promote greater reliance on transit as the transportation mode of choice for sporting events and other activities at the new sports and events venues. The Specific Plan provides for a mix of land uses, compact and high-density residential and commercial activities near transit, and a land use development plan that can reduce motor vehicle travel and emissions.
- The commenter recommends that the City implement pedestrian and bicycle circulation and improvements. As addressed in response to Comment B5-10 above, the Project includes numerous strategies for prioritizing pedestrian and bicycle circulation and improvements.
- The commenter recommends the City conduct a social impact assessment to understand how the project will impact the exiting culture of the surrounding neighborhood. Such an assessment is beyond the purview of this EIR and CEQA.

- The commenter recommends the City establish an ongoing Community Engagement process (an oversight mechanism where residents can sit with developers and the City to inform, consult, and collaborate in decision-making). This comment is noted and will be brought forward to City decision-makers for their consideration pursuant to their decisions on the proposed Project.

Comment Letter B6

October 15, 2014

Devan Reiff
Planning and Building Department, Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: ZS13-0103 and ER13-0004

Dear Mr. Reiff:

In regards to the Coliseum Draft Specific Plan and Draft EIR, we make the following comments and observations.

We preserve our right to review, evaluate, analyze and comment on each of the following areas as pertaining to land within City of Oakland General Plan Designations A, B, C, D and E, in advocacy of landowners and business owners that currently exist there or that will exist there in the future:

- Traffic impacts that might adversely affect business
- Impact to existing industrial land and businesses (loss of industrial land)
- Zoning and land use changes that might adversely impact business
- Introduction of residential development into the business park
- Density of residential development
- Insufficient and/or poorly designed parking and pedestrian facilities
- Overall impact of master planning on existing jobs and job creation
- Impact of new development on air quality
- Impact of development on the local residential community
- Impact of master planning on the formation and operation of a future business improvement district
- Fiscal impact of project development on city of Oakland and local businesses/landowners
- Waterfront access and the reshaping of the existing waterfront
- Displacement of businesses and landowners

B6-1

B6-2

We object at this time to a lack of public outreach in regards to the Draft Specific Plan and Draft EIR (prior correspondence appended to this letter). More meaningful and impactful outreach should occur before adoption of the Specific Plan and EIR.

B6-3

We again urge an extension of the October 17, 2014 deadline so that the local businesses can become fully educated in regards to the impact of planning on their investments.

Sincerely,

Debra Hauser
Executive Director

cc: Rachel Flynn, City of Oakland
Ed Manasse, City of Oakland
Randall Whitney, President AABA



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The Airport Area Business Association is a regional association of business and industry



Comment Letter B6

April 28, 2014

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B6-4

Mr. Gregory Hunter
Deputy Director
Office of Neighborhood Investment
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612

Dear Gregory:

We are writing to express our concern, upon learning at the City of Oakland's first public workshop on April 24th in regards to the Coliseum Area Specific Plan, of the proposed timeline for planned outreach leading to expected adoption of a DEIR and final Specific Plan this fall.

We bring to your attention the following points in this regard:

1. Aside from last Thursday's meeting, the only source of outreach to Coliseum area businesses and property owners (stakeholders) to date has been conducted via three public AABA Economic Development Committee meetings to which we invited presentation by JRDV Urban International and City of Oakland staff. The first meeting occurred on April 25, 2012, along with an update meeting on November 28, 2012 with principals of JRDV and its subcontractor Lamphier-Gregory in attendance. Having received no other news about the project in 2013, an additional update presentation was requested of City of Oakland staff and presented on February 26, 2014.

These three meetings presented Coliseum City and area master planning in general terms. No handouts were offered for attendees to take away for in-depth review. No formal comments were requested of businesses in attendance. No budgets or cost estimates were presented. These meeting segments were each 20 minutes in length and in no way thorough in nature, being simply a means for AABA to keep area businesses apprised until more formal outreach on a much larger and comprehensive scale was conducted.

2. In offering our assistance, prior to April 2012, to serve as the City's outreach arm in conducting public charrettes in regards to master planning and Coliseum City, AABA was informed this work would be outsourced to one of the development team subcontractors, Envirocom. To date, AABA has never been contacted by a principal of Envirocom or any other company seeking cooperation in conducting charrettes, nor have we, in fact, heard of any of the expected charrettes being conducted. Will these types of sessions be conducted for the benefit of area stakeholders?

The Airport Area Business Association is a regional association of business and industry

Comment Letter B6

B6-4,
cont.

3. As noted at the April 24th meeting, no document entitled "Coliseum Master Plan" has been distributed to AABA or the businesses in the Airport-Coliseum area via email or any other means. Neither does the Coliseum Master Plan appear on the City's website. This is indeed a very important document should it provide answers to many of the questions asked at Thursday afternoon's session and fill in the broad strokes we've received about the project so far. Whatever its content, according to other online City documents, what's known as the Coliseum Master Plan was published over a year ago, in spring 2013.

It is our contention the Coliseum Master Plan should have been posted not only on the City's website at the time it was published, should not only have been pushed out to stakeholder email boxes at that time as well, but should have been *specifically highlighted* by City staff on several levels as an important document to be distributed to every business in the area at the time it was made public. Now, AABA and area businesses are one year behind (and counting) in knowing what is contained in the Coliseum Master Plan.

The documents now available on the City of Oakland's website are in no way comprehensive in detailing for stakeholders with any type of specificity the overall cost of the project or how it will be achieved. There are no budgets available. Documents offered online, in general, are no longer than 15 to 20 pages in length, in large style print. Is there a document entitled "Coliseum Master Plan" that exists and offers the detail and in-depth project analysis we and stakeholders are seeking?

(Note: The Coliseum Master Plan was posted to www.oaklandnet.com this past hour, April 28)

4. Should the West Oakland Specific Plan (WOSP), now underway, serve as a template for the Coliseum Area Specific Plan, it should be noted that the series of City of Oakland workshops begun on the WOSP in September 2011 are just now in 2014, two-and-a-half years later, resulting in production of a DEIR document. While we understand there is an urgency in presenting a stadium plan that will appeal to sports team ownership, the WOSP (that has taken more than two years to get to a DEIR) is nowhere near the scale or complexity of the Coliseum project.

Moreover, an allowance of 45 days (or 60 or 90 days) for public consumption of the massive Coliseum project, involving three stadiums, housing, retail, BART reconfiguration, reshaping of our entire business park and shoreline, and the introduction of a new area transportation mode – particularly when not all documents, even as of today, have been made available – is not only unrealistic and irresponsible, it does not demonstrate basic common sense.

More time spent on outreach is needed to ensure the business community is well-versed in regards to the implications and impact at every level of the Coliseum City plan and area master planning.

While it is clear that Coliseum City and master planning offer the promise of not only providing our teams with new, state-of-the-art venues, but bringing our aging business park into the 21st century as well, our concern is that stakeholders' absorption and full understanding of these long-term development projects has taken a backseat in the rush to get to DEIR adoption.

Gregory, it is important that the local business community is heard and has ample time to evaluate the details of both Coliseum City and area master planning. It is important that area businesspeople are assured the Plan is not already set in stone and that their ideas and opinions will be considered. The type of outreach that needs to occur avoids a reactionary setting and instead encourages ongoing and meaningful dialogue between city staff and the community in regards to this critical project.

Comment Letter B6

B6-4,
cont.

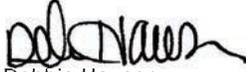
We urge you to allow as much time as needed to conduct public workshops, charrettes and other types of outreach and discussion, such as through Mr. Schwartz's suggested business advisory body, to ensure that ongoing dialogue is maintained with impacted property and business owners.

As the local business association, AABA is pleased to do all it can within its means to assist City of Oakland in getting word out about upcoming meetings. I can be reached at (510) 545-7773 should you have any questions or comments.

Also, we would appreciate having access to your meeting sign-in sheets so that we know who from the business community has been in attendance.

Thank you for your forthcoming reply to the issues presented in this letter and the manner in which future outreach shall occur.

Best regards,



Debbie Hauser
Executive Director

cc: Alton Jelks, President AABA
Hon. Larry Reid, Vice Mayor, District 7 Councilmember
Hon. Rebecca Kaplan, JPA Commissioner, At-Large Councilmember
Robert A.D. Schwartz, Oakland Commerce Corporation
Larry Gallegos, City of Oakland

Letter #B6 Response – Airport Area Business Association (AABA)

- B6-1: The AABA will continue to have opportunity to comment on this EIR through to its certification hearings before the Planning Commission and City Council, and prior to consideration of Specific Plan approval.
- B6-2: The comment on the Plan’s public outreach pertains to the merits of the planning process, which is beyond the purview of the EIR and CEQA. The City has followed all CEQA requirements for public hearings on the EIR including issuance of a Notice of Preparation (on April 19, 2013), holding two public scoping meetings (before the City Planning Commission on May 1, 2013 and before the City Landmarks Preservation Advisory Board on May 13, 2013), posting and publicizing a Notice of Availability for the Draft EIR, and holding eight public hearings and informational meetings on the Draft EIR. Additional public hearings will be held before the City Planning Commission and City Council before consideration of certification of the EIR and approval of the Specific Plan. Please also see Master Response to Comment #2 regarding the planning process.
- B6-3: The Notice of Availability (NOA) for the Draft EIR was released on Friday, August 22, 2014, with the 45-day review and comment period, as established by CEQA Guidelines (sections 15105), ending on October 6th. In response to numerous requests, the City Planning Department extended the official comment period an additional 11 days, to October 17, 2014. CEQA Guidelines, section 15105(a) also states that the public review period for a draft EIR should not be longer than 60 days except under unusual circumstances. There is nothing unusual about the proposed Project or the circumstances of its review; the 56-day public review period for the DEIR is close to the maximum suggested by statute. Please see Master Response to Comment #1.
- B6-4: This comment includes a letter from the AABA dated April 28, 2014 and addressed to Mr. Gregory Hunter, Deputy Director of the Office of Neighborhood Investment for the City of Oakland. This is not a comment on the adequacy or accuracy of the Draft EIR, but is instead a comment related to the City’s outreach efforts on the specific Plan. Please see master response to Comment #2 regarding the Planning and Public Outreach Process.

Comment Letter B7



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Devan Reiff
City of Oakland Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

October 17, 2014

Re: **Comments on the Coliseum Area Specific Plan Draft
Environmental Impact Report (City Case #ER13-0004)**

Dear Mr. Reiff:

Public Advocates welcomes the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) for the Coliseum Area Specific Plan (“Specific Plan”). We write on behalf of East Bay Housing Organizations, Communities for a Better Environment, UNITE HERE Local 2850, East Bay Alliance for a Sustainable Economy, Causa Justa :: Just Cause, and Hope Collaborative to raise serious concerns about the analysis and legal validity of the DEIR that must be addressed prior to finalization of environmental review and adoption of the Specific Plan.

The geographic scope and intensity of development contemplated by the Specific Plan will have widespread environmental impacts not just on the surrounding neighborhoods but on all of Oakland and the greater East Bay. Full and accurate environmental review is essential to ensuring that the public and decision-makers have all relevant information before making momentous choices about the direction of the Specific Plan.

The Specific Plan contemplates bringing thousands of new homes and tens of thousands of new jobs to the Coliseum Area. As discussed below, housing and employment are among the most important factors that will determine the Specific Plan’s environmental impacts. The level of impacts on traffic, air quality, greenhouse gas (GHG) emissions, and numerous other environmental factors will be determined by the affordability of homes planned for the Coliseum Area, the wages of jobs created in the Coliseum Area, and the displacement of low-income residents in surrounding neighborhoods.

In addition to other flaws, outlined in a letter by Communities for a Better Environment, the DEIR suffers from the following deficiencies under the California Environmental Quality Act (CEQA):

B7-1

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- I. The DEIR's analysis of environmental impacts is legally inadequate because it fails to:
 - A. support assumptions about household size,
 - B. account for housing affordability,
 - C. consider jobs-housing fit, and
 - D. account for displacement.

- II. The DEIR's mitigation measures and the analysis of alternatives are legally inadequate.

We recognize that the City has a strong record of promoting affordable housing, tenant protections, and career paths for local residents. It is essential to the legal sufficiency of the DEIR that the environmental implications of these issues be given full consideration. We stand ready to work cooperatively with the City to address these issues in the spirit of achieving the best result for the environment and for Oakland residents.

I. The DEIR Fails to Properly or Completely Analyze Potentially Significant Environmental Impacts

To fulfill its fundamental purpose, an EIR must “identify and focus on the significant environmental effects of the proposed project,” including “changes induced in population distribution, population concentration, [and] the human use of the land (including commercial and residential development)....” 14 CCR §15126.2(a); *see also* Pub. Res. Code §21002.1(a). Furthermore, “[a]n EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” 14 CCR §15151.

The Specific Plan and DEIR grossly under-estimate household size for the Coliseum Area, thereby under-estimating potential environmental impacts; fails to factor in affordable housing as a mitigation strategy; creates a substantial jobs-housing imbalance with serious implications for the environment; and fails to acknowledge and analyze the potential for displacement and the environmental impacts that would result.

A. The DEIR's Unsupported and Unjustifiable Assumption about Household Size Undermines Its Analysis of Many Environmental Impacts

Analysis of environmental impacts under CEQA depends on a legally sufficient and accurate project description. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 199; *City of Santee v. County of San Diego* (1989) 214 Cal. 3d 1438, 1450. The project description must be grounded in facts and analysis, rather than on “the bare conclusions of a public agency.” *See Santiago Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 831.

The DEIR projects a household size for the Coliseum Area that is significantly smaller than the surrounding area without a factual and analytical basis. The DEIR projects a household size in the Coliseum Area of about 1.86 people per household.¹ DEIR 3-72, 3-73, 4-11-22. An average household size this low would make this project an extreme outlier: 94 percent of the census tracts in Alameda County have an average household size greater than 1.86.² A more appropriate measure

B7-2

¹ Factoring in vacancy rates, the DEIR projects 5,520 occupied units, with a population of 10,240 residents, for a ratio of about 1.86 people per household.

² U.S. Census Bureau, 2012 American Community Survey 5-Year Estimates.

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would be the surrounding neighborhoods, which have an average household size nearly twice this amount – about 3.62 people per household.³ DEIR 4.11-6; Table 4.11, p.4.11-8.

This baseless assumption has serious implications for environmental impacts because it leads to a dramatic under-estimation of the number of people actually likely to reside in the project area. A household size equal to the surrounding area would result in about 9,742 additional people, or a 95 percent increase in the population. The resulting impacts on GHG emissions, air quality, traffic and transportation, pedestrian safety, utilities and public services, and other related impacts in the Coliseum Area are currently unaccounted for in the DEIR. Were the DEIR to rely on reasonable assumptions about household size, many identified impacts would be more severe and additional significant impacts would likely be identified.

B7-3

It is worth noting that any explanation for the extremely low household size assumed by the DEIR is likely to raise a host of other environmental issues not currently examined in the document. Extremely small households are likely to have distinct auto usage, income, employment, per capita energy and water consumption, and other characteristics that appear to be unaccounted for in the existing analysis. This may also exacerbate the jobs-housing fit concerns raised in Section C below.

B7-4

B. The DEIR Fails to Account for Housing Affordability in Analyzing Environmental Impacts

While the DEIR analyzes some impacts due to the new residents generated by the Specific Plan, its failure to consider the household income of new residents renders this analysis incomplete and inadequate. It is well established that household income is correlated with auto ownership rates, per capita vehicle miles traveled (VMT), transit usage, and other transportation-related behaviors.⁴ In general, lower-income households own fewer cars, drive less, and use public transportation at higher rates for both work and non-work trips.⁵

B7-5

The DEIR fails to make clear its assumptions about expected household income of occupants of the new housing to be constructed under the Specific Plan. For instance, the DEIR describes a number of factors that affect transit ridership but does not include income as one of these factors. DEIR 4.13-169. The result may be that the DEIR is under-estimating the daily vehicle trips and the resulting effects on air quality, traffic, GHG emissions, and other environmental impacts. Furthermore, although Attachment I to the Specific Plan sets a vague and inadequate target for affordable housing of 15 percent (Attachment I 7), the DEIR does not incorporate this target or any other assumptions about affordable housing into its analysis or mitigation strategies.

B7-6

³ The DEIR notes that the surrounding residential neighborhoods included 9,171 households in 2010 with a population of 33,175, for a ratio of about 3.62 people per household.

⁴ See TransForm and California Housing Partnership Corporation (CHPC), *Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy* (2014), available at <http://www.chpc.net/dnld/AffordableTODResearch051514.pdf>.

⁵ *Id.*; City of San Diego, *San Diego Affordable Housing Parking Study* (2011), available at <http://www.sandiego.gov/planning/programs/transportation/mobility/pdf/111231sdaafhfinal.pdf>; Nonprofit Housing Association of Northern California, *Miles from Home: The Traffic and Climate Impacts of Marin's Unaffordable Housing* (2011), available at http://nonprohousing.org/wp-content/uploads/Documents/Reports/Miles_from_Home.pdf.

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C. The DEIR Fails to Consider Jobs-Housing Fit in Analyzing Environmental Impacts

Moreover, the Specific Plan creates thousands of potentially low-wage jobs without providing adequate affordable housing for these new lower-income workers and their families. Job growth estimates in the DEIR do not include estimates of expected income, another inadequately justified omission, but thousands of jobs are projected in retail/restaurant, hotel, and other categories that are generally low-wage.⁶

B7-7

The estimated job growth in the Coliseum Area totals 20,970. DEIR 4.11-20. But only 5,520 new households are planned. DEIR 4.11-22. Even if all of these new housing units were occupied by Coliseum Area workers, the imbalance would result in thousands of in-commuting workers, which will have an impact on GHGs, traffic, air pollution, and other environmental conditions that must be analyzed.

As a result of the Specific Plan's inadequate and vague affordable housing strategy and target, most or even all of these low-wage workers will be forced to live elsewhere and to commute to their jobs. The further they live from their jobs in the Coliseum Area, the more VMT their work commute will generate, which in turn will increase local air pollution, GHG emissions, and traffic. It is well established that these low-wage workers are ordinarily the highest-propensity transit riders – the most likely to utilize transit and to give up their vehicles when they live near transit.⁷ The exclusion of these riders is not accounted for in the DEIR.

B7-8

By ensuring that a greater percentage of new workers would be able to find affordable housing within the Coliseum Area, these environmental impacts can be reduced. Thus, the City must further analyze the significant environmental impacts caused by lack of jobs-housing fit within the Coliseum Area and adopt affordable housing-related mitigation measures (discussed further below).

B7-9

D. The DEIR Fails to Properly Analyze the Environmental and Health Impacts of Economic Displacement

The DEIR provides a wholly inadequate analysis of displacement, concluding simplistically that because there are currently no residents in the project area, no displacement will occur. In fact, displacement in the surrounding neighborhood is likely to occur⁸, as the Specific Plan acknowledges. This displacement will have environmental impacts⁹ and significant social and economic effects, but these impacts are completely absent from the DEIR's analysis.

B7-10

B7-11

CEQA requires analysis of direct and indirect impacts, including impacts resulting from social and economic consequences of the project. 14 CCR §15064(e); see *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal. App. 3d 123, 132 (social effects of increased student enrollment and potential for overcrowding could lead to construction of new facilities and were thus relevant under CEQA; see also *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184,

B7-12

⁶ See California Employment Development Department, California Regional Economies Employment Series Data for Alameda County, available at

http://www.labormarketinfo.edd.ca.gov/California_Regional_Economies_Employment.html.

⁷ See TransForm and CHPC, *supra* note 4.

⁸ See Stephanie Pollack, Barry Bluestone, and Chase Billingham, Maintaining Diversity in America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change (Dukakis Center for Urban and Regional Policy, 2010), available at http://nuweb9.neu.edu/dukakiscenter/wp-content/uploads/TRN_Equity_final.pdf.

⁹ See TransForm and CHPC, *supra* note 4.

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1215 (EIR improperly dismissed possibility that large shopping center could drive other retailers out of business as an economic effect when urban decay and other blightlike conditions could result). The DEIR must therefore evaluate the physical, environmental, and health consequences associated with economic displacement. For example, among other steps, the DEIR should model displacement and identify likely trends in displacement, including areas likely to face pressure, number of households affected, the communities expected to absorb these households, and the location and quantity of resulting demand for additional housing construction. Similarly, the Coliseum Area plan is likely to cause displacement of residents through increased rents and evictions, which clearly have adverse effects, including on human health¹⁰, that make displacement a significant effect.

B7-13

Moreover, to analyze the impacts of displacement only on the project area, as the DEIR does here, is unlawful, inconsistent and illogical. CEQA requires that “[t]he EIR shall ... analyze any significant environmental effects the project might cause by bringing development and people into the area affected” (emphasis added). 14 CCR §15126.2(a). Specifically, an EIR must “[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” 14 CCR §15126.2(d).

B7-14

The Specific Plan explicitly acknowledges that economic displacement of residents in surrounding areas is likely to occur as a result of the Plan:

[A]s development proceeds in accordance with the Plan, there is likely to be renewed interest in investment in the surrounding East Oakland neighborhoods. As a result, property prices will be expected to rise. While existing East Oakland property owners could benefit from such an outcome, renters and prospective new homebuyers could face challenges.... Displacement of this type might occur due to an increase in rent or home prices or a building owner choosing to convert a property to condominiums that had previously been rental. Attachment I 4-5.

B7-15

The Plan explains why that this is a foreseeable outcome of the project rather than merely speculative and describes a need for affordable housing that is not reflected in the DEIR:

The median household income in the neighborhoods adjacent to the Coliseum Plan Area census tracts was \$44,420 (for the average two-person household), significantly below the Alameda County area median income of \$88,500 per household.... The majority of current residents who live near the Coliseum Plan Area are considered cost-burdened, and may have trouble affording basic necessities after paying rent.” Attachment I 4.

¹⁰ See City and County of San Francisco Department of Public Health, The Case for Housing Impacts Assessment: The Human Health and Social Impacts of Inadequate Housing and Their Consideration in CEQA Policy and Practice (May 2004), available at <http://www.sfhealthequity.org/component/jdownloads/finish/6-housing/136-the-case-for-housing-impacts-assessment/0?Itemid=101>, at 5-11 (noting that “[r]esidential displacement or the permanent loss of area affordable housing can be expected to lead to diverse health effects,” including increased psychological and physiological stress, poverty, job loss, overcrowding, homelessness, segregation, and demand for transportation systems and social services, as well as decreased housing safety, indoor air quality, social support, and social cohesion); Shireen Malekafzali and Danielle Bergstrom, Healthy Corridor for All: A Community Health Impact Assessment of Transit Oriented Development Policy in St. Paul, Minnesota, Technical Report, PolicyLink (2011), available at http://www.pewtrusts.org/~media/Assets/0001/HealthyCorridorTechnicalReport_FINAL.pdf?la=en, at 61 (“Displacement can have several negative health outcomes, including increases in infectious disease, chronic disease, stress, and impeded child development....”).

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Nevertheless, the DEIR makes no finding on displacement in the surrounding communities, merely concluding that “[d]evelopment under the proposed Project would not displace any people residing in the Project Area” because “[t]he Coliseum District and the rest of the Project Area do not include any residential population.” DEIR 4.11-27.

Clearly, a project of this scale would have impacts on the surrounding area, and the DEIR itself touts the benefits to surrounding communities and Oakland at large. The DEIR acknowledges the *positive* housing and economic impacts of investment on surrounding neighborhoods without noting the obvious negative impacts of displacement that accompany such improvements. For instance:

New investments in the area with development of new sports facilities and a mix of retail/dining/entertainment activities in the Coliseum District would enhance the attraction for people to live nearby and for new residences to be built in surrounding areas. The improvements would enhance the feasibility of market-rate housing development in surrounding areas over time. The result could be more TOD housing developed sooner than otherwise, and potentially a larger amount of new housing at and around the BART station because of the enhanced desirability of the larger area. DEIR 4.11-26.

B7-16

It goes on to note that “overall, the proposed Project would facilitate employment and population growth in the Project Area and in Oakland...” (DEIR 4.11-27), which would inevitably induce demand for new housing and supportive uses.

Due to the specific vulnerability of surrounding low-income tenants, a foreseeable impact of the Specific Plan is that market pressures will lead to displacement and an ongoing shortage of homes affordable to low-income households in the adjacent communities. This will force lower-income residents to move to far-flung areas where housing is more affordable, potentially requiring the building of new housing, and almost certainly resulting in an increase in auto trips and VMT as displaced residents drive to work, school, worship, social services and other necessities of life, thus inducing “changes ... in population distribution.” See 14 CCR §15126.2.

B7-17

Despite this acknowledgement that the area will be more attractive to market-rate development and new residents, and CEQA requirements to consider such impacts beyond the Project Area, the DEIR nonetheless concludes that displacement will not occur. By ignoring displacement, the DEIR omits an important analysis of environmental impacts. Replacement of low-income residents who are high-propensity riders with higher-income residents who are not may increase GHG emissions, VMT, traffic, and air pollution.¹¹ CEQA requires that these impacts be fully analyzed and mitigated.

B7-18

II. The DEIR Fails to Consider or Incorporate Feasible Mitigation Measures

Public agencies are required to describe and discuss mitigation measures that could minimize *each* significant environmental effect identified in an EIR. See Pub. Res. Code §§21002.1(a)-(b), 21081.6(b); see also 14 CCR §15126.4. Mitigation measures are “the teeth of the EIR” because “[a] gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, 1039. Such measures must be at least “roughly proportional” to the impacts of the project, and must not be remote or speculative. 14

¹¹ See TransForm and CHPC, *supra* note 4.

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CCR §15126.4(a)(2)(B) (citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994)); see also *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261. They must be “fully enforceable through permit conditions, agreements, or other legally binding instruments.” 14 CCR §15126.4(a)(2).

Indeed, a project should not be approved “as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of the project.” Cal. Pub. Res. Code §21002; see also 14 CCR §15002(a)(3) (agencies must prevent avoidable damage “when [it] finds [mitigation measures] to be feasible”). In order to be deemed feasible, mitigation measures must be successfully achievable within a reasonable period of time. See *Napa Citizens*, 91 Cal. App. 4th at 365. Deferring the specifics of a mitigation measure to the future does not fulfill these requirements. See 14 CCR §15126.4(a)(1)(B) (“Formulation of mitigation measures should not be deferred until some future time.”).

Mitigation measures or alternatives that address the proportion of affordable housing and the risk of displacement are feasible and should be discussed. See 14 CCR §15131(c) (“Economic, social and particularly housing factors shall be considered by public agencies ... in deciding whether change in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.”). Because, as described above, housing affordability and displacement bear on the significance of environmental impacts discussed in the DEIR, it follows that concrete measures addressing housing affordability and anti-displacement measures are feasible methods for alleviating the identified environmental impacts.

B7-19

Because the DEIR identified significant environmental impacts, feasible mitigation measures that would substantially lessen those impacts must be discussed. These include air quality impacts from new development that “would result in operational average daily emissions of criteria pollutants ... that would exceed applicable threshold criteria” (DEIR 2-14), traffic impacts (DEIR 2-15), and GHG emissions (DEIR 4.6-41, 4.6-34).

A. The DEIR Must Consider Policies to Mitigate Environmental Impacts Caused by Displacement

As discussed above, the DEIR’s analysis of displacement is fundamentally flawed. It concludes that displacement will not occur in the Project Area, without considering the potential for displacement in the surrounding neighborhoods, despite a recognition in the Specific Plan’s Attachment I that displacement is likely to occur.

B7-20

When properly analyzed, displacement impacts are likely to be significant, necessitating a discussion of mitigation measures. The DEIR must discuss and incorporate feasible anti-displacement measures, such as implementing a jobs-housing impact fee, dedication of land for affordable housing, creation of a land trust, provision of deed-restricted affordable housing, and inclusion of stronger tenant protections.

In fact, the Specific Plan itself proposes affordable housing as a mitigation measure to address displacement and its associated environmental impacts:

It is imperative that a strategy to ensure affordable housing is available to all existing and future residents, especially since having affordable rents targeted to 30 percent of household income both stabilizes low income residents, and provides these households with

B7-21

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expendable income for other living and recreating expenses. Therefore, both market-rate and below-market rate units will be needed to meet the needs of existing and future residents. Attachment I 4.

The failure of the DEIR to even consider modifications to the Specific Plan that the Specific Plan itself suggests would mitigate numerous identified environmental impacts renders the document legally inadequate.

B. The DEIR Must Consider Affordable Housing Policies and Alternatives that Would Mitigate Identified Significant Environmental Impacts

The DEIR should discuss reasonable alternatives and identify those that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” 14 CCR §15126.6(a); see *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564-65; see also *Save San Francisco Bay Ass’n v. San Francisco Bay Conserv. & Dev. Comm’n* (1992) 10 Cal. App. 4th 908, 919. Stated another way, the EIR should discuss alternatives “which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.” 14 CCR §15126.6(b). A “feasible” alternative is one “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” *Citizens of Goleta Valley*, 52 Cal. 3d at 565 (citing Pub. Res. Code §21061.1; 14 CCR §15364).

An alternative that includes housing affordable to some of the hundreds or thousands of low-wage workers in the Coliseum Area would reduce environmental impacts, is completely feasible, and would not substantially alter or impede the primary objectives of the project. Even if such an alternative were not feasible, an EIR may omit an alternative deemed infeasible from detailed consideration only if it provides analysis that explains in meaningful detail the reasons and facts supporting its conclusion. *Marin Municipal Water District v. KG Land Cal. Corp.* (1991) 235 Cal. App. 3d 1652, 1664. The DEIR has failed to do even this preliminary analysis.

B7-22

The DEIR notes that “[d]evelopment at the Coliseum Area would reduce transportation related GHG emissions compared to emissions from comparable development in less central locations” because of the project’s “immediate proximity to multiple forms of transit...” DEIR 4.6-44. While this may be true, the *legally relevant* question is whether there are mitigations that can be added to the proposed project that will lessen the environmental impacts of the Specific Plan. Including housing affordable to low-wage workers near transit would meaningfully mitigate impacts on GHG emissions, traffic, and numerous other impacts because lower-income residents are more likely to use the transit and to reduce their VMT than higher-income residents, who are more likely to stay in their cars.¹² Protecting existing low-income residents, who are high-propensity transit riders, from displacement would have similar effects.

B7-23

These dynamics are borne out in state policy. Affordable housing in TOD is a key component of California’s greenhouse gas reduction strategy, receiving \$65 million of this year’s Cap-and-Trade revenue and 10 percent of ongoing appropriations.¹³ Furthermore, motor vehicle use is the largest

¹² *Id.*

¹³ California State Budget 2014-15, Cap and Trade Expenditure Plan 43, available at <http://www.ebudget.ca.gov/FullBudgetSummary.pdf>.

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source of ozone precursors, carbon monoxide and particulates in the Bay Area.¹⁴ Affordable housing opportunities allow lower income households who might otherwise be forced to live farther away from work to live and work in the same community, further reducing pollution and traffic congestion.

Note that in its current form, the Specific Plan's 15 percent affordable housing target is too speculative to qualify as a mitigation measure in its current form (Attachment I 7). While we commend the goal of including homes affordable to low and very-low income housing in the plan, that commitment must be made concrete and enforceable in order to satisfy CEQA's mitigation requirement. *See* 14 CCR §15126.4(a)(2). Moreover, the DEIR should study the additional benefits that would come from increasing the percentage of affordable homes and targeting the units to households of lower incomes.

B7-24

C. The DEIR Must Consider Jobs Policies that Would Mitigate Identified Significant Environmental Impacts

As described above, the Specific Plan anticipates thousands of potentially low-wage jobs in retail, service and entertainment. If workers are unable to afford homes in the project area, these workers will have to live elsewhere and commute long distances that result in increased VMT, GHG emissions, traffic, air pollution, and other environmental impacts. The Specific Plan acknowledges the need for effective jobs policies (Attachment I 1-2), but the DEIR does not evaluate the potential of such measures to influence commuting and to mitigate environmental impacts. This omission is a significant legal flaw.

B7-25

B7-26

For all of the reasons stated above, the DEIR must do more to comply with CEQA. In light of the serious issues identified above and in the comment letter submitted by Communities for a Better Environment, and the extent to which correcting those deficiencies will likely affect the DEIR, recirculation after these deficiencies have been addressed is highly advisable. In any event, we look forward to the City's reasoned response, including a good faith rationale for rejections of specific comments. *See* 14 CCR §15088. We look forward to working with you.

B7-27

Sincerely,



David Zisser
Staff Attorney
Public Advocates, Inc.

¹⁴ Bay Area Air Quality Management District, Air Quality in the Bay Area, Air Pollutants, available at <http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Pollutants.aspx>.

Letter #B7 Response – Public Advocates

- B7-1: This comment is an introductory overview of following comments, which are individually addressed below.
- B7-2: The Project assumes development of up to 5,750 total residential units. Of this total, 1,786 units are proposed as mid-rise townhouse-type developments near the BART station, and the remaining 3,964 units are all either within high-rise buildings in the Coliseum District or the moderate-rise buildings along the waterfront (Sub-Area B). The DEIR population estimates assume an occupancy factor of 96% (i.e., a 4% vacancy factor, consistent with Oakland statistics on new housing), for a total of 5,520 new households. Consistent with the densities of new and recently approved high-rise building types in Oakland, the Draft EIR used a density factor of 2.2 persons per household for the BART station TOD units, and a 1.7 person per household ratio for the proposed high rise buildings. Using these vacancy factors and population density factors, the resulting total population for the Project is calculated at 10,240 people (or an average density of 1.86 persons per household).⁸ It is acknowledged that the density factors used for the Project are not the same as the densities of the surrounding neighborhoods. This is primarily because the housing types being proposed under the Project are a much different and more densely developed housing type than exists in the surrounding neighborhoods, which are predominately either single family neighborhoods or 3 to 4-story town homes.
- B7-3: This comment fails to recognize several important factors underlying the Project Description. First, as indicated in response to Comment B7-2, above, the population densities for the project are consistent with the densities of new and recently approved high-rise building types in Oakland. These densities are driven largely by the relatively high number of comparably small units within this building type. For example;
- Within the Coliseum District there is approximately 46.5 acres of land identified for residential use (i.e., the Sports Neighborhood, and the BART TOD Neighborhood). On these 46.5 acres, the Project assumes approximately 5 million square feet of new residential building space, yielding a total of 4,000 new residential units at a density of 86 units per acre, and a total population of 7,385 people. These densities would result in a gross average unit size (dividing the total building space by the total number of units) of approximately 1,250 gross square feet per unit (or an approximate net of 940 square feet within each unit).
 - If this same 5 million square feet of high-rise residential building space were instead developed to accommodate larger individual units capable of accommodating a higher persons per household ratio (for example, a gross average unit size of 2,500 square feet, or a net of 1,800 square feet within each unit), it would instead result in a total of 2,000 residential units. Even at 3.6 people per household, the resulting population would be approximately 7,200 residents, slightly lower than that projected for the Project.
 - Under a completely different scenario, if the 46.5 acres of land identified for residential use were developed with 3 to 4-story townhome products at densities of up to 20 units

⁸ For comparison purposes, the Lake Merritt Specific Plan EIR contains an assumed ratio of 2.1 persons per household, the Broadway Valdez Specific Plan EIR uses a ratio of 1.87 people per household, and the 3093 Project Initial Study relies on a ratio of 1.8 people per household.

per acre (similar to densities of surrounding townhomes in the vicinity), that development type would yield approximately 930 total units. At 3.6 people per household, the resulting population would be approximately 3,350 residents, or less than one-half the population projected for the Project.

Contrary to this comment, a larger population per household ratio would translate to a commensurately larger dwelling unit, or even a completely different building type than assumed for the Project, and result in a lower overall population for the Project Area.

Secondly, the Project Description (page 3-17 of the DEIR) defines that the ultimate development potential for the Coliseum District is based on a “Trip Budget” that defines the maximum number of vehicles which can enter or exit the Coliseum District during the regular weekday PM peak hour period, not including those trips generated by sports or other events at each of the three new venues. This Trip Budget approach provides the City with a planning tool that enables maximum flexibility to respond to future sports venue scenarios and future development applications within the Coliseum District, but also provides certainty as to the potential off-site environmental effects that may result from these various scenarios. Future development within the Coliseum District may vary from the density, type, or location of use as shown in the Coliseum City Master Plan, but must remain within the limits of the weekday PM peak hour Trip Budget. Thus, the maximum number of vehicle trips and their associated air quality and greenhouse gas emissions are fully accounted for within the Draft EIR, even if the Project’s assumptions about building types, densities and per household population ratios vary over time.

- B7-4: As indicated in response to Comment B7-2, the Project does not assume an “extremely low household size”, and in fact is comparable to the household sizes used for other City of Oakland Specific Plans. Additionally, the Draft EIR has not relied on distinctly different “extremely small household” factors in calculating auto usage, employment, per capita energy and water consumption, or other characteristics.
- B7-5: As indicated on page 4.13-52 of the Draft EIR, the trip generation estimated for the Project are based on the MXD methodology which provides a straightforward and empirically validated method of estimating vehicle trip generation at mixed-use developments, sponsored by the US Environmental Protection Agency’s national study of the trip generation characteristics of multi-use sites. Based on travel survey data gathered from 239 mixed-use developments in six major metropolitan regions and correlated with the characteristics of the sites and their surroundings, the MXD methodology estimates the amount of external traffic that a mixed use development would generate by reducing the ITE-based estimates to account for internal trips and external non-auto trips. Although the Specific Plan includes policies and strategies (such as implementation of a robust TDM program), and provides incentives and infrastructure improvements that encourage walking, biking and transit to reduce single-occupant automobile trips and parking, the trip generation assumptions used in this analysis do not account for the effectiveness of the TDM program and similar policies in order to present a more conservative analysis. Therefore, the trip generation assumptions used in the EIR are empirically validated through this US EPA study and are not under-estimated.
- B7-6: Comments regarding housing affordability do not address the Specific Plan’s physical impact on the environment nor other aspects pertinent to the potential effects of the Specific Plan on the environment, and thus are beyond the purview of the EIR. While not a CEQA issue, affordable

housing is a policy issue that is addressed in the Specific Plan, and the provision of affordable housing choices is a concern and goal for the City of Oakland that must be addressed comprehensively, on a citywide basis.

- B7-7: As noted on page 4.11-22 of the Draft EIR, “Employment growth in the Project Area would provide job opportunities for workers with a range of skills and experience. The sports/ retail/ restaurant/ hotel business activities support jobs in a range of occupations including managerial and business operations, sales, food preparation and service, protective services, installation and production services, facilities support services, and maintenance and repair. The science and technology business activities support employment in a range of professional, technical, and scientific occupations as well as office and administrative support, managerial, and production occupations. The mix of light industrial, manufacturing, and distribution/logistics business activities support employment in production, transportation and materials moving, construction, office and administrative support, and installation, maintenance, and repair occupations.

As indicated in response to Comment B7-5, the Draft EIR’s use of the MDX model and methodologies account for the amount of external traffic that this mixed use development would generate, including in-commuting workers. Please also see the estimates of jobs within the Project Area by job type in Master Response #5 regarding the Types of Jobs Anticipated under the Project.

Regarding the jobs-housing balance, the Draft EIR indicates (on page 4.11-33) that, “Cumulatively, city-wide growth of employed residents in Oakland is projected to exceed the growth of jobs over time, and total employed residents of the city are anticipated to exceed the total number of jobs in Oakland in the future. Thus, cumulatively, the substantial growth of housing and population anticipated to occur throughout the city could accommodate the number of additional workers in development under the proposed Project, as well as the number of additional workers associated with other cumulative job growth. In addition, from the citywide perspective, the role of the proposed Project in supporting economic development and job growth will be particularly important for maintaining a “balance” of jobs and housing in Oakland. Citywide, job growth is anticipated to lag the growth of employed residents in the future, even with the proposed Project supporting 25 percent of future citywide job growth. Without the proposed Project, the balance of jobs and housing in Oakland would tilt toward Oakland becoming more of a bedroom community, accommodating proportionally more residents who work in nearby cities and elsewhere in the Bay Area.

- B7-8: As indicated in response to Comment B7-5, the Draft EIR’s use of the MDX model and methodologies account for the amount of external traffic that this mixed use development would generate, including in-commuting workers. The Specific Plan anticipates that a large share of in-commuting workers (of all wage levels) will take advantage of the large number of transit opportunities available at the Coliseum site (including BART, Amtrak and AC Transit), whereas the DEIR conservatively assumes that only 23% of the PM peak hour trips generated by the Project will take advantage of transit.
- B7-9: The MDX model used in the Draft EIR accounts for a certain number of internal trips and non-auto trips associated with workers who also reside within the Project site. If more workers within the Project were also to decide to be residents of the Project as well, the percentage of internal trips might increase. This would be true regardless of income levels or affordability.

Comments regarding housing affordability do not address the Specific Plan's physical impact on the environment nor other aspects pertinent to the potential effects of the Specific Plan on the environment, and thus are not CEQA issues and are beyond the purview of the EIR.

- B7-10: In response to this comment and all following comments in the Public Advocates' letter related to displacement, please see Master Response #4 regarding direct and indirect displacement, and the analyses of these issues as included in the EIR pursuant to CEQA requirements.
- B7-11: Please see Master Response to Comment #4 regarding Gentrification and Displacement, in particular those sections dealing with Comments Regarding Indirect Displacement and Response to CEQA Considerations. Please also see Master Response to Comments #5 regarding the types of jobs anticipated under the Project (including new additions to Chapter 4.11: Population and Employment), and response to Comment B7-9 above regarding the applicability of the City's Jobs/Housing Impact Fee and Affordable Housing Trust Fund.
- B7-12: Please see Master Response to Comment #4 regarding Gentrification and Displacement, in particular those sections dealing with Comments Regarding Indirect Displacement and Response to CEQA Considerations.
- B7-13: Please see Master Response to Comment #4 regarding Gentrification and Displacement, in particular that section titled Response to Non-CEQA Considerations Related to Gentrification and Displacement.
- B7-14: The Draft EIR analyzes the potentially significant environmental effects that the Project might cause by bringing development and people into the area (see also responses to Letter B5, above). Chapter 4.11 of the Draft EIR provides a lengthy discussion of the potential for the Project to foster economic and population growth, including the construction of additional housing, either directly or indirectly, in the surrounding environment (see Draft EIR, Impact PHE-4 beginning at page 4.11-31, and Master Response to Comments #4 regarding Gentrification and Displacement under the heading Indirect Displacement).
- B7-15: Please see Master Response to Comments #4 regarding Gentrification and Displacement, particularly under the heading Response to Non-CEQA Considerations Related to Gentrification and Displacement, specifically that section pertaining to the City's overall affordable housing strategy.
- B7-16: Please see Master Response to Comment #4 regarding Gentrification and Displacement. The analysis regarding growth inducement (Contributions to Future Housing and Population Growth in Oakland, presented on pages 4.11-26 through -27, and under Impact PHE-4 beginning at page 4.11-31) is an objective assessment of whether development facilitated by the proposed Project would induce substantial population growth in a manner not contemplated in the General Plan, either directly or indirectly. As a result, the Project's role in supporting economic development and job growth "will be particularly important for maintaining a balance of jobs and housing in Oakland. Citywide, job growth is anticipated to lag the growth of employed residents in the future, even with the proposed Project supporting 25 percent of future citywide job growth. Without the proposed Project, the balance of jobs and housing in Oakland would tilt toward Oakland becoming more of a bedroom community, accommodating proportionally more residents who work in nearby cities and elsewhere in the Bay Area."

- B7-17: Please see Master Response to Comments #4 regarding Gentrification and Displacement, and in particular the section headed, “Response to CEQA Considerations”.
- B7-18: Please see Master Response to Comments #4 regarding Gentrification and Displacement, and in particular the sections headed, “CEQA Considerations Related to Displacement” and “Response to CEQA Considerations”. The MDX model used in the Draft EIR accounts for internal trips and non-auto trips associated with workers who also reside within the Project site, and the trip generation rates (as presented on page 4.13-53) account for a 23% transit ridership mode split.
- B7-19: As indicated in Master Response to Comments #4 regarding Gentrification and Displacement, it would be far too speculative to assess the potential secondary physical impacts that might result from indirect displacement. Therefore, mitigation measures are not required to address a CEQA-related impact.
- B7-20: As indicated in Master Response to Comments #4 regarding Gentrification and Displacement, it would be far too speculative to assess the potential secondary physical impacts that might result from indirect displacement. Therefore, mitigation measures, beyond those already identified in the Draft EIR related to air quality, transportation and GHG emissions, are not required to address a CEQA-related impact. Master Response to Comments #4 also provides a list of existing and potential future City-sponsored affordable housing programs which could benefit from revenues derived from the Coliseum Area development projects. This list includes many of the strategies included in the comment.
- B7-21: As stated in the Draft Specific Plan, an affordable housing strategy is needed to stabilize low income residents and provide these households with expendable income for other living and recreating expenses, but the Draft Specific Plan does not call for an affordable housing strategy as a means to mitigate environmental impacts. The City of Oakland does have a strong record of promoting affordable housing, tenant protections and career paths for local residents. This strong record is based on City-wide policy direction, and not a product of mitigation through the separate CEQA process.
- B7-22: As indicated in Master Response to Comments #4 regarding Gentrification and Displacement, it would be far too speculative to assess the potential secondary physical impacts that might result from indirect displacement. Therefore, mitigation measures or alternatives to the Project specifically including affordable housing are not required to address a CEQA-related impact.
- B7-23: Please see response to Comment B7-18, above
- B7-24: As indicated in Master Response to Comments #4 regarding Gentrification and Displacement, gentrification and indirect displacement that does not have environmental effects that can reasonably be evaluated are not considered part of the permanent physical environment, and thus are not environmental issues requiring analysis under CEQA. The City does not have thresholds of significance related to these issues. Furthermore, it would be far too speculative to assess the potential secondary physical impacts that might result from indirect displacement. Therefore, mitigation measures or alternatives to the Project, specifically including enforceable affordable housing ratios, are not required to address a CEQA-related impact.
- B7-25: Please see Master Response to Comments #4 regarding Gentrification and Displacement.

- B7-26: As indicated in Master Response to Comments #4 regarding Gentrification and Displacement, the City's Department of Economic and Workforce Development (EWD) manages several programs intended to facilitate workforce development and job training. These programs, which are listed in this Master Response, could be further subsidized through the City's reinvestment of taxes and other revenue derived from the Coliseum development back into the local community. Social and economic effects that do not have environmental effects that can reasonably be evaluated, are not considered part of the permanent physical environment, and thus are not environmental issues requiring analysis under CEQA. The City does not have thresholds of significance related to these issues. Therefore, mitigation measures or alternatives to the Project, specifically including job opportunities and career pathways, are not required to address a CEQA-related impact.
- B7-27: Comment noted. This comment does not identify any new significant environmental impacts resulting from the Project, no substantial increases in the severity of a previously identified environmental impact, and no feasible alternative or mitigation measure that would clearly lessen the significant environmental impacts of the Project. No comments have raised any issues that demonstrate the Draft EIR was fundamentally or basically inadequate or conclusory in nature, or that meaningful public review and comment were precluded. The information presented in the Draft EIR and in this Response to Comment document supports the City's determination that recirculation of the Draft EIR is not required.



Comment Letter B8

Ohlone Audubon Society

Dear Mr. Devan Reiff
City of Oakland Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Oakland Planning Commission Chair, and Planning Commissioners,

RE: Coliseum Area Specific Plan, Draft Environmental Impact Report (DREIR)
SCH #2013042066, City Case #ER-130004

The Ohlone Audubon Society (OAS) would like to take this opportunity to advise you of concerns we have regarding the proposed Oakland Coliseum Specific Area Plan (Coliseum City). OAS is a Chapter of the National Audubon Society. Our organization works to preserve the natural world through education, conservation, and advocacy. Our Chapter regularly holds field trips to several locations along the San Leandro Bay Shoreline to share our appreciation of birds and their habitats.

We are extremely concerned the Coliseum City plan as proposed could have significant direct and indirect adverse impacts on avian species and other wildlife for several reasons. The plan proposes residential and mixed use development right along the edges of the San Leandro Bay Shoreline (an example is the Waterfront Residential District). The proposal for the Waterfront Residential District, is to "create a more publicly accessible waterfront along San Leandro Bay..." This will lead to adverse impacts to avian species and other wildlife, by increasing the intensity and duration of human disturbance. Other significant disturbance factors would be an increase in light pollution, an increase in disturbance commiserate with domestic pets and nuisance species/predators, an increase in noise disturbance, etc.

B8-1

B8-2

Another factor that has not adequately been considered, are the adverse impacts of future flood protection necessitated by the proposed construction of development right up to the shoreline. This might be a direct adverse impact to avian and wildlife species through removal of potential upslope escape habitat for wildlife by new development or armored flood protection. Or through the erosion of adjacent wildlife habitat as wave energy is reflected off sea walls or other areas of armored flood protection.

B8-3

Arrowhead Marsh is adjacent to the proposed Waterfront Residential District. The Marsh is a regular destination for Ohlone Audubon field trips (and for many other Audubon Chapters), not only because of the diversity and number of birds that can easily be viewed there, but also because this area supports one of the few core populations of the Federally and State listed endangered Ridgway's Rail (formerly California Clapper Rail). Visitors to this area are often treated to the sounds of the endangered rail calls, and if very lucky, a glimpse of the bird as well.

Comment Letter B8

Arrowhead Marsh and San Leandro Bay are regionally important natural resources, and should be viewed by the City of Oakland as an incredible assets that must be protected. The specific area plan should be re-envisioned to incorporate a broader greenbelt along the shoreline that can provide a wonderful open space amenity for the public, provide some measure of flood protection and actually provide a buffer for important wildlife areas, as opposed to the narrow band currently proposed.

B8-4

Another issue of concern, is the proposal to zone the Edgewater Seasonal Wetlands Area as residential and mixed-use. This site is a Clean Water Act wetlands mitigation site. The site is NOT owned by the City of Oakland, rather, it is owned by the East Bay Regional Park District. A deed exists that states, The Damon Slough Property **shall be maintained in perpetuity** for wildlife habitat preservation, resource enhancement, wetland preservation, creation and enhancement and public access." We are appalled the City would propose future development of this area. Instead, it would be more appropriate for the City to re-envision its plans for the shoreline as suggested above, incorporate the Edgewater Seasonal Wetlands site (Damon Slough Property) into a broader shoreline greenbelt. This would not only be an important amenity for the City, but would also be consistent rather than counter to climate change adaptation strategies.

B8-5

Thank you for the opportunity to provide comments. Please keep us apprised of future opportunities to provide comments.

Sincerely,

Evelyn Cormier
Ohlone Audubon Society President

Letter #B8 – Ohlone Audubon Society

- B8-1: Potential impacts associated with the proposed Waterfront Residential District, including potential adverse impacts to avian species and other wildlife by increasing the intensity and duration of human disturbance, were fully identified in the Draft EIR. As indicated in the Draft EIR (beginning at page 4.3-51), direct and indirect impacts on special status birds and bats could occur from construction activity through disturbance from noise, truck traffic and works, as well as direct impacts through removal of nesting habitat. The Draft EIR also indicates that new development along Damon Slough and the San Leandro Bay would increase the number of people using this area along the shoreline, resulting in increased disturbance and harassment of special status or otherwise protected wildlife. As identified in the Draft EIR, the Project would be required to implement SCA Bio-1: Operational Noise-General, SCA Bio-2: Pile Driving and Other Extreme Noise Generators, SCA Bio-4: Tree Removal Permit on Creekside Properties, SCA Bio-5: Tree Removal During Breeding Season, SCA Bio-6: Tree Removal Permit, SCA Bio-7: Tree Replacement Plantings, SCA Bio-8: Tree Protection During Construction, SCA Bio-11: Creek Protection Plan, and SCA Bio-14: Creek Landscaping, to reduce impacts on special status bird species. Additionally, the Draft EIR identifies the requirement (pursuant to SCA Bio-12) to obtain all necessary regulatory permits and authorizations, including compliance with all required conditions pursuant to those permits or authorizations, to ensure that potential impacts to sensitive status species are minimized.
- B8-2: Potential impacts associated with development along the edges of the San Leandro Bay Shoreline, including an increase in light pollution, an increase in disturbance commiserate with domestic pets and nuisance species/predators, and an increase in noise disturbance, were also identified in the Draft EIR. As indicated beginning on page 4.3-64; “Indirect disturbance includes noise, night lighting, altering of surrounding habitat through vegetation removal, and flight path obstruction. . . The proposed Project will likely increase the number of people using these recreational facilities and build additional trails along Damon Slough and improve trails along Elmhurst Creek. This has the potential to cause disturbance to migratory bird species through increased noise and presence of people and pets. Feral cats are also associated with human presence. Increased noise could prevent birds from receiving acoustic signals for nest exchanges, feeding, and predator alarm. Increased noise has been shown to impact nestling response to adults (Leonard et al. 2012). These factors already exist and are tolerated well by the many species currently using the area. An increase in all of these pressures is anticipated but there are no standard metrics by which to quantify the potential impacts.”

As indicated on page 43.-66 of the Draft EIR; “For impacts of increased recreation and residential facilities on migratory birds, implementation of SCA Bio-1: Operational Noise and SCA Bio-2: Pile Driving and Other Extreme Noise Generators, will reduce construction-related noise impacts to a less than significant level. For impacts of potential avian collisions with buildings and night lighting on migratory birds, the City of Oakland has adopted strategies to make the City safer for birds. The City of Oakland has adopted bird safety measures as part of their Standard Conditions of Approval. Implementation of SCA Bio-3: Lighting Plan and SCA Bio-17: Bird Collision Reduction would result in measures to reduce bird strikes, including night lighting recommendations and restrictions, and building maintenance guidelines. To ensure maximum effectiveness of these SCAs at the Project site, the consulting biologist recommends the following specific features be implemented pursuant to SCA Bio-3: Lighting Plan to minimize the potential negative effects of artificial light from future trails and walkways on migratory birds and specifically the California clapper rail and salt marsh harvest mouse:

- Acorn-style lights that are International Dark Sky Association approved "Dark Sky Friendly" will be installed. This type of lighting ensures 0 percent light above 90 degrees, directs light downward and minimizes the amount of backward and side lighting, thereby reducing light pollution on habitat and animals in the surrounding area.
- Use only the lowest luminaire wattage that still provides safe conditions for vehicular traffic, bicyclists, and pedestrians.
- If possible, correlated color temperature (an indication of how "warm" or "cool" the light source appears) ranges of the light source to be between 3800 and 4000 Kelvins. This range corresponds to "warm" light that would be less disturbing to animals.
- Lights shall be directed away and/or screened from Damon Marsh and Arrowhead Marsh."

If approved, the proposed Project would be required to comply with SCA Bio-3: Lighting Plan, including the biologist's implementation recommendations identified above to ensure reduction of potential impacts to special status breeding birds and bats to a level of less than significant. Also, as indicated on page 4.3-47, it is anticipated that regulatory agency permits (as required pursuant to SCA Bio-12) will require conditions pursuant to those permits or authorizations to ensure that potential impacts to sensitive status species are minimized, likely including on-leash restrictions for dogs, and potentially fencing required along areas where publicly accessible trails are adjacent to sensitive biological resources.

B8-3: As shown in the Draft EIR (Figure 4.8-2), the only portions of the Project Area identified as being within a 100-year flood zone are those areas within the banks of the on-site drainage channels along Elmhurst Creek and Damon Slough. All development areas proposed under the Project are located in areas outside of these existing creek channels, and thus no development will occur within the current 100-year flood zone. As noted on page 4.8-31, the sources of tsunamis that are most likely to affect the Bay Area are very rare, and there is little historical record of past events that would enable the ability to evaluate the probability of such an event occurring, or of flooding the Project Area. Therefore, the potential impact from tsunamis is considered less than significant.

However, as also noted in the Draft EIR (page 4.8-31), the Project Area is entirely affected by estimated sea level rise (including base seal elevation, storm events and wind waves) based on projected 16" and 55" sea level rise scenarios (BCDC, 2008). As noted in Master Response to Comments #8 regarding sea level rise, the City of Oakland's Resilient Cities Program staff and their consultants have reviewed the information presented in the Draft EIR and Draft Specific Plan related to sea level rise, and have developed additional and/or modified recommendations for sea level rise adaptation strategies. These newer recommendations call for designing flood protection against a nearer-term potential 16-inch sea level rise; providing a mid-term adaptive approach for addressing sea level rise of greater than 18 inches, including incorporation of potential retreat space and setbacks for higher levels of shoreline protection and designing for livable/floodable along coastal areas in parks, walkways, and parking lots; and developing a long-term adaptive management strategy to protect against even greater levels of sea level rise of up to 66 inches, plus future storm surge scenarios and consideration of increased magnitude of precipitation events. These newer recommendation (see Master Response #8) also recommend including a suite of shoreline protection measures, protective setbacks and other adaptation strategies be incorporated into subsequent development projects.

As subsequent development projects pursuant to the Specific Plan are proposed, the City will work with those applicants to consider how or whether these strategies should best be incorporated. Additionally, any new development within 100 feet of the San Leandro Bay shoreline (and potentially other project elements found to be within BCDC jurisdiction), will be required to apply for and obtain issuance of necessary BCDC permits. At such time as these subsequent projects may be proposed and the necessary permit requirements are known, the City will also consider whether additional environmental review may be necessary to adequately address the secondary effects that may result from such strategies (e.g., removal of potential up-slope escape habitat, or erosion of adjacent wildlife habitat). However, until such development may be proposed, and details regarding sea level rise adaptation strategies may be incorporated into such projects, further environmental analysis would be premature (i.e., it is currently unknown which, if any of these strategies may be applicable to any given site).

This information does not present new information requiring recirculation of the Draft EIR for a number of reasons, most specifically because: a) the effects of sea level rise is an impact of the environment on the Project, and therefore not a CEQA impact and not required to be analyzed under CEQA; b) the additional information presented above and in Master Response #8 does not indicate a new environmental impact, or an increase in the severity of a previously identified environmental impact, beyond that presented in the Draft EIR, and c) the newer sea level rise adaptation strategies as now recommended by the City represent further clarification and amplification of those strategies already presented in the Draft EIR pursuant to Recommendation Hydro-5.

- B8-4: The Draft EIR recognizes the regional importance of San Leandro Bay as a natural resources, indicating (on page 4.3-2) that San Leandro Bay is “an extension of San Francisco Bay on the east side of the South Bay sub-basin in Alameda County. The South Bay is recognized as an important area for shorebirds and water birds due to the salt ponds and mudflats supported in this region (CERES 2013).” Similarly, the Draft EIR (page 4.3-13, and elsewhere) recognizes the importance of Arrowhead Marsh, which is “part of the MLK Regional Shoreline Park and is actively managed by the EBRPD. It is approximately 50 acres and hosts some of the most significant populations of shorebirds and waterfowl in the Bay. More than 90 bird species inhabit this area. Typical species include those found in San Leandro Bay and Edgewater Seasonal Wetland. Arrowhead Marsh is known to host the State and federally endangered California clapper rail and salt marsh harvest mouse (Golden Gate Audubon 2013).”

The remainder of this comment speaks to the relative merits of the Project, and not the adequacy or accuracy of the Draft EIR. However, as indicated in the Draft EIR (page 4.9-66), the Project’s Master Plan diagrams indicate that “the entire San Leandro Bay Shoreline within Sub-Areas B and D is to be preserved as open space. Additionally, as indicated in the proposed General Plan amendments and re-zonings pursuant to the Specific Plan, the Specific Plan designates the waterfront along Sub-Area B and the shoreline of San Leandro Creek in Sub-Area D as Urban Open Space, fully accommodating a 100-foot shoreline band. The proposed Project would also retain and provide for the expansion of a continuously accessible shoreline from Damon Slough to East Creek Slough, and would retain the trail system that currently exists. Furthermore the proposed Project would expand open space within Sub-Area E to preserve and extend the existing wetlands in that area.” The 100 foot band applies to all areas adjacent to sloughs and creeks that are subject to tidal action and BCDC jurisdiction, and any waterfront access improvements in this area will be required to conform to the requirements of BCDC.

B8-5: Please see Master Response #6 regarding the Edgewater Seasonal Wetland.



Comment Letter B9



San Francisco Bay Chapter
Serving Alameda, Contra Costa, Marin and San Francisco Counties

*inspiring people to protect
Bay Area birds since 1917*

October 15, 2014

Sent via email and U.S. Mail

Mr. Devan Reiff
City of Oakland Strategic Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612
dreiff@oaklandnet.com

RE: Coliseum Area Specific Plan, Draft Environmental Impact Report (DEIR),
SCH #2013042066, City Case #ER-130004

Dear Mr. Reiff:

The Sierra Club and the Golden Gate Audubon Society appreciate this opportunity to comment on the above referenced DEIR.

Our comments will be restricted to the impacts of the project on biological resources, for example Oakland's Bird Safety Measures, the Edgewater Seasonal Wetland Mitigation Project and the likely impacts of the project on biological and human resources as it addresses sea level rise.

The Regional Context does not mention that the site is within the Pacific Flyway and is part of the Western Hemisphere Shorebird Network. The MLK Jr. Shoreline Park is designated as an Important Bird Area.¹

B9-1

1) Wildlife Impacts:

We agree with the DEIR's conclusion that the project will have significant and unavoidable impacts on the project area's biological resources (pg. 2-14)

Future development pursuant to Plan Buildout, particularly related to the proposed Bay Inlet cut and the fill and development of the Edgewater Freshwater Marsh, could have a substantial adverse effect... on candidate, sensitive or special status species... Therefore, this impact is conservatively deemed to be significant and unavoidable.

B9-2

The number of plant, animal, bird and fish species cited by the DEIR as potentially impacted by the project is truly impressive and reinforces the recognition that San Leandro Bay is one of the Central Bay's richest aquatic habitats despite its urban setting.

¹ See <http://www.ebparks.org/Page129.aspx>

This is in part due to the extensive shoreline and wetland habitats found at the Martin Luther King, Jr. Regional Shoreline Park, Damon Slough and the Edgewater Seasonal Wetland as well as the open waters of San Leandro Bay. In 1986 the Sierra Club, Golden Gate Audubon, and Save the Bay were awarded funding and have been working with the East Bay Regional Park District to restore habitat for native birds and plants at the MLK Jr. Shoreline Park and the adjacent creeks and wetlands. All of which will be seriously impacted by this project.

The DEIR fails to adequately address several ways the project may impact these biological resources. For example, the DEIR states that:

Pet and feral cats can cause significant impacts on resident and migratory birds, especially shorebirds, through harassment, injury or death. The existing uses of the area include industrial and commercial uses and the area presumably currently hosts a population of feral and possibly pet cats. It is not possible to quantify the existing predation pressure on birds from cats, and it is unclear how this predation pressure will change through implementation of the proposed Project.
(DEIR pg.43-46)

We agree as to the potential predation impacts of the project as stated. The DEIR is clearly incorrect, however, in stating that, "it is unclear how this predation pressure will change through implementation of the proposed Project."

The current urban setting adjacent to San Leandro Bay and all the sites listed above is primarily light industrial and commercial. These are uses that produce relatively little noise, little night-lighting **and** relatively few feral or outdoor cats and off-leash dogs. On the other hand, it is well documented that wetlands that are adjacent to intense residential use suffer significantly from feral and pet cats² and from off-leash dogs. The project's substantial residential component will undoubtedly result in a significant increase in the presence of cats and dogs in this area.

B9-3

The impacts of cats and dogs are not limited to shorebirds. Cats, if present, are one of the endangered salt marsh harvest mouse's most significant predators for example. Waterfowl are easily disturbed by human disturbance and recent studies show that such activity can be as far away as 150 to 300 feet and still have significant impacts. Cats and dogs³ both may disturb and even kill waterbirds using seasonal ponds such as the Edgewater seasonal wetland since the birds often roost on the shoreline or in shallow water near the shoreline.

This Finding should be altered to read that the project **will** increase predation pressure on all listed and sensitive species and that these include the endangered Ridgway's Rail (formerly Clapper Rail), and the endangered salt marsh harvest mouse as well as other mammals and any amphibians or reptiles that use these habitats, not just resident and migratory birds.⁴

Night-lighting has been found to have significant impacts on wildlife and particularly

B9-4

² See http://www.pwrc.usgs.gov/pif/pubs/McAllenProc/articles/PIF09_Anthropogenic%20Impacts/Dauphine_1_PIF09.pdf

³ See <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2391219/>

⁴ See http://www.fws.gov/ecos/ajax/docs/five_year_review/doc3221.pdf

birds. Such lighting can effect reproductive cycles and also may be distracting to migratory birds. The intense lighting that will result from the project will have a significant impact on the wildlife of San Leandro Bay and its associated habitats. In particular, this increase in lighting may have an impact on the breeding success of the endangered Ridgway's rail (previously the California clapper rail.)^{5, 6} The lighting for the proposed project must adhere to Oakland's Bird Safety Measures.

B9-4

The DEIR should be revised and recirculated to reflect these impacts and suggest effective mitigations. We cannot stress sufficiently the richness in diversity and the large numbers of wildlife found in the project area. For example, Arrowhead Marsh is home to one of the largest remaining colonies of the endangered Ridgway's rail (formerly the California clapper rail) and shorebird and waterfowl numbers are among the highest in the Central Bay.^{7, 8}

Furthermore, San Leandro Bay's open water, its wetlands, its Regional Parks and its shoreline with its Bay Trail provide Oakland residents with the kind of open space and nature experiences that are increasingly rare for urban dwellers. The pretense that the proposed new inlet would provide that amenity for the public is misleading since the DEIR itself admits that the intense development that would surround it would undoubtedly drive away the wildlife and inexorably change the character of the habitat and the fauna. We assume that is why it is defined as an amenity and not as mitigation for the many and significant impacts to wildlife recognized in the DEIR.

B9-5

For these reasons a reduced size project that limits residential use too near to the shoreline and that provides extensive buffer space between any new development and these shoreline habitats should be looked at as a vastly more preferential alternative. We were disappointed that no such less environmentally damaging alternative was provided. Such an alternative project would also be more likely to adequately address sea level rise (addressed in section 3). **The DEIR should be rewritten and recirculated to include an alternative that includes a reduced-scope project along the shoreline.**

B9-6

2) Edgewater Seasonal Wetland Mitigation Project

We are disappointed to see the DEIR treat the concepts of mitigation and "dedicated in perpetuity" as incidental obstacles to development rather than as statements of fact.

B9-7

The project's preferred alternative (as well as other alternatives) would fill and develop the 8.5 acre Edgewater Seasonal Wetland. This wetland is, as the DEIR recognizes, part of the mitigation package the Port of Oakland agreed to in order to receive permits to fill part of the seasonal wetlands found on the Oakland Airport. Those seasonal wetlands had documented use by thousands of migratory and winter resident shorebirds and waterfowl. The process of reaching that agreement was arduous and involved many organizations including Golden Gate Audubon Society and the Sierra Club. It was not lightly done.

B9-8

⁵ Rich, Catherine, and Travis Longcore, eds. *Ecological consequences of artificial night lighting*. Island Press, 2005.

⁷ See http://www.spartina.org/referencemtr/clra_rept_2006.pdf

⁸ See <http://data.prbo.org/sfstateofthebirds/uploads/State-of-the-Birds-San-Francisco-Bay-2011.pdf>

The result of that agreement, happily, was one of the more successful wetland restoration projects in the Central Bay and, again as admitted by the DEIR, the Edgewater Seasonal Wetland (originally the Damon Slough Seasonal Wetland Mitigation Project) provides habitat to many hundreds of waterfowl and shorebirds every winter. Its function as a viable seasonal wetland is especially important in that such habitat is especially scarce in the State and definitely in the Central Bay.

The 8.5 acre Edgewater Seasonal Wetland property was, after successful restoration, grant deeded to the East Bay Regional Park District (EBRPD). The EBRPD requires it to be maintained for wildlife purposes in. Recent communication with the Park District informs us that the Park District has no intention of relinquishing the property.

In light of the above, we find it irresponsible for DEIR to assume that it will be possible to fill and develop this mitigation wetland for use as mitigation for a new project. Mitigation is meant to permanently redress a project's impacts. If completed mitigation projects exist only to be destroyed for the next development project seeking to use that site, such mitigation projects cannot be considered as meaningful mitigation for the original projects' adverse impacts. Mitigation becomes a joke if it is so lightly treated. To have the DEIR propose the destruction of a completed mitigation project in order to use the site for a new project undermines any faith the public places in the CEQA process.

There are many other flaws in the proposal. The DEIR suggests that the mitigation for the destruction of the Edgewater wetland would be to create a similar wetland nearby. However, the DEIR indicates that such a proposal would require the East Bay Municipal Utility District (EBMUD) to sell some of the property it owns within sub-area E of the Coliseum Area Strategic Plan. The DEIR provides no information as to the likelihood of EBMUD consenting to such a sale. (Mitigation Measure MM Bio-2: *Seasonal Wetland Restoration Plan*).

B9-9

Finally, what the Project proposes is the filling of a valuable wetland. The US EPA's Section 404(b)(1) Guidelines for the federal Clean Water Act clearly states that special aquatic sites (such as wetlands) should not be filled **unless there is no practicable alternative** for the general purpose of the project. Clearly, the over 800-acre Coliseum Area Specific Plan is large enough so that it will continue to be viable if the Edgewater Seasonal/wetland's 8 acres are removed from the project

B9-10

The DEIR should be recirculated and rewritten to recognize the status of the Edgewater Seasonal Wetland as a permanent feature of the Oakland shoreline and define it as "open space/habitat". The DEIR should then consider the impacts of the proposed project on an Edgewater Seasonal Wetland that remains in its current location. (Since the EBRPD has indicated the wetland will not be moved the CEQA document must assess the impacts of the project to this wetland, even at the programmatic scale.)

B9-11

The proposal to reroute and force Elmhurst Creek underground has negative impacts to the wildlife that live in and around the creek. This also reduces the benefits of the creeks riparian area. Riparian systems provide habitat, flood protection, a connection with nature for humans. Riparian systems naturally cleanse water that flows to the Bay. Today San Francisco and other Cities are appreciating riparian systems' vital functions

B9-12

and are, instead of seeking to destroy them, evaluating the prospects for daylighting creeks and streams.⁹, ¹⁰. Such treatment of Elmhurst Creek is also not in alignment with Oakland's Policy on enhancing underutilized visual resources including the creeks and Bay see OS10.3 on page 4.1-6.

The proposal to build a bridge over the Elmhurst Creek presents negative impacts to the plants and animals that live in and around the creek. In addition there are may be further negative environmental impacts from the material of which the bridge is constructed or the design (ex: cables).

B9-13

3) Sea level Rise:

We appreciate the DEIR's willingness to address sea level rise. Unfortunately, its treatment of this subject fails to address the issue adequately, which is irresponsible, to say the very least.

Having admitted that the entire project area is likely to be under water by 2100 (or even earlier as sea level rise seems to be taking place faster than expected)¹¹, ¹², ¹³, ¹⁴ and that sea level rise is not limited by city boundaries the DEIR's solution for addressing this issue is to deal with it later and leave it up to planning agencies such as BCDC ("The adopted [BCDC] Bay Plan and Oakland's Draft ECAP specifically recognizes this, and include actions to participate in the preparation of a regional climate adaption strategy..." DEIR, pg. 4.8-31.) This combination of procrastination coupled with myopia in addressing environmental processes that function over the long term is yet another symptom of this current DEIR's inadequacy.

B9-14

The DEIR also suggests that Recommendation Hydro 5 (DEIR pg. 4.8 pg. 32) would help mitigate the problem.

Recommendation Hydro-5: The following additional recommendations are suggested to provide an adaptive approach to addressing a 16-inch sea level rise above current Base Flood Elevation (BFE) for mid term (2050) planning and design;

B9-15

There are several problems with Hydro-5.

A) When dealing with a potentially unstoppable sea level rise (55 inches at a minimum) it does not make sense to analyze the construction of over 800 acres of permanent structures based on only 16 inches of sea level.

The only current solution we know of to protect all 800 acres would be the construction of tall levees and such levees would need to extend into other jurisdictions. The cost of such levees is far beyond the ability of any municipality. We have heard estimates of many billions of dollars for the East Bay (trillions for the entire Bay). The source of

B9-16

⁹ See http://www.sf-planning.org/ftp/files/Citywide/Glen_Park/PUC_Daylighting_FAQ_and_Case_Studies.pdf

¹⁰ See <http://www.americanrivers.org/newsroom/resources/daylighting-streams-breathing-life-into-urban-streams-and-communities/>

¹¹ See http://www.bcdc.ca.gov/planning/climate_change/maps/16_55/cbay.pdf

¹² See <http://www.energy.ca.gov/2012publications/CEC-500-2012-014/CEC-500-2012-014.pdf>

¹³ See Takekawa, J.Y., Thorne, K.M., Buffington, K.J., Spragens, K.A., Swanson, K.M., Drexler J.Z., Schoellhamer, D.H., Overton, C.T., Casazza M.L. 2013. Final report for sea-level rise response modeling for San Francisco Bay estuary tidal marshes. U.S. Geological Survey Open File Report 2012- 1081, 161 p.

¹⁴ See <http://cascade.wr.usgs.gov/data/Task2b-SFBay/index.shtml>

funding for such efforts is not addressed in the DEIR. The BCDC Bay Plan Amendment No. 1-08 (Adding New Climate Change Findings and Policies to the Bay Plan) states that it is unlikely the entire shoreline can be protected and that in some cases retreat from the Bay may be necessary.

The DEIR should be revised and recirculated to more fully address levees and/or other mechanisms (see below) that are currently being discussed as tools to address sea level rise.

B9-17

Although the DEIR states that it is not required to address sea-level rise as an impact, it cannot avoid this issue since any action taken by the project to protect the project site from sea level rise will unavoidably have its own impacts on the environment. For example, the construction of levees is one of the more likely means of protecting the entire project area. Levees produce many environmental impacts. Levees alter wave energy. Tidal marshes (and beaches) outbound from levees often erode due to this rerouting and rebounding of wave energy. San Leandro Bay has some of the Central Bay's most important tidal marshes. Excavation, construction, and presence of levees would have significant impacts for these tidal marshes as well as the endangered species such as the Ridgway's rail and the salt marsh harvest mouse that reside in these marshes. Tall levees would also have significant impacts on the ability of Oakland residents to see the Bay thus impacting scenic viewsheds. These are just a few examples of anticipatable impacts from extensive levee construction in San Leandro Bay and the Oakland Estuary.

B9-18

Thus, for purposes of CEQA, the DEIR should be rewritten and recirculated in order to consider the project's likely impacts on biological, aquatic and human resources as a result of the construction of tall levees along the entire length of San Leandro Bay and the entire Oakland Estuary.

B) Hydro-5 does not adequately address sea level rise even at 16 inches. Is it truly credible to suggest (Hydro-5 #2) that buildings should be built so that as the sea level rises only the parking areas will be flooded while residents are snug in their apartments above the rising waters, but stranded as if in an ark. It's nonsensical.

B9-19

#3 provides for construction design to withstand periodic flooding. What will the residents of such housing be expected to do while they are predictably and frequently marooned in their residences? Will there be requirements for all residents to store food and water in anticipation of regular isolation from the rest of the community? Will all residents be provided with boats?

B9-20

#5 requires all critical infrastructure be built above SLR base flood elevation. It is unclear who determines, and what are, critical infrastructure? Does that include roads? If so, will we have elevated roadways throughout the project area? What will be at the same elevation? Will roads be high and building entrances low? Will elevated roads surround each individual block? How will pedestrians get around?

B9-21

There are, of course, other mechanisms under discussion for mitigating the impacts of sea level rise. Tidal marshes have for decades now been identified as helping to control storm surges. New designs for wetlands (called horizontal wetlands) are being proposed as a way to lessen the impact of sea level rise. Often this will require the use of some adjacent uplands. Since the entire shoreline of project area is contiguous with invaluable

B9-22

aquatic habitats including tidal marshes the project should consider creating more tidal marshes along the shoreline and should consider the need to use some of the adjacent uplands to the restoration process in order to provide an environmentally responsible and also ecologically beneficial mechanism to address sea level rise.

We recognize that this latter solution might impact property owners. Sea level rise does not provide for easy solutions. We simply suggest that the DEIR must evaluate the problem and provide a forum for public discussion of how Oakland will address this project's unavoidable environmental and human impacts that will result from the project's proposal for extensive development in an area that will be subject to sea level rise.

A further comment on the DEIR's treatment of sea-level rise is that a material portion of the Coliseum Area Specific Plan is part of the Coliseum BART Station Area PDA ("Priority Development Area"). PDAs were created around the Bay Area region in compliance with SB 375 (Chapter 728, Statutes of 2008) and as set out in Plan Bay Area (with its Sustainable Communities Strategy), adopted last year by the Association of Bay Area Governments and the Metropolitan Transportation Commission.

The DEIR should be revised and recirculated to address the feasibility of the site as a part of a "Priority Development Area". The DEIR should provide information about whether any place within or adjacent to the PDA (which brings in areas in the Coliseum Area Specific Plan that are outside of the area of the PDA) will be subject to flooding due to sea level rise and to what extent those areas of the PDA will remain viable as a successful community area for increased housing and sustainable public transit in the face of sea level rise.

B9-23

National Audubon issued a Climate Change and Birds Report in September, 2014. This study documents projected impacts to over 300 bird species nationwide and to approximately 40 bird species in the project area from climate-related factors exclusive of sea level rise. Development, habitat fragmentation, and pollution are yet further negative exacerbating pressures¹⁵ that listed and other imperiled species in the project area should not be compelled to endure and that must be analyzed in the DEIR.

B9-24

4) Oakland's Bird Safety Measures

Under the Sustainability and Health Section, the project does not include Oakland's Bird Safety Measures. These Bird Safety Measures would be required at this proposed project site. The project's LEED credits do not mention the bird safe design as part of the project goals despite being located adjacent to a site of hemispheric importance (highest designation) for shorebirds.¹⁶ Again, this negligence shows this DEIR falls short in addressing biologic resources, especially when federally and state-listed species are involved as well as such significant proportions of migratory bird populations.

B9-25

The project seeks to activate the spaces 24 x 7 yet does not evaluate the impact to humans or wildlife from lighting and noise generated from this planned development. The EIR needs to identify both proposed impacts and proposed mitigation measures regarding these issues for public review. The DEIR should be revised and additional time allowed for public review and comment on more detailed mitigation proposals.

B9-26

¹⁵ See <http://climate.audubon.org/all-species>

¹⁶ See <http://www.usgbc.org/node/4603177>

Comment Letter B9

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Coliseum Area Specific Plan DEIR
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Page 8

Release of mitigation information in a Final EIR is inappropriate, since this information would not have been subject to public and regulatory review before the release of the Final EIR.

B9-27

To conclude, the project DEIR has enough significant flaws to warrant and require a rewrite and recirculation. Please contact either Michelle Meyers at email michelle.meyers@sierraclub.org or by phone at 510-848-0800 or Cindy Margulis at cmargulis@goldengateaudubon or by phone at 510-843-6551.

B9-28

Sincerely,

Michelle Myers

Cindy Margulis

Executive Director

Executive Director

Sierra Club

Golden Gate Audubon Society

Letter B9 - Sierra Club and the Golden Gate Audubon Society

- B9-1: The Draft EIR does recognize the regional importance of San Leandro Bay as important bird habitat and a migratory route. Page 4.3-6 of the Draft EIR indicates that “the San Leandro Bay provides vital habitat to thousands of birds. The San Francisco Bay-Delta is used heavily as a stopover site for the more than a million shorebirds which use the Pacific Flyway migration route. Historically and currently, the region provides an alternative to the wetlands of the Central Valley, many of which have been lost to development and agriculture. More than 50% of the diving ducks which use the Pacific Flyway over-winter in the Bay-Delta. Some shorebirds show strong site fidelity to small areas in the South Bay and do not leave those areas during the winter (Goals 1999). San Leandro Bay and its associated salt marsh, wetlands, sloughs, and creeks are all valuable habitat for these migrating shorebirds. San Leandro Bay is designated as an “Important Bird Area” by the Audubon Society, which is a designation applied to areas that are considered to be vital to birds and other biodiversity.”
- B9-2: Comment noted.
- B9-3: The Draft EIR’s statement that “it is unclear how predation pressure will change” is recognition that the area presumably currently hosts a population of feral (and possibly pet) cats, and it would not be possible to identify the difference in predation quantity. The Draft EIR does, however, recognize that predation by pets would increase, stating (on page 4.3-52) that “increased development can also have indirect impacts by increasing predation pressure on bird species.” Further, page 4.3-44 provides a list of special status species, including the California clapper rail, the salt marsh harvest mouse, and other mammals, amphibians and reptiles (in addition to birds) that could potentially be indirectly impacted by reducing the quality of their habitats or attracting predators.
- B9-4: The Draft EIR does identify the impacts of potential avian collisions with buildings, as well as the effects of night lighting on birds (see Draft EIR, page 4.3-66). The Draft EIR also identifies the requirements of City of Oakland strategies to make the City safer for birds, including required implementation of SCA Bio-3: Lighting Plan and SCA Bio-17: Bird Collision Reduction. To ensure maximum effectiveness of these SCAs at the Project site, the consulting biologist also recommended the following specific features to be implemented pursuant to SCA Bio-3: Lighting Plan to minimize the potential negative effects of artificial light from future trails and walkways on migratory birds and specifically the California clapper rail and salt marsh harvest mouse:
- Acorn-style lights that are International Dark Sky Association approved "Dark Sky Friendly" will be installed. This type of lighting ensures 0 percent light above 90 degrees, directs light downward and minimizes the amount of backward and side lighting, thereby reducing light pollution on habitat and animals in the surrounding area.
 - Use only the lowest luminaire wattage that still provides safe conditions for vehicular traffic, bicyclists, and pedestrians.
 - If possible, correlated color temperature (an indication of how "warm" or "cool" the light source appears) ranges of the light source to be between 3800 and 4000 Kelvins. This range corresponds to "warm" light that would be less disturbing to animals.
 - Lights shall be directed away and/or screened from Damon Marsh and Arrowhead Marsh.

If approved, the proposed Project would be required to comply with SCA Bio-3: Lighting Plan, including the biologist's implementation recommendations identified above to ensure reduction of potential impacts to special status breeding birds and bats to a level of less than significant. This information is included in the Draft EIR, and no recirculation of the Draft EIR regarding this topic is necessary.

- B9-5: As noted on page 4.3-42 of the Draft EIR, "the primary purpose of the new Bay Inlet would be to create new waterfront edge as an attraction and amenity for new development." As indicated on page 4.3-62 of the Draft EIR. The Bay Inlet would "increase jurisdictional waters by removing fill and increases linear feet of shoreline, and would include intertidal mudflats that would support shorebird foraging and possibly high tide roosting habitat." Impacts to special status species resulting from the proposed Bay Inlet cut would be required to implement SCA Bio-12: Regulatory Permits and Authorizations; all other City of Oakland SCAs related to direct and indirect impacts to special status species and habitat; and Mitigation Measures Bio 1B-1: In-Bay Dredge Requirements, Bio 1A-2: In-water Work Restrictions, Bio 3-1: Boat Dock restrictions, Bio 3-2: Herbicide/Pesticide Control, and Land-8B: Compliance with Bay Plan Dredging Policies. The Bay Inlet, if ultimately proposed, would be subject to numerous subsequent permitting and regulatory requirements of outside regional, state and federal agencies with jurisdiction over the Plan Buildout components. Not until such time as the details of the project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, can any determination be made as to the efficacy of mitigation strategies. Therefore, impacts to special status species and their habitat resulting from the proposed Bay Inlet cut are considered significant and unavoidable.
- B9-6 Chapter 5 of the Draft EIR (beginning at Page 5-83 under the heading "Identification of Environmentally Superior Alternative"), provides a discussion of a Mitigated Alternative that would not include either development of the Edgewater Freshwater marsh nor the Bay Cut elements of the Project., and that would not include development of residential use in Sub-Area B. These are generally the same elements of the alternative that is requested in the above comment. This alternative is included in the Draft EIR, and no recirculation is necessary to include such an alternative.
- B9-7: Nowhere in the Draft EIR does it suggest that mitigation measures or dedication of open space in perpetuity are "incidental obstacles to development". Please also see Master Response #6 regarding the Edgewater Seasonal Wetland.
- B9-8: Please see Master Response to Comment #6 regarding the Edgewater Seasonal Wetland, which confirms the natural resource values of this site, describes the process by which it was established, and identifies its current ownership and their "in perpetuity" obligations. This master response does not assume that it will be possible to develop this wetland, but only identifies a lengthy process by which development (with accompanying additional mitigation measures) could be considered. The Draft EIR does not "propose" destruction of a completed wetland mitigation project, but instead identifies it as an impact associated with implementation of the Coliseum City Master Plan, and finding it to be significant and unavoidable.
- B9-9: Please see Master Response to Comment #6 regarding the Edgewater Seasonal Wetland, and the mitigation requirement for providing an acceptable, suitable replacement site (perhaps on

property owned by EBRPD) and the independent decisions necessary before that process could be implemented.

B9-10: Comment noted.

B9-11: Please see Master Response to Comment #6 regarding Edgewater Seasonal Wetland. If no future proposals for development of Edgewater Seasonal Wetlands (with commensurate mitigations as recommended in the Draft EIR) are ultimately received by the City, or if the owner of the wetland (EBRPD) is uninterested or unwilling to entertain any such offers for their property, then no change to the wetlands would occur. The Edgewater Seasonal Wetlands is currently surrounded on three sides by urban-scale development (i.e., the Zhone Technologies building recently purchased by the County to the east, the City's Public Works Department corporation yard to the west, and large industrial warehouse buildings in the Airport Business Park to the south. Any future land use changes to these adjoining properties resulting from implementation the Project would have no further adverse effects on the Edgewater Seasonal Wetland than those indirect wetlands-related effects already identified in the Draft EIR.

B9-12: As indicated in the Draft EIR (page 4.3-8), "the current habitat of Elmhurst Creek is of poor quality and limited extent. The creek has been channelized into a narrow and deep channel. The substrate is comprised of mud, which includes fill material. The creek is tidally influenced and supports a handful of common Bay plant species such as pickleweed and marsh gum plant along its narrow banks. A pair of American coots and a great egret was observed during the February 2013 site visit. The creek itself may serve a limited role as a wildlife corridor within the industrial urban environment. However, the level of urbanization surrounding this creek is likely a deterrent to access by large numbers of wildlife, and it does not provide a corridor between the Bay and any significant natural inland habitat. Proximity to I-880 may also expose wildlife to high vehicle-related mortality.

Habitat impacts to Elmhurst Creek are further analyzed on page 4.3-69 of the Draft EIR, which indicates that, "Currently Elmhurst Creek is mostly an open channel through the Coliseum District, separating the Coliseum and Arena from the adjacent surface parking lot. There is no public access to the creek because it is within private property and fenced. The creek is lined with degraded coastal scrub and ruderal vegetation. Although Option C for Elmhurst Creek would permanently fill 1,500 linear feet of creek and bank, it would create 975 linear feet of new creek and bank as it is realigned to Damon Slough. Restoration of the new creek banks would include high quality coastal scrub and riparian vegetation that would benefit wildlife, such as birds, and would be designated as open space for public enjoyment. Additional creek enhancements would include the "Cruise America" parcel north of Damon Slough to be transformed into a tidal wetland and designed to be self-sustaining in hydrological and habitat function. As part of the design, Damon Slough, which was listed as an impaired waterway by the RWQCB and EPA, would also be restored to enhance and increase the coastal scrub and coastal wetland habitat value along the Coliseum District segment of the slough.

Flood control impacts related to the proposed culverting of Elmhurst Creek are addressed in the Draft EIR (beginning on page 4.8-25), which addresses the capturing of creek flows within an underground culvert at the point where it enters into the Coliseum District from an existing culvert under Hegenberger Road, and to continue the creek within a new culvert following along or within the Hegenberger Road right-of-way. The underground culvert would then daylight on the east side

of I-880 near the confluence of several other local drainages near the Hegenberger Road interchange. This option would enable the flood control function of Elmhurst Creek to continue to operate as it currently exists, with flood flow volumes entering San Leandro Bay at the current Elmhurst Creek outfall. The tidal ebbs and flows in Elmhurst Creek would be limited at the existing I-880 culvert. Permitting for this option will require a subsequent regional watershed study and drainage analysis be submitted and approved by ACFC&WCD in order to demonstrate that the re-aligned channel and overflow culvert can convey the 100-year flood event, per County standards. No applications for these permits have yet been made, and no permit approvals obtained.

Water quality impacts related to the proposed culverting of Elmhurst Creek are addressed in the Draft EIR (beginning on page 4.8-27), which concludes that all future work proposed to occur within Elmhurst Creek will be required to obtain a City of Oakland Creek Protection Permit, in addition to other regulatory permits, and to comply with City of Oakland Standard Conditions of Approval pertinent to the Creek Permits. These applicable standard conditions of approval include SCA Hydro-9: Erosion, Sedimentation, and Debris Control Measures, SCA Hydro-10: Creek Protection Plan, SCA Hydro-11: Regulatory Permits and Authorizations, SCA Hydro-12: Creek Monitoring, SCA Hydro-13 which requires detailed landscaping and irrigation plans, and SCA Hydro-14: Creek Dewatering and Aquatic Life. These SCAs apply to all projects that involve a Creek Permit for work within the creek banks, and would mitigate potential drainage and water quality impacts associated with creek realignment and restoration activity to a less than significant level.

B9-13: As indicated in response to Comment B9-147 (above), the current habitat of Elmhurst Creek is of poor quality and limited extent. The creek is lined with degraded coastal scrub and ruderal vegetation. However, any future work proposed to occur within Elmhurst Creek (including bridges) will be required to obtain a City of Oakland Creek Protection Permit, in addition to other regulatory permits, and to comply with City of Oakland Standard Conditions of Approval pertinent to the Creek Permits. These SCAs apply to all projects that involve a Creek Permit for work within the creek banks, and would mitigate potential drainage and water quality impacts associated with creek realignment and restoration activity to a less than significant level.

B9-14: As noted in the Draft EIR (page 4.8-31) and in Master Response to Comments #8 on the issue of sea level rise (see Chapter 4 of this Response to Comments document), the impact of flooding related to sea level rise pertains to the impact of an existing or future environmental condition on the Project Area. The California appellate court has specifically found that the effect of sea level rise on a project is an impact of the environment on a project, and therefore not required to be analyzed under CEQA. Although not legally required by CEQA, this EIR nevertheless includes a discussion of the impact of sea level rise on the Project Area in the interest of being conservative and providing information to the public and decision-makers. Therefore, the issue of a CEQA inadequacy on this topic is not relevant.

B9-15: As noted in Master Response to Comments #8 regarding sea level rise, the City of Oakland's Resilient Cities Program staff and their consultants have reviewed the information presented in the Draft EIR and Draft Specific Plan related to sea level rise, and have developed additional and/or modified recommendations for sea level rise adaptation strategies. These newer recommendations call for designing flood protection against a nearer-term potential 16-inch sea level rise; providing a mid-term adaptive approach for addressing sea level rise of greater than 18 inches, including incorporation of potential retreat space and setbacks for higher levels of shoreline protection and designing for livable/floodable along coastal areas in parks, walkways,

and parking lots; and developing a long-term adaptive management strategy to protect against even greater levels of sea level rise of up to 66 inches, plus future storm surge scenarios and consideration of increased magnitude of precipitation events. These newer recommendation (see Master Response #8) also recommend including a suite of shoreline protection measures, protective setbacks and other adaptation strategies be incorporated into subsequent development projects. As discussed in Response to Comment B8-3 and Master Response to Comments #8 regarding sea level rise, this information does not present new information requiring recirculation of the Draft EIR.

- B9-16: Please see Master Response #8 regarding sea level rise, and its recommended a suite of shoreline protection measures, protective setbacks and other adaptation strategies that are to be considered for incorporation into subsequent development projects within the planning area.
- B9-17: Although not legally required by CEQA, this EIR includes a discussion of the impact of sea level rise on the Project Area in the interest of providing information to the public and decision-makers. The issue of a CEQA inadequacy or the need for recirculation on this topic is not relevant. Master Response #8 does list a suite of recommended shoreline protection measures, protective setbacks and other adaptation strategies that are to be considered for incorporation into subsequent development projects within the Project area, and that suite does include a shoreline protection system, levees and seawalls as possible adaptation strategies. However, no formal application or implementation of these recommendations is currently proposed, and therefore no environmental review of whether such strategies may have secondary environmental effects can be conducted.
- B9-18: Please see Master Response to Comments #8 regarding sea level rise, which indicates that the City does not believe that the Coliseum Area Specific Plan should drive City-wide sea level rise planning strategies. Rather, city-wide goals and planning, including resiliency planning, should inform the design of new development within the Specific Plan area as it moves forward, and that an evolving sea level rise strategy for the Project Area should be addressed as part of the City's updates to its Energy and Climate Action Plan. As part of this city-wide effort, the City should participate in regional planning strategies that will also consider the long-term implications of new development in waterfront areas, including the impacts to other Bay cities of additional levees, etc., which may be needed to protect waterfront development.
- B9-19: The strategy identified in the Draft EIR Hydro-5, #2) is one of a number of strategies currently accepted by FEMA for new development within designated floodplains (Note: with the exception of the creek channels, the Project site is not within a current flood plain per FEMA).
- B9-20: Please see Master Response to Comments #8 regarding sea level rise, which clarifies the strategy to consider designing temporary floodways within parking lots, walkways and roadways, and to assess the potential for constructing building pads and vital infrastructure at elevations 36 inches higher than the present day 100-year return period water level in the Bay, plus adding a 6-inch freeboard for finish floor elevations of buildings.
- B9-21: Please see Master Response to Comments #8 regarding sea level rise, which clarifies the strategy to require that all critical infrastructure sensitive to inundation be located above the 16-inch rise in base flood elevation. As part of an evolving sea level rise strategy for the entire City, staff suggests

that detailed designs and definitions such as “critical infrastructure” be addressed as part of the City’s future updates to its Energy and Climate Action Plan.

B9-22: As previously indicated in responses to comments above, this EIR includes a discussion of the impact of sea level rise on the Project Area in the interest of providing information to the public and decision-makers, but such information is not legally required by CEQA, as it represents an impact of the environment on the Project. Responses also indicate City staff’s position that the Coliseum Area Specific Plan should not drive City-wide sea level rise planning, but rather the city-wide goals and planning (including resiliency planning) should inform the design of new development within the Specific Plan as it moves forward. Thus, this EIR is not the forum for public discussion of how Oakland will address impacts that will result from sea level rise. That said, the Project as proposed does propose the creation of more tidal marshes along the shoreline within Sub-Area E, which would provide use some of the adjacent uplands in this area as a means to address sea level rise.

B9-23: As noted in the Draft EIR (page 4.11-9), “One of the region’s approved Priority Development Areas (PDAs) includes areas surrounding the Coliseum BART station. This PDA was nominated by the City of Oakland and approved by the regional agencies as the Coliseum BART Station Area PDA, with the intent of encouraging growth and development at and around the BART station.” Sub-Area A of the Project area falls within the PDA and represents about 30 percent of the land area in the PDA. The majority of the PDA is outside of the Project Area, and includes commercial and other business areas on the south side of Hegenberger Road, a large share of the City’s general industrial areas along San Leandro Street and the railroad, and residential areas to the east of the BART station up to and including both sides of International Boulevard. As indicated in the comment, this PDA was established and approved by ABAG and MTC as part of Plan Bay Area, and this EIR is not the forum for debating whether this PDA was appropriately designated. Nor is this PDA the only PDA in the region which may be affected by sea level rise in the future. As also indicated in responses to comments above and in master Response to Comment #8 regarding sea level rise, it is City staff’s position that the Coliseum Area Specific Plan (or any other individual site planning effort or any of its designated PDAs) should not drive City-wide sea level rise planning, but rather the city-wide goals and planning (including resiliency planning) should inform the design of new development within the Specific Plan as it moves forward.

B9-24: Pursuant to CEQA requirements, the Draft EIR analyzes the impacts to migratory birds and sensitive bird habitat from impacts that would result from, or be attributable to the Project. The Draft EIR’s analysis is robust and comprehensive, addressing the following issues:

- direct impacts on birds from construction activity through disturbance from noise, truck traffic and other works (see page 4.3-46),
- increased disturbance of special status or otherwise protected wildlife by people and their pets, as compared to existing conditions (see page 4.3-46),
- predation pressure on resident and migratory birds from pets and feral cats, potentially resulting in harassment, injury or death (see page 4.3-46),
- potential direct impacts of construction activity through the removal of nesting habitat (see page 4.3-48),

- direct and indirect impacts to sensitive species and their habitat related to fill of the approximately 8-acre Edgewater Seasonal Wetland to develop this site for new waterfront residential uses (see page 4.3-51),
- indirect impacts on waterfowl and salt marsh-associated species, if construction caused downstream sedimentation or contamination (see page 4.3-54),
- loss and degradation of a narrow band of coastal scrub along the edges of Elmhurst Creek, reducing potential nesting habitat for birds and cover sites for animals, reducing the beneficial shading of the watercourse, and potentially affecting bank stability (see page 4.3-56)
- removal of coastal scrub vegetation for new or widened bridges across Elmhurst Creek and Damon Slough, (see page 4.3-62)
- disturbance from construction activities during the breeding season could result in nest abandonment and direct impacts to eggs or nestlings (see page 4.3-64),
- indirect disturbance including noise, night lighting, altering of surrounding habitat through vegetation removal, and flight path obstruction (see page 4.3-64),
- disturbance to migratory bird species through increased noise and presence of people and pets using recreational trails along San Leandro Bay and Damon Slough. Increased usage could also result in an increase in littering of plastic trash and food waste by recreational users, posing a threat to birds, if ingested (see page 4.3-65),
- long-term maintenance of landscaping and facilities could impact migratory bird species through vegetation trimming and maintenance work, including the use of herbicides (see page 4.3-65) ,
- bird collisions with buildings, power lines, and bridges (see page 4.3-65) , and
- night-time illumination interfering with bird migrations (see page 4.3-65).

To address these potential effects, the Draft EIR concludes that impacts will be reduced through implementation of SCA Bio-5: Tree Removal During Breeding Season (including consulting biologist's recommendations), SCA Bio-6: Tree Removal Permit, SCA Bio-7: Tree Replacement Plantings, SCA Bio-1: Operational Noise, SCA Bio-2: Pile Driving and Other Extreme Noise Generators, SCA Bio-3: Lighting Plan and SCA Bio-17: Bird Collision Reduction. Additionally, the consulting biologist has recommended specific features be implemented pursuant to SCA Bio-3: Lighting Plan to minimize the potential negative effects of artificial light on migratory birds and specifically on the California clapper rail and salt marsh harvest mouse. Because of the special sensitivity and extended nesting and migratory period associated with California clapper rails, California black rails and raptors, an additional mitigation measure (MM Bio 1A-1: Pre-construction Nesting Bird Surveys and Buffers) is recommended to replace and/or supersede certain provisions of SCA Bio-5: Tree Removal during Breeding Season. Further mitigation measures (MM Bio 3-1: Boat Dock Restrictions and MM Bio 3-2: Herbicide/ Pesticide Control) are also recommended to further reduce the Project's impacts, especially on migratory birds.

B9-25: Please see response to Comment B9-4, above. The Draft EIR identifies requirements pursuant to City of Oakland strategies to make the City safer for birds, including required implementation of SCA Bio-3: Lighting Plan and SCA Bio-17: Bird Collision Reduction. Thus, the Draft EIR does not fall short on this measure.

- B9-26: Please see response to Comment B9-2, above. As these issues were addressed in the Draft EIR, standard conditions of approval were identified as being required, and additional project-specific recommendations were added to the SCAs, additional time for public comment on these topics is not warranted.
- B9-27: No new significant impacts related to noise or to predation have been identified that were not already fully addressed in the Draft EIR, and no new mitigation measures are required. Even if a new mitigation measure were to be added at this time, recirculation would not be required unless (pursuant to CEQA Guidelines section 15088.5 (a)(3)) such a measure “would clearly lessen the environmental impacts of the Project, but the Project proponents (in this case, the City of Oakland) declined to adopt it. No such new mitigation measure has been identified which the City of Oakland has declined to adopt.
- B9-28: Based on the responses to comments provided above, there does not appear to be any of the conditions necessary that would warrant recirculation of the Draft EIR pursuant to CEQA Guidelines section 15088.5.

Individual Comments

Comment letters from private individual that address specific environmental topics are included in the following section, together with responses to all CEQA and EIR-related comments. In addition to the following comment letters received by the City and included in the following section of this document, the City has also received hundreds of letters and e-mails expressing support for the Specific Plan. These support letters, not reproduced in this Final EIR document, are available for review upon request at the City's Planning Department offices at 250 Frank Ogawa Plaza, Suite 3315.

Comment Letter C1

From: Marsalis Jackson [mailto:jacksonmarsalis25@gmail.com]
Sent: Tuesday, September 09, 2014 12:29 PM
To: Reiff, Devan
Subject: Coliseum Area Specific Plan

Dear Devon Reiff,

After reading the Coliseum Area Specific Plan, I was alarmed by the proposal within sub area A under land use scenario. The first was the proposal that both the stadium and ballpark meet the minimum LEED certification of silver. The Bay Area is considered to be one of the most environmentally conscious and sustainable places in the country, which is why both new venues should strive to meet LEED certification of at least Gold. Levi Stadium is the perfect example of how to go about accomplishing this for the new Oakland Stadium.

C1-1

It is very alarming that a final decision still has not been reached regarding whether or not the stadium will be an open air venue like Levi's Stadium or a retractable roof venue like Lucas Oil Stadium. A classic open air stadium is cheaper, more energy efficient, and sustainable than a retractable roof stadium. Not to mention that an open air venue is what Mark Davis and the Raiders organization prefer. It is for these reasons that the retractable roof venue be abandoned and the open air stadium be pursued. To spend extra money on a retractable roof venue in the Bay Area, which has the best weather in the country makes absolutely no sense what so ever. Retractable roof venues are energy hogs and will make it very difficult for the new stadium to reach LEED certification of Gold like Levi Stadium. The use of recycled water, PV solar panel cells, and waste management systems like composting that divert waste from landfills are the green building features that now set the standard for all stadiums that will follow Levi's Stadium. An open air stadium with a capacity of 62,000 to 70,500 that meets LEED certification of Gold is exactly what the City of Oakland and the Raiders organization need.

C1-2

Based on the history of the Oakland Raiders attendance at the Oakland-Alameda County Coliseum, the proposed capacity of 68,000 to 72,000 makes no sense. The current maximum capacity of the Oakland-Alameda County Coliseum is 64,200 and has never consistently reached this mark, which is why Mount Davis is covered by a tarp now. There is nothing worse in sports than a stadium that is noticeably empty. Based on these facts, It makes perfect sense for the stadiums proposed capacity to be around 62,000 to 70,500. This capacity would enhance the overall experience of the games by maintaining their intimacy as opposed to diluting the Oakland Raiders unique atmosphere with hope that more people will show up at a new stadium. The Oakland Raiders can not compete with the Santa Clara 49ers financially, which is why it is so important that this stadium proposal be perfect.

C1-3

Sincerely,
Marsalis Jackson

Letter #C1 Response – Marsalis Jackson

C1-1: As indicated in the Draft EIR (page 4.6-44), “development under the Specific Plan, including development within the Coliseum District [which also includes development of a new Stadium], would be required to comply with applicable local, state, and federal regulations related to energy efficiency and conservation. In particular, future projects [including the new Stadium] would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, and the requirements of pertinent City policies as identified in the City of Oakland General Plan, helping to reduce future energy demand as well as reduce contribution to regional GHG emissions. These policies include, but are not limited to Cool Roof Coatings performance; CALGREEN; and the City’s Green Building Ordinances. Furthermore, the Specific Plan expects that each of the new sports and entertainment venues to be designed and built and operated in such a manner as to achieve the comparable of a minimum LEED Certification rating of Silver as defined by the U.S. Green Building Council.

Pursuant to Chapter 15.35 of the Oakland Municipal Code (Green Building Requirements for City Building Projects and Traditional Public Works Projects), all new building projects owned or occupied by a City department or agency that equal or exceed \$3,000,000 in construction costs must meet a minimum LEED™ "Silver" rating under the LEED Rating System and be so certified by the U.S. Green Building Council. All such covered City building projects shall have a LEED-accredited professional as a principal member of the design team from the beginning of the project (section 15.35.040). Although the requirements of this ordinance do not extend to private development projects, the City of Oakland promotes the use of green building strategies in private development projects by offering a number of resources and incentives. All private development projects in the City of Oakland are strongly encouraged, for example, to take advantage of free services provided by the Oakland Energy Partnership's Energy Efficiency Design Assistance Program and PG&E's Savings by Design Program for the purposes of integrating strong energy efficiency attributes into their projects. Other incentives include free green building technical assistance and grants, green building guidelines, and free public promotion for qualified projects. Other incentives to "green" private development projects are currently under development (section 15.35.046). Additionally, City Ordinances (Ordinance No. 12959 C.M.S., 2009), require all City and public-private funded projects to comply with the Bay Friendly Landscaping Guidelines to increase water conservation and soil health; Green Building Guidelines (Resolution No. 79871, 2006) which provides guidelines to Alameda County residents and developers regarding construction and remodeling; and a Green Building Ordinance for Private Development (Ordinance 13040 C.M.S., 2010) requiring green building measures be included for new construction, additions or alterations and large landscape projects, as well as the demolition of historic resources.

Beyond these regulatory requirements, the City cannot compel projects (including construction of a new Stadium) to exceed established City standards, such as LEED Gold or Platinum standards. However, the DEIR evaluates energy impacts in Chapter 4.14 Utilities, and concludes that new development resulting from implementation of the Specific Plan would not violate applicable federal, state and local statutes and regulations relating to energy standards. All new development pursuant to the Specific Plan will be required to comply with the City’s standard conditions of approval (SCAs) Util-3 and Util-4, which require all new projects to incorporate energy-conserving design measures, and will also be required to comply with all standards of Title 24 of the California Code of Regulations pertaining to energy usage.

- C1-2: At this point in the planning process, the Raiders organization has not presented design plans for a new stadium for City consideration.
- C1-3: The Raiders organization has not presented design plans for a new stadium for City consideration, of any size. The purpose of including a stadium with a capacity of up to 72,000 seats as part of the project Description is to ensure that the EIR considers the potential “worst case”, or maximum buildout potential. The potential environmental effects of final Stadium designs that may have a lesser capacity will thus have been thoroughly reviewed in this EIR.

Comment Letter C2

MEMORANDUM

To: City of Oakland Planning Commission
CC: Devan Reiff
From: Angela Robinson, Oakland Resident
RE: Comments on the Coliseum Area Specific Plan and Draft EIR, ZS13-0103 and ER13-0004
Date: 9/22/2014

SUMMARY

The number and condition of Oakland's parks and recreational facilities has not kept up with demand. According to the 1996 City of Oakland Open Space, Conservation and Recreation Element (OSCAR), the City has established a "parkland standard" of 4 acres per 1,000 residents. That document goes on to state that Oakland only provided 1.33 acres of parks land to serve the active recreational needs of the community, which is less than what has been recommended in the General Plan. The lack of parkland acreage is especially dire in East Oakland where there is only 0.89 acres of parkland per 1,000 residents. This is approximately 1/5 of the City's standard. This number over estimates the amount of parks acreage as it includes "school yards" which are technically not parks. Schools may or may not be available and open to the public outside of school hours and should not be a part of the parks acreage calculation.

C2-1

The OSCAR Element estimates that there are 41.7 acres of recreational land, including schoolyards and athletic fields; however, the Element states that 22.1 of those acres are comprised of asphalt school yards. "Traditional parks" account for 19.6 acres or less than half of the active recreational space available in East Oakland. When school yards are not taken into account, the ratio of parkland per 1,000 residents drops to 0.42 acres. If the Coliseum Area Specific Plan were to achieve full buildout, this project would exacerbate the demand for parks and recreational facilities that provide opportunities for active recreation will increase over time. Furthermore, this project must be evaluated along with predictions from regional bodies such as the Association of Bay Area Governments (ABAG) predicts that the City's population will drastically increase over the next several decades. The mitigations and analysis provided in the Coliseum Area Specific Plan Draft Environmental Impact Report (DEIR) comes to an erroneous conclusion that the "cumulative impacts on parks and recreational facilities would be less than significant"

C2-2

C2-3

QUESTIONS/COMMENTS TO THE PREPARER AND PROJECT SPONSOR

Question 1: On page 4.12-6 the preparer wrote, "The City also puts forth in its General Plan an overall parkland standard of 10 total acres per 1,000 residents. The City exceeded this standard in 2012, with 15.2 acres of parkland per 1,000 residents." The preparer did not cite the source of this data. Please provide the source and evidence for that statement.

C2-4

Question 2: The preparer makes no mention as to whether or not the City Oakland Parks and Recreation Department (OPR) was consulted in preparing this document. However, on page 4.12-11 they state that they did meet with personnel from the Oakland Unified School District, and the Oakland Police and Fire Departments. Did the preparer ever meet with OPR staff to assess their needs and concerns pertaining to parks services?

C2-5

Comment Letter C2

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Question 3: In addition to those General Plan policies that the preparer noted on pages 4.12-8, Land Use and Transportation Element (LUTE) Policy N.2 is also relevant to the discussion of public facilities and parks within the project area and the anticipated impacts to surrounding communities. It state that the “[p]rovision of government and institutional services should be distributed and coordinated to meet the needs of City residents.” This policy should be added to the list of local regulations applicable to the project.

C2-6

Question 4: The preparer did not demonstrate how the Specific Plan confirms with the City’s General Plan, or how project specific mitigations would reduce associated impacts to a less than significant threshold as required under CEQA. General Plan Policy text is italicized below. My recommendations are underlined.

Analysis of the Specific Plan to Policies within the Land Use and Transportation Element (LUTE)

Policy N.12.5: In its capital improvement and public service programs, the City should give priority to reducing deficiencies in, and disparities between, existing residential areas.

The OSCAR states that city-wide, there are 1.33 acres of local serving parkland per 1,000 Oakland residents. In Central East Oakland, the problem is even more acute with only 0.86 acres per 1,000 residents (the DEIR says 0.89, but the OSCAR states 0.86). When school yards are removed from the calculation, this number is reduced further to .40 acres. By any standard, park space city-wide and within East Oakland is far below than the City of Oakland’s stated goal of 4 acres per 1,000 residents. The preparer states that 96.3 acres is available for parks and open space within the project area. However, no land has been identified to support local serving parks uses such as tennis, volleyball and basketball courts; soccer, football and baseball fields; or any other amenities associated with traditional community parks and recreational facilities. The Specific Plan does not facilitate the creation of a fund that would be used to either support the expansion of facilities that surround the project area or to construct those amenities within the project area. As a result the, project exacerbates “deficiencies in, and disparities between existing residential areas”, and does not conform to the LUTE policy.

C2-7

In order to comply with this policy, I recommend that the Specific Plan sponsor and preparer:

Identify land within the project area that will be set aside and used for local park serving uses, that meets the City’s standard of 4 acres per 1,000 residents as stated in the General Plan; or

In the event that there is not sufficient land to meet the threshold, as a condition of approval for a tentative tract or parcel map, future developers should be required to pay a fee to the City Oakland with the expressed purpose of either acquiring land or to expand and improve parks and recreational facilities. A developer may satisfy the requirement by paying a city-wide parks and recreational facilities impact fee established under the provisions of the Quimby or Mitigation Fee Act.

Analysis of the Specific Plan to Policies within the Open Space, Conservation and Recreation Element (OSCAR)

Policy REC-3.1: Use level of service standards of 10 acres of total parkland and 4 acres of locals serving parkland as a means of determining where unmet needs exist and prioritizing future capital investments.

C2-8

Comment Letter C2

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The preparer states that the project “is expected to result in 10,200 new residents to the project area”. However, there is no justification provided for the estimate. Typically, data from the Census or American Community Survey is used to substantiate the projected number of residents. Using the American Community Survey, 5 year Estimates (2008-12) the average household size in the City of Oakland is 2.5 persons. Multiplying the average household size by the number of units at maximum buildout yields a total of 14,375 persons. Therefore the total amount of parkland acreage required for the project should be 144 acres, not 102. Of the total acreage identified for parks and open space, approximately 58 acres should be available for active recreational uses. So, while the preparer did use the correct threshold (4 acres per 1,000 residents) they did not provide a reasonable estimate of the number of new residents in the plan area. The preparer should correct their calculation, and use data from the US Census Bureau.

C2-8
cont'd

Policy REC-3.3: Consider a range of factors when locating new parks or recreational facilities, including local recreational needs, projected operating and maintenance costs, budgetary constraints, surrounding land uses, citizen wishes, accessibility, the need to protect or enhance a historic resource, and site visibility.

C2-9

The Specific Plan does not meet the City’s expressed goals for assessing local recreational needs (4 acres per 1,000 residents of local serving park land and 10 acres per 1,000 residents total), and therefore does not comply with Policy REC-3.3. The Specific Plan should identify sufficient land to meet this requirement or require that future developers pay a fee that would to purchase land or to expand or improve parks facilities in the City of Oakland. Please also see comments regarding LUTE Policy N.12.5.

Policy REC-10.2: To the extent permitted by law, require recreational needs created by future growth to be offset by resources contributed by that growth. In other words, require mandatory land dedication for large-scale residential development and establish a park impact fee for smaller scale residential development projects, including individual new dwelling units. Calculate the dedication or fee requirement based on a standard of 4 acres of local-serving parkland per 1,000 residents.

The Specific Plan does not meet the OSCAR standard for park land acreage. If the Specific Plan’s objectives were achieved, it would increase existing and long-standing disparities in park services by increasing the number of residents in an already underserved area. Moreover, Oakland is severely “under parked”, and it would appear that the authors of the LUTE, and Oakland City Council, recognizing both the lack of park space and ongoing demand for parks and recreational facilities, recommended that the City adopt a fee. By refusing to charge fees to developers as permitted under the Quimby Act, the City has failed to meet its own General Plan standard. Impact fees, such as those permitted under the Quimby or Mitigation Fee Acts, are intended to ensure that parks and related facilities are sufficient to support the needs of a local community. The lack of a park impact fee for parks facilities and land acquisition puts into question the cumulative impacts of proposed Specific Plan and other pending projects under consideration by the City of Oakland.

C2-10

The City of Oakland is one of three jurisdictions in Alameda County that does not assess any fee for parks or similar community facilities (art centers, libraries, etc.). Outside of Alameda County, San Francisco and San Jose assess parks fees. Depending upon the type of unit proposed or the jurisdiction these fees can be as high as \$38,900. To not require the payment of a fee or dedication of land that is standard practice across the State and within Alameda County, is a perennial barrier to expanding and maintaining parks services for Oakland residents. As mitigation for both the Specific Plan and other major development projects that are forthcoming, the City should adopt an ordinance to establish fees

Comment Letter C2

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and land dedication standards for parks as permitted under the Quimby and Mitigation Fee Acts. The aforementioned ordinance shall be in place prior to the approval by the City of Oakland of any subdivision or lot consolidation occurring within the Specific Plan area.

Analysis of “City of Oakland Standard Conditions of Approval”

On page 4.12-10 the Specific Plan states, “[t]hese Standard Conditions of Approval would be adopted as mandatory requirements of each individual future project within the Project Area when it is approved by the City and would avoid or reduce significant impacts related to public services and recreation.” None of the Standard Conditions of Approval require that a developer dedicate park land or pay a fee to support parks and recreational facilities. On page 4.12-8 of the text the states “[t]he City of Oakland does not have a parkland dedication requirement pursuant to the Quimby Act”. As the City does not have any requirement that any developer avoids or reduces impacts related to parks and recreation, that statement is erroneous and the phrase “and recreation” should be struck from the text.

C2-11

Analysis of “Findings of the Housing Element Initial Study/ Draft EIR”

The Housing Element DEIR only considered the addition of 300 units, not 5,750; therefore, the Housing Element DEIR should not be used to justify that the proposed development anticipated under the Specific Plan would be “less than significant”. Even at a lower threshold of development than is anticipated under the Coliseum Area Specific Plan, according to the preparer, the Housing Element DEIR “determined that the development of the identified housing opportunity sites may result in the need for new or expanded fire, police, school, and park facilities”. For reasons already stated earlier in this correspondence, the Specific Plan fails to meet the need for expanded parks facilities.

C2-12

Analysis of “Impacts, Standard Conditions of Approval and Mitigation Measures”

Was Oakland Parks and Recreation or East Bay Regional Parks Districts contacted about the need for new or expanded facilities?

C2-13

Parks Usage

According to Table 4.12-2 a total of 96.3 acres of land has been identified within the plan area as providing open space or wetland restoration. This is less than the overall standard which was established by the City of Oakland in its OSCAR Element (10 acres per 1,000 residents).

C2-14

Page 4.12-14 states that 58 acres have been identified are local-serving parkland. However all of that land falls into the OSCAR parks category of “resource conservation”. The OSCAR states that parks which meet “the active recreational needs of the community” meet the definition of a local park. However, more than half of existing park acreage is used for resource conservation purposes, not athletic fields. Oakland residents want opportunities for both active and passive recreation and the plan does not effectively balance the needs of parks users. If Oakland residents or persons within East Oakland were polled about the need for park access, they may state that they would also like to see recreational facilities included. However, none are envisioned in the Specific Plan. The preparer appears admits as much when they state:

C2-15

“[T]he existing parks and recreation facilities on site—namely the MLK Shoreline Park and the Oakport soccer fields and related land in Sub-Area E—would experience much greater use with the addition of up to 10,000 new residents to what is currently a non-residential area.

Comment Letter C2

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This greater use may overlap to nearby City parks such as Coliseum Gardens Park and Tassafaronga Park. Furthermore the new residents in the proposed Project will be in multi-family units with little to no private or semiprivate open space available to them, and therefore are more likely to use existing and new public recreation and park facilities.”

OSCAR also provides insight into this area. On page 4-40, Table 15 includes goals not only for parks acreage, but also for parks facilities, they are:

Facility Type	Facilities per resident	
	1994	Goal
Baseball/ Softball diamonds	1/8,500	1/5,000
Tennis courts	1/9,000	1/5,000
Soccer or football fields	1/23,250	1/15,000
Swimming Pools	1/62,000	1/25,000
Golf Courses (18 holes)	1/150,000	1/150,000
Gymnasiums	1/41,000	1/25,000

C2-15
cont'd

The most troubling part of this section occurs when the preparer states:

“Adherence to the General Plan’s OSCAR Policies 3.1, 3.3, and 3.10, described above, would reduce potential impacts to recreational facilities from development of the proposed Project. Regardless of the proposed Project, the City would continue to exceed its overall park standard and would continue to fall short of its stated local-serving park standard, although the proposed Project would have a positive contribution to both standards. As a result, the impact would be less than significant.”

There is no such OSCAR Policy 3.10. In addition, the preparer has provided no evidence to support the claim that the City has exceeded the overall parks standard. The preparer states that the project would provide a “positive contribution” to parks, but on what metric do they base their claim? The project does not set aside sufficient land to meet the City’s overall parks goal. Using their own calculations, the project only identifies 96.3 acres, when 102 acres is required. Furthermore, the project DEIR states that 58 acres of land is local serving, but none of that land would be used to provide the facility types that are also mentioned as goals within the OSCAR Element. Therefore, the statement that impacts would be less than significant is false.

C2-16

C2-17

Cumulative Impacts

The DEIR includes the following statement on page 4.12-15:

“Cumulative development throughout East Oakland would generate a need for additional parkland, adding to the existing deficiency of parkland acreage, and would increase the use of existing parks and recreational facilities such that substantial physical deterioration of such facilities may occur or be accelerated. The cumulative impact on parks and recreational facilities may be significant. Parkland, recreational facilities and recreational trail links are proposed to be provided within the Project Area.”

The project does not meet the General Plan thresholds or advance any of the goals pertaining to the number of facilities per resident. The project would add to the “existing deficiency” of parkland acreage leading to cumulative impacts that may be significant; however, the preparer concludes that project’s

C2-18

impacts are less than significant. If a project could result in significant cumulative impacts, those impacts could not be considered “less than significant”. The one statement contradicts the other, and no sufficient evidence has been given to show that any to parks services have been mitigated to a threshold that is less than an objective standard of significance as provided in the existing General Plan.

KEY FINDINGS

- The amount of parkland identified within the Specific Plan does not meet the City’s General Plan standard.
- The preparer should use Census data as the basis of their estimates of projected residents within the Specific Plan area.
- The lack of sufficient acreage intensifies inequalities in park and recreational facility access in Oakland.
- The Specific Plan should identify additional land within the project area to be designated as a park or open space.
- The City should establish city-wide mitigation fees to provide acquire land or develop and improve recreational facilities city-wide. These fees will mitigate for cumulative impacts relating to the Specific Plan and other projects subject to City approval.
- The Specific Plan should identify land that may be used for active recreation which may include soccer fields, tennis courts, gymnasiums, etc.

C2-19

Letter #C2 Response – Angela Robinson

- C2-1: The information presented in the Draft EIR is consistent with the information presented in this comment. Please see Master Response to Comment #7 regarding parks, in particular the sub-section under “Non-CEQA Issues Regarding Parks”.
- C2-2: Impact Public-2 of the Draft EIR similarly indicates that the proposed Project would increase the use of existing neighborhood and regional parks or other recreational facilities.
- C2-3: Please see Master Response to Comment #7 regarding parks, in particular the sub-section under “CEQA-Related Issues”. The Draft EIR (beginning on page 4.12-16) includes a cumulative analysis of parks and recreation facilities, concluding that the proposed Project “would not be expected to increase the use of existing parks and recreational facilities ***such that substantial physical deterioration of such facilities may occur or be accelerated***” (emphasis added) such that the CEQA threshold would not be exceeded.
- C2-4: Please see revision and additions to Chapter 4.12: Public Services and Recreation, in Chapter 7 of this FEIR, identifying the source of this information as the City’s Broadway-Valdez Specific Plan EIR certified in 2013, and adding additional information to validate the ratios presented.
- C2-5: This comment pertains to the relative merits of the Specific Plan, and is not a comment on the adequacy or accuracy of the Draft EIR. OPR staff members were contacted during preparation of this EIR to verify factual information related to existing park facilities.
- C2-6: Comment noted. Please see revision and additions to Chapter 4.12: Public Services and Recreation, in Chapter 7 of this FEIR.
- C2-7: Please see Master Response to Comment #7 regarding parks, in particular the sub-section under “Non-CEQA Issues Regarding Parks”, which indicates that the City of Oakland does not have a mandatory land dedication ordinance or a park impact fee program and therefore no mandatory park land dedication requirement or parkland provision obligation, and the only applicable zoning requirement is for private and group open space as a part of new residential use.
- C2-8: Please refer to response to Comment B7-2 and B7-3, which explain how the population estimates used in the Draft EIR were prepared. Consistent with the densities of new and recently approved high-rise building types in Oakland, the Draft EIR used a density factor of 2.2 persons per household for the BART station TOD units, and a 1.7 person per household ratio for the proposed high rise buildings. Using these vacancy factors and population density factors, the resulting total population for the Project is calculated at 10,240 people (or an average density of 1.86 persons per household).⁹
- C2-9: Please refer to Master Response to Comments #7 regarding Parks, and specifically its identification of park and recreational space provided in the Specific Plan, and the discussion pertaining to the condition whereby the City of Oakland does not have a mandatory land dedication ordinance or a

⁹ For comparison purposes, the Lake Merritt Specific Plan EIR contains an assumed ratio of 2.1 persons per household, the Broadway Valdez Specific Plan EIR uses a ratio of 1.87 people per household, and the 3093 Project Initial Study relies on a ratio of 1.8 people per household.

park impact fee program and therefore no mandatory park land dedication requirement or parkland provision obligation.

C2-10: This comment pertains to the relative merits of the Specific Plan and the City's lack of a park mitigation fee program, and is not on the adequacy or accuracy of the Draft EIR. This comment will be brought forward to City decision-makers for their consideration when deliberating on the relative merits of the Specific Plan.

C2-11: Comment noted. Please see revision and additions to Chapter 4.12: Public Services and Recreation, in Chapter 7 of this FEIR. The Draft EIR does not rely on any City of Oakland SCAs to reach its conclusions the proposed Project would have a positive contribution to both the overall park standard and the local-serving park standard, and as a result, the impact would be less than significant. See also Master Response to Comments #7 regarding Parks.

C2-12: As noted in the Draft EIR (page 4.12-10), information from the Housing Element EIR was included because this information is "recent, and because [that EIR] considered housing development on a range of potential "opportunity sites", including 300 potential residential units on the Coliseum BART parking lot". The reference to the Housing Element EIR was not used to analyze the entire Project, but only to indicate that analysis of park impacts related to at least 300 units at the BART parking lot had been previously addressed. Additionally, the Housing Element EIR provides additional support related to its conclusion that "separate CEQA review would be implemented, as needed, for new construction [of additional park and recreational facilities] as required by State law, and additional mitigation measures would be imposed to reduce impacts." This addresses the CEQA threshold question of whether the construction or expansion of recreational facilities might have an adverse physical effect on the environment.

Please see also Master Response to Comments #7 regarding Parks, addressing the non-CEQA topic of whether the Specific Plan meets the need for expanded parks facilities.

C2-13: As indicated in Master Response to Comments #2, there was a meeting on the Draft EIR held before the Oakland Parks and Recreation Advisory Commission on September 10, 2014. City staff has been in conversation with and met with staff from EBRPD, and the EBRPD has provided a letter commenting on the Draft EIR (see comments and responses to those comments in Letter #A9).

C2-14: This comment addresses relevant planning questions related to General Plan consistency and appropriate land use planning, but does not address the environmentally-based CEQA thresholds. Please see Master Response to Comment #7 regarding Parks.

C2-15: This comment addresses relevant planning questions related to General Plan consistency and appropriate land use planning, but does not address the environmentally-based CEQA thresholds. Please see Master Response to Comment #7 regarding Parks.

C2-16: Please see revision to Chapter 4.12: Public Services and Recreation, in Chapter 7 of this FEIR regarding removal of the reference to Policy 3.10. Please also see response to Comment C2-4, above regarding the City's overall park standard.

C2-17: See also Master Response to Comments #7 regarding Parks, addressing the non-CEQA topic of whether the Specific Plan meets the need for expanded parks facilities.

- C2-18: Please see Master Response to Comments #7 regarding Parks, addressing the differences between CEQA thresholds and planning policy related to parks facilities.
- C2-19: This comment reiterates each of the prior individual comments in this letter. Please refer to each of the individual responses to these topics, as addressed above.

Comment Letter C3

September 10, 2014

Mr. Devan Reiff
City of Oakland Strategic Planning Division

Re: Comments to Coliseum City Specific Plan and DEIR Case ZS13-103, ER13-004

Overall, the Coliseum City Specific Plan is laudable in its goals and how to achieve them. My comments will address transportation issues in the DEIR, especially non-motorized travel. The care to complete streets and all modes of transportation is welcoming. If the plan is enacted in its entirety, it will help make the Coliseum area much more accessible for other modes of transportation than just autos. I particularly like the elevated concourse designed to connect Bart over the 880. While I live less than 3 miles from this Bart station, I have mostly chosen to travel by auto to get from San Leandro St. west to areas like Edgewater. While it is not impossible, the current available routes are not welcoming nor direct.

C3-1

I have concerns about the overall project on traffic in the adjacent areas. This project is so large that it will have a downstream affect on all areas adjacent. I am particularly concerned about traffic from this project toward 580 and 13. The proposal for many of these intersections is to signalize them, like at Kuhnle/Mountain/580W or the Frontage Rd/13N/Mountain. Signalizing the intersections may help the flow of traffic. But this means that there will be increased auto traffic on these streets.

C3-2

Because of our topography, Oakland does not have a grid network. Many of the east west access roads have steep grades and make it difficult to bicycle for many. This limits the available roads for cyclists.

Seminary that fronts Mills College on one side, is one road where the grade is doable. It already has auto speeding issues that have been brought to the attention of the City. Thus, the westbound, downslope side was reduced to 1 lane from Sunnymere to Outlook. The eastbound, uphill side remains 2 lanes. Cars do not necessarily respect cyclists along this stretch. I have been harassed a few times, especially eastbound. I recommend that the large gutter be made smaller, either put the eastbound uphill side on a road diet and/or make the lanes narrower, perhaps 10 ft. and allow for bike lanes. It would be good to have them in both directions, but especially in the eastbound uphill direction. The existence of street parking and a concrete center median make it challenging, but not impossible. Some protection for cyclists is essential.

C3-3

Mountain is frequently used by cyclists. The only alternative would be Skyline significantly out of the way or Macarthur with heavy traffic. It is a good middle ground. Unfortunately, between Kuhnle and Frontage Rd, it is not overly wide. I recommend that the very wide gutter be made narrow, the lanes be narrowed to allow for a bike lane in the uphill southbound direction between Leona and Mountain View.

C3-4

Havenscourt is a good alternative to the very busy 73rd. And you are recommending a bike lane in the westbound direction (pg. 241 of DEIR). I recommend bike lanes in each direction. I believe there is enough width to accommodate that.

C3-5

Comment Letter C3

66th is one of the ways cyclists current go east west. It isn't quite a freeway, yet. I recommend that special care be taken along the entire 66th corridor. The intersection at 66th and San Leandro is challenging because of the auto traffic and the rail crossing. The rail crossing is not amenable to walking or biking. It is not level and cyclists, even experienced ones, have been known to have crashes there.

C3-6

I wish the City well in this project. It will certainly benefit the area and hopefully the entire city. Thank you.

Midori Tabata

3637 Columbian Drive • Oakland, CA 94605 • 510 562-8988 • email: midorit@pacbell.net

Letter #C3 Response – Midori Tabata

- C3-1: This comment supports aspects of the circulation system proposed by the Specific Plan, particularly the non-automated travel elements. Comment noted.
- C3-2: As indicated in Table 4.13-15 of the Draft EIR, new development within the Coliseum District is expected to generate as much as an additional 34,150 daily vehicle trips, with approximately 2,760 new PM peak hour trips and approximately 3,004 new Sunday game-day trips. These new vehicle trips will affect roadways and intersections in the vicinity and beyond. Specific to I-580 and SR 13, three of the study area intersections connected to I-580 already operate below City standards (#3 at Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp, #4 at Seminary Avenue/Kuhnle Avenue/I-580 Eastbound On-Ramp/ Sunnymere Avenue, and #5 at Overdale Avenue/I-580/SR 13 Eastbound Off-Ramp/Seminary Avenue).
- C3-3: This comment does not relate to the environmental impacts of the Specific Plan and is beyond the purview of the EIR and CEQA. See Master Response to Comments #3.
- C3-4: This comment does not relate to the environmental impacts of the Specific Plan and is beyond the purview of the EIR and CEQA. See Master Response to Comments #3.
- C3-5: This comment relates to the City's planned bicycle gap closure project on Bancroft Avenue between 66th and 67th Avenues, described on page 4.13-35 of the DEIR, recommending adding bicycle lanes in each direction on Havenscourt. That bicycle gap closure project would include bicycle lanes on northbound and southbound Bancroft Avenue, and eastbound and westbound on Havenscourt Boulevard. This project is approved, has full funding, and is expected to be completed in 2014. It is assumed in the analysis of future conditions.
- C3-6: As indicated on page 4.13-153 of the DEIR, one of the goals of the Specific Plan is to increase bicycling in the Project Area. In order to accommodate the increased bicycling activity, the Specific Plan also includes policies and physical changes that would improve bicyclist safety in the Project Area. They include providing Class 2 Bike Lanes from 66th Avenue into the Project Area, better connecting the Project Area to the city's bike network, and a Class I Path on the south side of 66th Avenue from its intersection with Coliseum Way to the west terminating at Oakport Street and the San Francisco Bay Trail. Additionally, the Draft EIR (page 4.13-157) recommends Mitigation Measure Trans-86 at 66th Avenue, which would bring sidewalks into ADA compliance including detectable surface, smooth path of travel, and wider sidewalks, consideration of replacing the median curb and delineators with a raised median (requires road diet from four to three lanes between Coliseum Way and San Leandro Street), adding railroad crossing warning signs consideration of vertical delineation on the centerline of 66th Avenue approaching the railroad crossing.

Comment Letter C4



October 15, 2014

City of Oakland
Department of Planning
and Building

Devan Reiff
Planner III
Strategic Planning Division

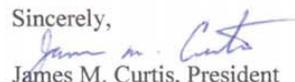
Mr. Reiff,

I am writing to you in support of Mr. Robert Schwartz's letter to you in regards to the Coliseum Area Specific Plan.

The re-development of the Coliseum Complex is sorely needed to accommodate our existing sports franchises and its' surrounding neighborhoods. It would be an economicboost that Oakland has been remiss in for far too long.

It is my belief that this could all be done on the existing property and the annexing the old "White Front"/ "Home Base" property.

We object to your plan to crossing the 880 freeway and intruding into our existing Port of Oakland Business Park. That appears to us as an unnecessary and detrimental encroachment on the existing businesses in the park. As we see more business looking for space in the Bay Area it would be wise to keep our only Business Park intact. Part of the Specific Plan should include funding to improve the infrastructure there and help revitalize its' appeal for future expansion and job creation.

Sincerely,

James M. Curtis, President
Oakland Commerce Corporation

C4-1

C4-2

PO Box 6037, Oakland, CA 94603-6037

Letter #C4 Response – Oakland Commerce Corporation

- C4-1: This is a comment related to the merits of the Specific Plan is not related to the adequacy or accuracy of the EIR and are thus beyond the purview of the EIR and CEQA.
- C4-2: This is a comment related to the merits of the Specific Plan is not related to the adequacy or accuracy of the EIR and are thus is beyond the purview of the EIR and CEQA. However, please note that the EIR Project Description (the Specific Plan) does propose substantial infrastructure improvements within the existing Business Park and anticipates substantial new expansion and job creation, all analyzed within the context of Plan Buildout in the EIR.



Comment Letter C5

10/14/2014

City of Oakland
Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3315 Oakland, California 94612
Subject: Comments on Coliseum Area Specific Plan
Case No. ZS13103/ ER130004 (CEQA STATE CLEARING HOUSE NUMBER 2013042066)

Attn: Devan Reiff

My Comments are as follows:

- 1. Please find attached a copy of AABA Letter of April 28, 2014 address to Mr. Gregory Hunter who was co-chair of the meeting of April 24th, 2014. No response was made by the City. I associate myself with AABA's comments. C5-1
2. The Public Review Draft dated August 22, 2014 was furnished at a meeting on September 4, 2014. The plan was first discussed at that meeting. C5-2

My property is located at the juncture of areas B and C on Oakport Road. I have been in business in in Oakland since 1952 and a resident since 1954.

- a. I object to the change of the land use designation of Area B from The Business Park IO (Industrial Office) to Waterfront mixed use. C5-3
b. The new classification permits a Sports Arena and Residential Presence, I object to that. C5-4
c. I object to the statement on page 130 of the above document which states: "To effectively implement this Specific Plan...these...amendments will be processed with the adoption of the Specific Plan or may follow-up immediately thereafter". C5-5
d. I object to this Plan which will effectively over time destroy The Business Park without discussion or community input as originally promised and budgeted for when The Planning Process was instituted. Good paying business jobs will be sacrificed for sports, entertainment and residences without consulting the present community. C5-6
e. I object to the statement on page 133 which is "The Regional Commercial land use designation for sub area B is necessary to enable development of ...residential development and a new Arena as envisioned under the Specific Plan, neither of which are permitted under the current "Business Mix" designation." C5-7
Area B will have the same Land Use designation that will exist across I-880 at the Coliseum District.

Key Source International * 7711 Oakport Street * Oakland, CA 94621 * Phone: 510-562-5000 * Fax: 510-562-0689
www.ksikeyboards.com

Comment Letter C5



- C5-8 | f. I object to the plan which will flood The Business Park with new traffic without addressing the access to I-880 in both directions as called for in The EIR Document Vol. II. This EIR document covers the area and states even after mitigation the traffic effects would be “significant and unavoidable”.
- C5-9 | g. I object to the over freeway transport vehicle proposal. A new arena would have many daytime and early evening events which will cause crowding of the area B and C. I also object to this vehicle if the existing arena stays. It will also cause traffic into The Park during all Events in the present Coliseum Area.
- C5-10 | h. I object to the schedule outlined for an expedited approval procedure. The Plan includes spot zoning for the new Land Use designations. I object this approach which I’m told is not advisable.

SUGGESTED SOLUTION:

- C5-11 | I urge you to stop and have more thoughtful discussion with the community as to the consequences of these changes in the long run. The zoning only of the Eastern side of I-880 can go ahead and take care of a new Raiders Stadium while The Western (Business Park) can be held up and discussed as originally promised.


Robert A.D. Schwartz, Owner

Key Source International * 7711 Oakport Street * Oakland, CA 94621 * Phone: 510-562-5000 * Fax: 510-562-0689
www.ksikeyboards.com



Comment Letter C5

April 28, 2014

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Mr. Gregory Hunter
Deputy Director
Office of Neighborhood Investment
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612

Dear Gregory:

We are writing to express our concern, upon learning at the City of Oakland's first public workshop on April 24th in regards to the Coliseum Area Specific Plan, of the proposed timeline for planned outreach leading to expected adoption of a DEIR and final Specific Plan this fall.

We bring to your attention the following points in this regard:

1. Aside from last Thursday's meeting, the only source of outreach to Coliseum area businesses and property owners (stakeholders) to date has been conducted via three public AABA Economic Development Committee meetings to which we invited presentation by JRDV Urban International and City of Oakland staff. The first meeting occurred on April 25, 2012, along with an update meeting on November 28, 2012 with principals of JRDV and its subcontractor Lamphier-Gregory in attendance. Having received no other news about the project in 2013, an additional update presentation was requested of City of Oakland staff and presented on February 26, 2014.

These three meetings presented Coliseum City and area master planning in general terms. No handouts were offered for attendees to take away for in-depth review. No formal comments were requested of businesses in attendance. No budgets or cost estimates were presented. These meeting segments were each 20 minutes in length and in no way thorough in nature, being simply a means for AABA to keep area businesses apprised until more formal outreach on a much larger and comprehensive scale was conducted.
2. In offering our assistance, prior to April 2012, to serve as the City's outreach arm in conducting public charrettes in regards to master planning and Coliseum City, AABA was informed this work would be outsourced to one of the development team subcontractors, Envirocom. To date, AABA has never been contacted by a principal of Envirocom or any other company seeking cooperation in conducting charrettes, nor have we, in fact, heard of any of the expected charrettes being conducted. Will these types of sessions be conducted for the benefit of area stakeholders?

The Airport Area Business Association is a regional association of business and industry

Comment Letter C5

3. As noted at the April 24th meeting, no document entitled "Coliseum Master Plan" has been distributed to AABA or the businesses in the Airport-Coliseum area via email or any other means. Neither does the Coliseum Master Plan appear on the City's website. This is indeed a very important document should it provide answers to many of the questions asked at Thursday afternoon's session and fill in the broad strokes we've received about the project so far. Whatever its content, according to other online City documents, what's known as the Coliseum Master Plan was published over a year ago, in spring 2013.

It is our contention the Coliseum Master Plan should have been posted not only on the City's website at the time it was published, should not only have been pushed out to stakeholder email boxes at that time as well, but should have been *specifically highlighted* by City staff on several levels as an important document to be distributed to every business in the area at the time it was made public. Now, AABA and area businesses are one year behind (and counting) in knowing what is contained in the Coliseum Master Plan.

The documents now available on the City of Oakland's website are in no way comprehensive in detailing for stakeholders with any type of specificity the overall cost of the project or how it will be achieved. There are no budgets available. Documents offered online, in general, are no longer than 15 to 20 pages in length, in large style print. Is there a document entitled "Coliseum Master Plan" that exists and offers the detail and in-depth project analysis we and stakeholders are seeking?

(Note: The Coliseum Master Plan was posted to www.oaklandnet.com this past hour, April 28)

4. Should the West Oakland Specific Plan (WOSP), now underway, serve as a template for the Coliseum Area Specific Plan, it should be noted that the series of City of Oakland workshops begun on the WOSP in September 2011 are just now in 2014, two-and-a-half years later, resulting in production of a DEIR document. While we understand there is an urgency in presenting a stadium plan that will appeal to sports team ownership, the WOSP (that has taken more than two years to get to a DEIR) is nowhere near the scale or complexity of the Coliseum project.

Moreover, an allowance of 45 days (or 60 or 90 days) for public consumption of the massive Coliseum project, involving three stadiums, housing, retail, BART reconfiguration, reshaping of our entire business park and shoreline, and the introduction of a new area transportation mode – particularly when not all documents, even as of today, have been made available – is not only unrealistic and irresponsible, it does not demonstrate basic common sense.

More time spent on outreach is needed to ensure the business community is well-versed in regards to the implications and impact at every level of the Coliseum City plan and area master planning.

While it is clear that Coliseum City and master planning offer the promise of not only providing our teams with new, state-of-the-art venues, but bringing our aging business park into the 21st century as well, our concern is that stakeholders' absorption and full understanding of these long-term development projects has taken a backseat in the rush to get to DEIR adoption.

Gregory, it is important that the local business community is heard and has ample time to evaluate the details of both Coliseum City and area master planning. It is important that area businesspeople are assured the Plan is not already set in stone and that their ideas and opinions will be considered. The type of outreach that needs to occur avoids a reactionary setting and instead encourages ongoing and meaningful dialogue between city staff and the community in regards to this critical project.

Comment Letter C5

We urge you to allow as much time as needed to conduct public workshops, charrettes and other types of outreach and discussion, such as through Mr. Schwartz's suggested business advisory body, to ensure that ongoing dialogue is maintained with impacted property and business owners.

As the local business association, AABA is pleased to do all it can within its means to assist City of Oakland in getting word out about upcoming meetings. I can be reached at (510) 545-7773 should you have any questions or comments.

Also, we would appreciate having access to your meeting sign-in sheets so that we know who from the business community has been in attendance.

Thank you for your forthcoming reply to the issues presented in this letter and the manner in which future outreach shall occur.

Best regards,



Debbie Hauser
Executive Director

cc: Alton Jelks, President AABA
Hon. Larry Reid, Vice Mayor, District 7 Councilmember
Hon. Rebecca Kaplan, JPA Commissioner, At-Large Councilmember
Robert A.D. Schwartz, Oakland Commerce Corporation
Larry Gallegos, City of Oakland

Letter #C5 Response – Key Source International

- C5-1: Please refer to response to Letter B6, response B6-4.
- C5-2: The Notice of Availability (NOA) and Release of the Draft Environmental Impact Report for the Coliseum Area Specific Plan and Notice of Public Hearings on the Draft EIR, Specific Plan And Related Actions was issued by the City on August 22, 2014, and was posted on the City’s website at www.oaklandnet.com/coliseumcity on that same day. The Notice of Completion of a Draft EIR was also issued to the State Clearinghouse on that same day.
- C5-3: This is a comment related to the merits of the Specific Plan is not related to the adequacy or accuracy of the EIR and thus is beyond the purview of the EIR and CEQA. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. See Master Response to Comments #3.
- C5-4: Comment noted. This is a comment related to the merits of the Specific Plan is not related to the adequacy or accuracy of the EIR and thus is beyond the purview of the EIR and CEQA. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. See Master Response to Comments #3.
- C5-5: This comment is interpreted as indicating an objection to the proposed General Plan amendments, and is thus a comment on the relative merits of the Specific Plan, and not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers in their consideration of the Specific Plan. However, as indicated in Chapter 1 of the Draft EIR, it is anticipated that this EIR will provide the environmental review necessary for City of Oakland to consider approval of the Specific Plan, as well as a number of General Plan amendments and re-zonings throughout the Project Area.
- C5-6: Comment noted. Please also see Master Response #2 regarding Community Input in the Planning Process.
- C5-7: This statement contained on both the Specific Plan and the Draft EIR is simply a factual statement indicating that the current Business Mix land use designation would not permit development of the Project as proposed. This comment is interpreted as indicating an objection to the proposed General Plan amendments, and is thus a comment on the relative merits of the Specific Plan, and not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers in their consideration of the Specific Plan. See Master Response to Comment #3.
- C5-8: The comment correctly identifies that the DEIR concludes the Project will result in significant and unavoidable impacts at access points to and from I-880, including intersections at Coliseum Way/I-880 northbound ramps, at Oakport Street/I-880 southbound ramps, and at Hegenberger Road/I-880 southbound off-ramp). Although the Draft EIR recommends mitigation measures for two of these intersections, the City does not have jurisdiction to implement these measures and the impact is therefore found to be significant and unavoidable.
- C5-9: As indicated on page 3-41 of the Draft EIR Project Description, parking for the proposed new Arena will be accommodated in a combination of on-site and off-site parking facilities. The design of the Arena includes an internal parking garage that contains up to only 800 parking spaces. Additional off-site parking will be provided through a combination of surface lots and shared parking facilities

associated with the Coliseum, including the 3,240 surface parking spaces and 7,500 garage spaces. The pedestrian concourse will directly link these off-site parking spaces to the Arena and make parking on the opposite side of the freeway convenient to Arena patrons.

The proposed concourse overcrossing of i-880 is proposed as a pedestrian and potential future transit-only concourse over and across the freeway. The concourse, or bridge, would span the freeway and would connect the Arena to the internal Coliseum District, as well as to the Transit Hub at the existing Coliseum BART station. As a pedestrian and transit facility only, it would not introduce new traffic into Sub-Area B.

C5-10: The schedule for consideration of approval of the Specific Plan is not expedited beyond the standard City processes for consideration of a Specific Plan and consideration of certification of its EIR. The proposed Project would change the land use designations and zoning for the entire Project Area, not just a single parcel.

C5-11: This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. See Master Response to Comment #3.

Comment Letter C6

October 16, 2014

Dear Mr. Reiff,

I am a member of the Oakland WORKS Alliance, a professor of Urban Studies and Education, the author of two books about Oakland, and a resident of East Oakland.

I am writing as an individual. However, I have discussed my comments with many other Oakland residents

I am listing my primary areas of concern. I can provide additional information; my contact information is below.

- 1. The timeline for this project is far too short. This will have massive implications for all of Oakland. There needs to be much more public discussion of the EIR and the general policy | C6-1
- 2. I am concerned that the Business Park in East Oakland would be removed by this project. Oakland needs to preserve and protect its existing businesses, and the development of this business park was a major accomplishment for Oakland | C6-2
- 3. The EIR treats the coliseum area as though it were located in an uninhabited desert. Issues of noise, traffic, and all the other living conditions of East Oakland are completely ignored. Ignoring existing residents is the classic definition of destructive "gentrification." No project should go forward without decision-making by the current local residents | C6-3
| C6-4
| C6-5
- 4. The project is too large. Most residents support rebuilding the stadium. Most residents do not support more high-end residential or business development which is neither accessible nor affordable for current residents. | C6-6
- 5. A large portion of the population of East Oakland is African-American, the group which has the highest unemployment rates and the most other adverse health outcomes. There has not been a single construction project in Oakland which has had fair representation of African-Americans in the journey construction force. In recent years the percent of African-American journey people has been 5% which means this group is underrepresented more than five fold!!!! The formerly incarcerated are even more dramatically underrepresented. Unless the Coliseum Project develops an absolute method of assuring that approximately 28% of the | C6-7
↓

Comment Letter C6

best construction employment goes to African-Americans, it is not a desirable project for Oakland

↑
C6-7
cont'd

6. I am highly aware of the influence of the "growth coalition" on urban decision-making. We do not, as a diverse city, wish to have the policy framework being set by developers and those historically and continuously ethnically unrepresentative craft trades. This will not bring benefit to Oakland.

|
C6-8
|

7. There needs to be Community Participation Committee of East Oakland residents. It needs to have sufficient time to actual discuss and create policy.

|
C6-9
|

Thank you.
Kitty Kelly Epstein, PhD
Author of "Organizing to Change a City"
Host of Education Today KPFA FM
510-207-2833
Recipient of the Activist-Scholar Award from the Urban Affairs Association

Letter #C6 Response – Kitty Kelly Epstein

- C6-1: See Master Response to Comment #1 regarding extended time for review of the Draft EIR. The remainder of this comment relates to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.
- C6-2: As indicated on page 4.11-23 of the Draft EIR, the development scenario for Sub-Area B of the business park anticipates that much of the land area is redeveloped for new uses, and that some existing development remains in the area in the future (multi-story buildings such as the Airport Corporate Centre and the former Zhong Building). The new development would replace existing light industrial/warehouse facilities, the City's corporation yard, and retail/commercial buildings along Oakport Street. Once the new Science and Technology (S&T) District becomes established in Sub-Area B, it is anticipated that there will be intensification of business activity and some new development in the business park areas of Sub-Area C, to accommodate new uses that supplement, support, and supply business activities in the new S&T District nearby. The changes would occur over time, if private land-owners agree to participate in the Plan, and could include changes in occupancies of existing buildings, development on vacant and underutilized sites, and some redevelopment of existing facilities from lower to higher density development. Less change is anticipated in the parts of Sub-Area C along the Hegenberger Corridor and in Sub-Area D. Building activities and existing development in those areas are assumed to remain largely as is, with infill development occurring on selected sites (vacant or not intensely used), and increases in occupancies of existing buildings occurring over time.
- C6-3: To the contrary, the DEIR does include numerous assessments of potential impacts on the surrounding East Oakland community, including:
- Chapter 4.1, Impact Aesthetics-5 assesses the impact of shadows cast by the proposed Project on solar collectors in East Oakland, specifically Lions Creek Crossings. If feasible, new structures and landscape should be sited and designed to avoid casting winter shadows specifically on the photovoltaic panels at Lion Creek Crossings apartments, such that solar effectiveness would be compromised and result in a substantial loss of power, income, or use. If the casting of shadows on the Lion Creek Crossings development cannot be avoided, the developer shall work with the owners of Lion Creek Crossings to provide compensatory funding for any extra power cost that could be incurred for increased utility bills from affected solar collectors.
 - Chapter 4.2, Impact Air-6A assesses the construction-period air quality emissions from development of the Coliseum District on the surrounding community, and identifies required implementation of SCA Air-1: Construction-Related Air Pollution Controls to minimize dust and equipment emissions on the surrounding community, as well as implementation of MM Air 6A-1 to further reduce toxic air contaminant emissions through emission reduction strategies (e.g., emission reduction technologies such as low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or add-on devices such as particulate filters) such that construction emissions result in cancer risks of less than 10 in a million for off-site sensitive receptors within the adjacent community.
 - Chapter 4.2, Impact Air-9 analyzes new sources of toxic air contaminants resulting from operations, and finds that these new emission sources would not result in an increase in

cancer risk levels, non-cancer risk (chronic or acute), or an increase in annual average PM2.5 concentration that would exceed established threshold levels on the surrounding east Oakland community.

- Chapter 4.9, Impact Land-1 concludes that the Project would not physically divide the established East Oakland community. Instead, the Project would include an enhanced street grid, will provide and enhance pedestrian and bicycle circulation networks, and will link these internal improvements to the surrounding neighborhoods. Therefore, development of the Coliseum District as planned would have a net positive effect on access and inter-connections to the surrounding area.
- Chapter 4.9, Impact Land-2 assesses the potential for the Project to result in a fundamental land use conflict, and cites the Specific Plan's design guidelines that provide detailed requirements to step down the height of development as it nears existing lower density residential areas to create more compatible, attractive, and diverse built form.
- Chapter 4.10, Impact Noise-1 assesses construction noise, noting that construction noise levels could exceed the City's noise ordinance limits at nearby existing land uses. The Draft EIR identifies required implementation of SCA Noise-1 limiting the days and hours of construction operation, SCA Noise-2 requiring implementation of noise controls, SCA Noise-3 to identify noise complaint procedures, and SCA Noise-7 limiting use of pile driving and other extreme noise generators.
- Chapter 4.10, Impact Noise-2A concludes that future noise from the new sports venues as heard at existing off-site residential uses is expected to be similar to noise levels experienced under current conditions, but could exceed the City's noise ordinance limits. However, it is expected that noise ordinance limits could be met at these existing off-site residences with careful design of the new stadiums and their PA systems, with noise levels at off-site receivers potentially substantially reduced compared to current conditions, depending upon the ultimate designs of the new stadium and ballpark.
- Chapter 4.10, Impact Noise-3 evaluates the potential for increased traffic noise on roadways in East Oakland, including Hegenberger Road, 73rd Avenue, 66th Avenue, Havenscourt Boulevard, Seminary Avenue, High Street, 42nd Avenue, Fruitvale Avenue, 23rd Avenue, East 12th Street, and International Boulevard.
- Chapter 4.13 includes and evaluation of traffic impacts on 108 separate intersections, including those intersections in the surrounding East Oakland area (see pages 4.13-67 through 4.13-138), as well as analysis of traffic impacts on regional roadway which pass through East Oakland including International Boulevard and Hegenberger Road/73rd Avenue (see pages 4.13-138 through 4.13-174).
- Additionally, each chapter of the Draft EIR includes a discussion of cumulative impacts on air quality, noise, public services and recreation, and traffic which would affect existing residents in East Oakland and elsewhere.

C6-4: Please see Master Response #4 on displacement and gentrification.

C6-5: This comment pertains to the City's planning process and the City's established procedures for project review and approval, and is beyond the purview of the EIR and CEQA. See Master Response to Comment #3.

- C6-6: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. See Master Response to Comment #3.
- C6-7: Please refer to Master Response to Comments #5 regarding future Jobs and Job Types.
- C6-6: This comment is not on the adequacy or accuracy of the EIR, and is beyond the purview of CEQA. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. See Master Response to Comment #3.
- C6-7: This comment pertains to the planning process and is beyond the purview of the EIR and CEQA. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

Comment Letter C7

Case numbers ZS13-0103 and ER13-0004.

Coliseum Area Draft Specific Plan Comments from Toler Heights Neighborhood, District 7.

10/17/2014

From:

Angie Tam
Toler Heights Neighborhood Representative

510-562-9934

havefun1000@yahoo.com

8716 Seneca St., Oakland, CA 94605

To:

Devan Reiff,
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, A 94612
dreiff@oaklandnet.com

These are some of the general / specific issues that Toler Heights residents would want the City to address:

- need additional BART parking now to offset the increasing numbers of residents and visitors | C7-1
 - need more parking spaces than provided for in the specific plan... ie: one garaged parking space per housing unit is not adequate for families where more than one adult may work, and stadiums visitors | C7-2
 - want jobs for East Oakland youths and adults | C7-3
 - concerns with the environmental impact on wild life in all areas of the development, especially the areas controlled by EBMUD and Port of Oakland Authority. | C7-3
 - Want a free and open green area inside the Coliseum City District (Area A) itself and on the side of Hegenberger Blvd. | C7-4
 - Better mitigation of increasing traffic on the freeway and city streets: want public transportation and bike lanes connecting Toler Heights to Coliseum City. | C7-5
 - want small business opportunities in both the construction of the site and afterward. | C7-5
 - Design with best practices of architecture, with public safety and security in mind. | C7-6
- ↓

Comment Letter C7

- | | |
|---|---|
| <ul style="list-style-type: none"> • If there are tall structures, make sure these have a signature architecture, attracting visitors from all over the Bay Area | ↑ C7-6
cont'd |
| <ul style="list-style-type: none"> • Fiscal issues: selling of any public lands to fund development needs major input from the public before proceeding. | C7-7 |
| <ul style="list-style-type: none"> • Businesses that benefit from the project need to “give back” to the surrounding communities | C7-8 |
| <ul style="list-style-type: none"> • Generate targeted funds for pothole fixing and street paving | C7-9 |
| <ul style="list-style-type: none"> • institute measures to prevent displacements of existing neighbors | C7-10 |
| <ul style="list-style-type: none"> • Cultural and Arts opportunities | C7-11 |
| <ul style="list-style-type: none"> • air quality issues, quality of life issues for the existing neighborhoods | C7-12 |
| <ul style="list-style-type: none"> • Please include noise and air quality mitigation in the Specific plan on increasing air traffics from the Oakland Airport. Over the years, there's been more and more air traffic flying over the neighborhoods, generating increasing noise and air pollutions. | C7-13 |

Toler Heights Neighbors in their own voice:

- | | |
|---|--|
| <p>- More general parking spaces are needed. As stated in the specific plan, the ratio of one garaged parking to one unit of housing is inadequate.</p> | C7-14 |
| <p>- More parking space for the stadiums: As written in the Specific Plan, due to parking constriction, no two majors events can simultaneously exist inside the two stadiums, does not maximize the economic use of the area. At the very least, a backup parking plan need to exist before the development.</p> | |
| <p>-Agree on the additional parking. I commute into the city for work and the BART lot is already overcrowded. Their planning to start charging \$1 per day on Nov 17th so not sure if that will "thin" out some folks but I'm guessing not. More parking is needed!</p> | |
| <p>- Bike lanes from Toler Heights to Coliseum City. Reduces congestion and high levels of pollutants in the air from all the cars driving from our area to the new CC (Coliseum City).</p> | C7-15 |
| <p>-Bus routes directly to CC from Toler Heights. Gives you the option to commute without a car if a bike ride is too far. Better for our environment. Kids in Oakland have high levels of asthma because of truck and car emissions in East and West Oakland.</p> | C7-16 |
| <p>-If this project comes to fruition, hopefully with the additional traffic, shopping, etc., there will be more police presence in the area (that will extend to the surrounding neighborhoods like ours). Homes are being broken into in Toler Heights during midday and neighborhood patrols (even bicycle cops) would</p> | |

Comment Letter C7

help alleviate this.

-I'd love to see the business owners, BART, the pro athletic teams and any other business entity that stands to benefit financially from the Coliseum City Project "give back" to the surrounding community they're operating in.

C7-17

-That means for the area of East Oakland: providing clean and monitored park areas and fields for kids (or Boys/Girls Club facilities), assistance for small businesses, blight removal and programs for adult education and youth activities to give kids an alternative to hanging on the street.

-Extend MLK Regional Shoreline for wild life. I noticed they build this huge building right next to the part now and this area used to have wild rabbits. So we have squeezed them in to a smaller space. We need more space for our little critters and birds, etc.

C7-18

improvement of the corridor from BART Station to the Coliseum stadium. That area feels unsafe.

C7-19

-Look for multi-use possibilities for the stadiums.

C7-20

Paraphrasing 2 neighbors:

1. I am for general development of Coliseum City Area. I want some money put into fixing the streets of Oakland in general. San Leandro paves its streets often.

C7-21

2 I want more visible security in the surrounding neighborhoods and also jobs for East Oakland youths and adults.

Letter #C7 Response – Angie Tam

This comment letter lists several general and specific issues that residents of Toler Heights want the City to better address as part of the Specific Plan and its environmental review. As indicated in Master Response to Comments #3 regarding suggested changes to the Specific Plan, certain changes to the Specific Plan have been made in response to these comments, and all comments on the Plan will be forwarded on to the City Planning Commission and City Council for their consideration when contemplating approvals of the Specific Plan. Responses to all comments related to the Draft EIR follow.

C7-1: As indicated in the Draft EIR (page 4.13-162), the transportation analysis assesses parking as a non-CEQA impact. As indicated on page 4.13-47 of the Draft EIR, the Coliseum District would provide a total of 17,366 parking spaces, with 9,216 parking spaces for typical day-to-day operations (of which 4,000 spaces would be reserved for residential uses and the rest available for sharing between all other uses), and about 8,150 parking spaces for special events (with 4,326 spaces in surface lots and 3,824 parking spaces in garages). A summary of the Draft EIR's conclusions regarding parking (see page 4.13-163) is that, "while the Coliseum District would provide slightly more structured parking (about 5 percent) than needed to accommodate day-to-day parking needs, the parking supply is appropriate to accommodate the parking demand for large special events such as sold-out football games." In general, the parking strategies and policies proposed by the Specific Plan are intend to reduce the overall demand for parking, better manage the available parking supply, and provide flexibility. Specific Plan policies that would reduce automobile demand would also serve to reduce parking demand.

Although the number of parking space per residential unit is fully consistent with City parking standards, the Specific Plan seeks to implement innovative strategies to reduce the amount of overall parking by requiring shared parking within the Project Area, developing and utilizing centralized parking facilities without assigning parking spaces to specific uses in order to encourage a "park once" strategy, eliminating parking minimum requirements in the Project Area, and requiring residential developments to unbundle the cost of parking from the cost of housing.

C7-2: Please see Master Response #5 regarding projections of new jobs and job types.

C7-3: Please see Draft EIR Chapter 4.3 Biological Resources, for a full analysis of potential impacts on wildlife resulting from the Project, as well as recommended mitigation measures. Also, please refer to responses to comment letters from EBMUD (response to Comment Letter A9, and from the Port of Oakland (responses to Comment Letters A5 and A13).

C7-4: As noted in the DEIR (beginning on age 4.2-42) the Project includes strategies for improving the efficiency of the existing transit system and to make transit (especially BART ridership at the Coliseum BART station) more convenient and accessible. The Project includes transit-oriented development at the Coliseum BART station, and includes plans and strategies to improve and promote greater reliance on transit as the transportation mode of choice for sporting events and other activities at the new sports and events venues. The Specific Plan provides for a mix of land uses, compact and high-density residential and commercial activities near transit, and a land use development plan that can reduce motor vehicle travel and emissions. Specific transit enhancements proposed under the Plan (see page 4.13-51) include:

- Collaborating with AC Transit to improve bus service to the Project Area by incorporating additional features into the bus network around and through the Project

Area such as new bus routes or altering new routes through the Project Area to better serve the new uses, locating bus stops on far-side of intersections, and improving bus stop facilities (shelters, benches, real-time transit arrival displays, route maps/schedules, trash receptacles, etc.);

- Realigning San Leandro Street to expand the pedestrian boarding areas for AC Transit buses and accommodate a side platform at the BART Station; and
- Enhancing the Coliseum/Airport BART Station to provide a seamless and welcoming pedestrian connection to and from the BART Station.

As noted in the DEIR (beginning on page 4.2-50) the Project includes strategies for prioritizing pedestrian and bicycle circulation and improvements, including:

- Providing an elevated concourse (replacing the existing pedestrian bridge) connecting the BART and Amtrak stations to the Project Area and across I-880, and providing a pedestrian promenade connecting the stadium and ball park sites;
- Providing minimum pedestrian clear zone within the sidewalk realm on both sides of streets;
- Limiting driveways and curb-cuts to a single curb cut for each block face and maintain a level pedestrian clear zone across all driveways and curb-cuts;
- Providing pedestrian-scale street lighting or up lighting along all streets;
- Providing marked crosswalks across all approaches to intersecting streets and maintain dedicated curb ramps for each crosswalk;
- Providing a Class 1 Path on the south side of 66th Avenue and providing a Class 1 Path on the east side of the Loop Road between Hegenberger Road;
- Providing Class 2 Bike Lanes from 66th Avenue into the Project Area at the Coliseum Way intersection, and providing Class 2 Bike Lanes on A Street, adjacent to the baseball stadium;
- Providing bicycle facilities within the cross-section of the elevated concourse (replacing the existing pedestrian bridge) connecting the BART and Amtrak stations;
- Providing bicycle facilities within the pedestrian promenade;
- Providing bicycle parking near building entrances, pedestrian plazas, and on-street bike corrals, and a bicycle station at the special event venues; and
- Incorporating bicycle signal actuation, bicycle boxes, two-stage turn queue boxes, and other features to facilitate bicycle travel;
- Providing Class 2 Bike Lanes on Edgewater Drive from Hegenberger Road to the Bay Trail; and
- Maintaining a minimum pedestrian clear zone within the sidewalk realm on both sides of Edgewater Drive;

C7-5: Comment noted. Please see response to Comment C7-2, above.

- C7-6: The City's design review processes are intended to ensure quality architecture and design, and will be implemented as part of subsequent project approvals.
- C7-7: Comment noted, and will be forwarded on to City decision makers for their consideration.
- C7-8: Comment noted. These types of issues are part of the City's consideration of the Disposition and Development Agreement, and are not part of environmental review pursuant to CEQA.
- C7-9: Generally, funds for such maintenance efforts are part of the City's General Fund expenditures, and are not part of a project's environmental review.
- C7-10: Please see Master Response #4 regarding direct and indirect displacement of housing and jobs.
- C7-11: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA.
- C7-12: Please see response to Comment C6-3, above
- C7-13: Increases in air traffic are unrelated to the proposed Project, and are not addressed in this EIR. Chapters 4.2: Air Quality and Chapter 4.10; Noise include analyses of the effects of existing air traffic noise and air quality effects on new residents and businesses at the Project site, concluding that such effects would generally be less than significant.
- C7-14: Please see response to comment C7-1, above. This comment also suggests that, because there is not enough parking, two major events cannot occur simultaneously inside the two new venues, and that this does not maximize the economic use of the area. The analysis presented in the Draft EIR does assume that during a football game at the new stadium (with 70,000 spectators), there would be no simultaneous events at the new Ballpark or Arena venues. However, because of their smaller size, the EIR analysis does address special events that may occur simultaneously at the new Ballpark (39,000 spectators) and new Arena (20,000 spectators), which combined would have fewer spectators than the assumed football event.
- C7-15: Please see response to comment C7-4, above.
- C7-16: The DEIR does evaluate the impact of the proposed Project on police services in Chapter 4.12 Public Services. Please refer to page 4.12-12 of the DEIR.
- C7-17: Comments noted. These types of issues are part of the City's consideration of the Disposition and Development Agreement, and are not part of environmental review pursuant to CEQA.
- C7-18: Comment noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, note that the proposed Project would create restored tidal wetland habitat in Damon Slough and expand park space in Sub-Area E.
- C7-19: Comment noted. Please note that the proposed Project would construct a new elevated concourse to connect the Coliseum District to the BART station designed to improve the pedestrian experience.

C7-20: Comment noted. As indicated in the Draft EIR Project Description, use of the new football stadium is expected to increase from 34 current events with a total attendance of 780,500 people, to 59 events with a total attendance of 1,527,500 people. Similarly, use of the new Arena is expected to increase from 105 current annual events attracting 1,742,000 people, to 154 annual events attracting 2,297,500 people.

C7-21: Comments noted, and will be forwarded on to City decision makers for their consideration.

Comment Letter C8



October 09, 2014

City of Oakland
Attn: Devan Reiff
Strategic Planning Division
250 Frank Ogawa Plaza, Suite 33154
Oakland, CA 94621

RE: EIR Comments for Coliseum Area Specific Development Plan Draft

Dear Devan Reiff:

Headquartered in Oakland, CA, Acumen Building Enterprise, Inc. (Acumen) provides professional consulting services and technical expertise to develop major infrastructure projects, and intelligent transportation systems. For more than 20 years Acumen has supported Oakland's Metropolitan Chamber of Commerce, and the firm is certified as a Disadvantaged Business Enterprise (DBE), Small Business Enterprise (SBE), and Minority Business Enterprise (MBE) both locally and across the nation.

Acumen brings more than 100 years of combined experience and insight into successfully managing and supporting large, complex transit projects and programs. We have extensive experience with operational planning issues for large, small, and multi-stakeholder public sector agencies and organizations, including the San Francisco Bay Area Rapid Transit District (BART), Alameda County Transportation Commission, and Alameda-Contra Costa Transit District (AC Transit).

Additionally, Acumen has a pivotal Operations & Maintenance role in the Oakland International Airport Connector, a \$484 million project that will link the Coliseum/Oakland Airport BART Station with the airport, and stimulate the local economy and grow the local labor force. Oakland benefits from at least two dozen new long-term jobs created for the O&M portion of this project because nearly all required work to be subcontracted will be performed by local businesses in Oakland.

Acumen is committed to stimulating Oakland's growth and job creation, but I have the following comments, concerns, and questions for the Coliseum Area Development Plan/EIR for the City of Oakland:

- | | |
|---|--------------|
| 1. When will the contracting plan from the Development Team to the City of Oakland (listed as due June 21, 2014) be provided for review? How can Acumen receive a copy of the contracting plan or be notified that it has been submitted? | C8-1 |
| 2. There needs to be more focus on jobs for the community, residents and businesses in the impacted area. The current development team or EIR consultant has not engaged with the local community. There has been little focus on community benefits and jobs creation. The plan needs to include additional: | C8-2
C8-3 |
| <ul style="list-style-type: none">✓ Grocery stores in the area✓ Restaurants and retail, not just driven by the sports teams✓ Hospitals, such as a Kaiser Medical Office Building (MOB)✓ Continue the ongoing expansion of bike paths and connections | C8-4 |

7770 Pardee Lane, Suite 200, Oakland, California 94621 | 510.530.3029 or toll-free 888.530.3894 | www.acumentransit.com

Comment Letter C8



3. The City of Oakland should move forward with the expansion of the research and development business park by expanding on the existing business and infrastructure in place. This aspect of the project does not need the sports teams to move forward. | C8-5

4. Acumen recommends keeping housing east of 880, in the Coliseum Complex or Development Area A. | C8-6

5. A working group is being formed with the City and Port of Oakland. Acumen recommends two other working groups to be formed: | C8-7

1. A transportation group with BART, Acumen, and select members.
2. A third group that would be focused on supporting the existing businesses and attracting research and development, or businesses involved in high-tech industries, including firms working in the Airport Business Park area.

Thank you for your time and consideration. I look forward to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter E. Allen".

Walter E. Allen,
President & CEO

Cc: Debbie Hauser, Airport Business Association
Barbara Leslie, President/CEO, Oakland Chamber of Commerce
Robert Powers, Assistant General Manager, BART

Letter #C8 Response – Acumen Building Enterprise, Inc.

- C8-1: This comment does not address a CEQA topic and is not a comment on the EIR. As of this writing, the City and the present development group team to continue to discuss and negotiate the terms of a potential Disposition and Development agreement.
- C8-2: Please see Master Response #5 regarding projections of new jobs and job types.
- C8-3: Please see Master Response #2 regarding community meetings and outreach.
- C8-4: Comment noted. Except for new hospitals, the Specific Plan provides for and encourages new development of each of the other land uses and improvements identified in this comment.
- C8-5: Comment noted. This comment is consistent with the No New Sports Venue Alternative presented in the Draft EIR.
- C8-6: Comment noted.
- C8-7: Comment noted. The City's Economic Development Department is actively engaged in business support and attraction efforts.

Responses to Verbal Comments Made at Public Hearings on the Draft EIR

Public hearings on the DEIR were held before the Oakland Landmark Preservation Advisory Board on September 8, 2014 and before the City of Oakland Planning Commission on October 1, 2014. The following is a summary of comments received at the public hearings, followed by responses that address those comments. Some of the topics raised have been previously responded to in Chapter 5, Responses to Written Comments Received on the DEIR.

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 Specific Plan 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 DEIR, these changes appear as part of the specific response and are consolidated in Chapter 7: Revisions to the DEIR, where they are listed in the order that the revision would appear in the DEIR document.

Responses to Comments from the September 8, 2014 Landmarks Preservation Advisory Board Meeting

The following provides a summary of verbal comments that were made at the Landmarks Preservation Advisory Board meeting on September 8, 2014, together with responses to those comments:

LPAB1: Naomi Schiff, representing Oakland Heritage Alliance

LB1-1: This comment suggests that the Plan not allow for the introduction of billboards.

Billboards and large event-based signage is not specifically addressed in the Draft EIR. However, as under current conditions, it is anticipated that a large on-site display sign will provide information regarding scheduled events at the sports and event venues.

LB1-2: This comment suggests retaining the existing Arena and renovating it on the inside, only.

Unlike the Coliseum, demolition of the existing Arena is identified as only one of several potential development options within the Coliseum District pursuant to the Specific Plan, and would likely only occur if the Warriors chose to remain in Oakland and to build a new venue for their home basketball games. Under all other scenarios, the existing Arena is considered an economically viable facility, with or without professional basketball. However, because this option is possible (and even the preferred outcome to feasibly redevelop the Coliseum District in accordance with the objectives of the Coliseum City Master Plan), the Draft EIR conservatively assumes demolition of the Arena may need to occur.

LB1-3: This comment suggests demolishing the “Mt. Davis” addition to the Coliseum only, and returning the Coliseum to its original design.

The Alternatives chapter of the Draft EIR (page 5-84) includes a discussion and analysis of multiple options that may be available for use of the existing Coliseum, assuming that at least one or both of the other sports franchises (Raiders and/or A’s) choose to remain in Oakland and at the Coliseum site (underline added):

- Rather than building a new Stadium, the Raiders could potentially choose make substantial renovations and improvements to the existing Coliseum, increasing the value of the facility as an economic revenue source by increasing luxury box seats; replacing the previous 1990s addition with a separate, new renovation that improves safety and views for fans and other improvements to enhance aesthetics, and making necessary infrastructure improvements to fix existing inadequacies.
- Alternatively, the A’s could potentially choose make substantial renovations and improvements to the existing Coliseum, increasing the value of the facility as an economic revenue source by increasing luxury box seats; removing the previous 1990s addition, and making other improvements that enhance safety, aesthetics and infrastructure services.
- Even another option would be for the Raiders and the A’s to collaboratively design and construct renovations and improvements to the existing Coliseum that better suit each of their respective needs, such that the Coliseum can be retained as a fully functioning, efficient, multi-purpose sports venue.

As indicated in the Draft EIR, the environmental benefits associated with this strategy, even with new development surrounding the structures but with sensitively designed renovations and improvements, could avoid and/or substantially lessen impacts to historic resources. Additionally, by not demolishing the existing Coliseum, the air quality impacts associated with dust and diesel engine emissions (including potential health risk impacts necessitating mitigation) can be avoided. However, this mitigation strategy may not be consistent with the intentions of either the Raiders or the A’s, and is not consistent with the Coliseum City Master Plan. As such, this mitigation strategy conflicts with the basic objectives of the proposed Project, and may prove infeasible.

LB1-4: This comment suggests that the EIR must identify now, the dollar value of the financial contribution required pursuant to MM Cultural 1A-3, and that a “historic buildings-for-money mitigation scheme” is incomplete and inadequate unless the dollar value is known. This comment also suggests that the dollar value be set in proportion to the linear feet of historic building façade to be removed as a result of the Project.

Please see the response to OHA’s written comments on the same topic (Response to Comments B3A-3 and -4, and B3B-1 through -6).

LB1-5: This comment notes that Mitigation Measure Cultural 1A-3 of the Draft EIR incorrectly indicates that financial contributions can be made to the Mills Act program. The Mills Act is a state-sponsored property tax reduction program for preservation of historic resources, and cannot receive financial contributions. See Chapter 7, Revisions to the Draft EIR, for a correction to this mitigation measure.

LB1-6: This comment suggests the City ensure that required financial contributions pursuant to MM Cultural 1A-3 be determined and provided to the City prior to demolition of the Coliseum and/or Arena. As presented in the Draft EIR, MM Cultural 1A-3 already requires that financial contributions be determined by the City at the time of the approval for specific [individual] projects that result in demolition of either the Coliseum or the Arena.

LB2: Chris Dobbins, Save Oakland Sports

LB2-1: This commenter spoke in favor of the proposed Specific Plan and its attempt to retain the professional sports franchises as important contributors to Oakland's economy and civic identity. Comment noted.

LB3: Board Member Eleanor Casson

LB3-1: The Board member requested a more detailed explanation of why it is not possible to keep the Coliseum, even if it is not used by the professional sports franchises.

The DEIR (page 4.4-32) indicates that, "the Coliseum is such a large, limited use facility that any alternative use that may seek to reuse the facility for other purposes (i.e., as a soccer field for amateur or even professional teams or other such reduced-size events) would be unlikely to generate a sufficient economic return to justify its on-going operation, and that incorporation of the existing Coliseum into the current planning and design program of the proposed Specific Plan is not viable." Please see response to OHA's written comment B3A-5, which provides further support of the Draft EIR's assertion that an alternative use would be unlikely to generate a sufficient economic return to justify the Coliseum's on-going operation.

LB4: Board Chair, Valerie Garry

LB4-1: The Chair of the Commission spoke regarding her belief that the EIR should, and is required to provide all of the information necessary to address the LPAB-developed Demolition Findings for historic resources, as adopted by City Council in 2010 and incorporated into the City's Planning Code. These findings are intended to provide information to decision-makers (i.e., the LPAB) prior to their consideration of any proposed demolition of historic resources. The Chair indicates that these findings, substantiated by required submittals, have not been included in the Draft EIR.

The comment is correct in that the Draft EIR does not include a draft of City Council or Planning Commission Demolition Findings to be considered as part of the EIR. Please see the response to OHA's written comments on the same topic (Response to Comment B3A-7), providing the EIR-preparers' reasoning for why this information was not included in the Draft EIR.

LB4-2: The Chair further commented that if this EIR were to provide the CEQA-required 'clearance' for demolition of an historic resource, then the City would be violating its own regulations if it were to certify the EIR and approve the Specific Plan without the benefit of the information required pursuant to the demolition ordinance.

The Draft EIR (starting at page 4.4-32) does include an appropriate discussion, pursuant to CEQA, of the City's Planning Code requirements for Design Review approval prior to demolition of historic

resources, and lists and discusses each of the applicable demolition findings. The Draft EIR fulfills its CEQA requirements to provide full disclosure of potential impacts to historic resources, to identify applicable mitigation measures, and to discuss alternatives capable of avoiding such impacts (see pages 5-6, and discussion of the Environmentally Superior Alternative beginning on page 5-83 of the Draft EIR). Nevertheless, the EIR preparers understand that the Chair and other members of the LPAB are not satisfied with the information provided in the Draft EIR, and believe that the information required pursuant to a demolition finding is necessary prior to certification of this EIR. Please see the response to OHA's written comments on this same topic (Responses B3A-8, -9 and -10), which provide the EIR preparers' attempt to more directly address the demolition findings criteria (primarily using information included in the Draft EIR, together with further information which amplifies and clarifies that same information).

Responses to Comment from the September 17, 2014 Alameda County Airport Land Use Commission Hearing

The following comments are derived from the minutes of the Alameda County Airport Land Use Commission meeting on September 17, 2014, with responses (where applicable to CEQA concerns) addressed.

ALUC-1: The general nature of comments provided by the ALUC Commissioners were supportive of the Specific Plan, especially as to its business development opportunities within the Oakland Airport Business Park and their likely economic value to airport operations. Comments noted.

ALUC-2: Commissioners expressed concern regarding the height of proposed new buildings, and potential conflicts with FAA and ALUCP requirements. Specifically, comments requested that Mitigation Measure Land-7A be revised to require findings from both the FAA and ALUC, and that real estate disclosures as well as aviation easements be required as a condition of future development.

Please see responses to the ALUC written comments on the EIR, specifically responses to Comments A7-1 and A7-2 regarding these topics. Changes have been made to the EIR reflective of these comment. Please see revision in Chapter 7 of this FEIR.

ALUC-3: Commissioners indicated that the ALUC staff would be submitting a formal comment letter on the Draft EIR to the City, incorporating many of the comments of the Commission as well as other technical matters. Please see the ALUC formal comment letter on the Draft EIR (Comment Letter A7) and all responses to those comments.

Responses to Comment from the September 18, 2014 Bicyclist and Pedestrian Advisory Commission Hearing

The following comments are derived from the minutes of the Bicyclist and Pedestrian Advisory Commission meeting on September 18, 2014, with responses (where applicable to CEQA concerns) addressed.

BP-1: The following comments pertain primarily to the merits of the Specific Plan in regard to proposed bike lanes serving the Coliseum District. CEQA-related responses are provided below:

- *Policy 5-23 and 5-24 recommends a Class 1 facility on 66th Ave, which is not shown on the map.*
- *Hegenberger is not bike/pedestrian friendly. The plan should improve pedestrian access here, and include a raised cycle track.*
- *The Plan should evaluate safety impacts to bicyclists traveling on Seminary and Mountain Blvd.*
- *Delete policy favoring floating bike lanes (DEIR, page 4.13-154), and include cycle tracks instead.*
- *Address the connection to the area via the Bay Trail.*

The Class I path recommended in the Plan (as indicated on page 4.13-154 of the Draft EIR), is the proposed pedestrian and bicycle path along the upland buffer of Damon Slough, connecting from the Coliseum BART station to Coliseum Way, from Coliseum Way to Oakport Street, and from Oakport Street to the MLK, Jr. Regional Shoreline Trail. This Path is shown on Figure 4.13-4 of the Draft EIR, and is generally consistent with the 2007 Bicycle and Pedestrian Master Plan.

Hegenberger Road/73rd Avenue (from International Boulevard to Doolittle Drive) is identified on the City's 2007 Bicycle Master Plan as a proposed Class II bicycle lane, which is proposed to provide a dedicated area for bicyclists within the paved street width, using striping and appropriate signage. The Bicycle Master Plan's Feasibility Analysis indicates that for the majority of this proposed bike lane segment on 73rd Avenue, existing 8' shoulders could be signed and stenciled for bike lanes, but that there are no shoulders over either the San Leandro Bridge or the I-880 Bridge, which account for a majority of the Project's frontage along 73rd/Hegenberger. Rather than proposing this Class II bike lane on 73rd/Hegenberger (which has safety concerns and feasibility restrictions), the Specific Plan includes the Damon Slough path and the Pedestrian/Bike/Transit Concourse and overpass over I-880 as alternative bike and pedestrian circulation routes to and from the Project area.

Protected bike lanes (or cycle tracks, as referred to in the above comments) provide bicyclists exclusive space in the roadway by separating bicyclists from motor vehicle travel lanes with on-street parking, flex-posts and/or raised medians. As part of detailed site planning for individual PUD or subsequent project plans, cycle track may be considered in lieu of "floating bike lanes", provided that these cycle track provide the flexibility to convert the parking lane to traffic lane for special events.

The Draft EIR does not include an analysis of the bicycle safety impacts on Seminary and Mountain Boulevard. The Project neither proposes any bicycle improvements on these roadways, nor does it contribute significantly to bicycle use or demand on these roadways, both of which are approximately 4 miles from the Project site.

BP-2: The following comments pertain primarily to the merits of the Specific Plan in regard to proposed bike facilities serving the Coliseum District. CEQA-related responses are provided below:

- *Add a policy to include a bike station (not necessarily at BART).*
- *Plans should include bike parking at the stadiums.*
- *Bike share should be coordinated with the regional program.*

- *Consider the target audience when designing bike facilities (e.g. tourists/visitors, new residents).*

Policy 5-29 of the Specific Plan requires ample bicycle parking facilities, consistent with City regulations. Within the public realm, these facilities will include bicycle racks and lockers in pedestrian plazas or on street corrals near transit stops, and near the generators of bicyclists' demand (including near the new Stadium and Ballpark).

Policy 5-30 of the Specific Plan suggests a bicycle sharing program be considered for the Coliseum District, coordinated and managed by a future Transportation Demand Management Agency. Such an agency would coordinate with regional programs and design the program based on the needs of its users (including tourists, visitors and residents).

BP-3: The following comments pertain primarily to the merits of the Specific Plan in regard to proposed pedestrian facilities serving the Coliseum District. CEQA-related responses are provided below:

- *The cross sections that include 10' travel lanes are good, but add buffers to the bike lanes.*
- *Consider diagonal pedestrian crossings*
- *Policy TR5-11 (prohibiting curb extensions) should be deleted.*

Ten foot travel lanes are anticipated only on those minor Local Streets within the residential and commercial neighborhoods of the Coliseum District. As indicated above, detailed site planning for individual PUDs or subsequent project plans may consider cycle tracks in lieu of "floating bike lanes", provided that these cycle tracks provide the flexibility to convert the parking lane to traffic lane for special events. The need to convert the parking lane to traffic lanes for special events is the primary reason that curb extensions are not recommended, as curb cuts would render the parking lanes unavailable as a travel lane. Detailed site planning for individual PUDs or subsequent project plans may also consider the potential for diagonal street crossings at internal intersections, but this would necessitate "scramble" traffic signal controls which may hinder traffic movement through the Project site.

BP-4: *Provide access and amenities for existing area residents.*

Currently, the Coliseum, Area and surrounding parking lots are fenced to prevent access to the public other than during events. The Specific Plan would open access to the Project's amenities, including the event venues, shopping and other on-site attractions, to the public, primarily via the Damon Slough path the and Pedestrian Promenade. These pedestrian and bicycle facilities would be open and welcoming to the public.

BP-5: *Separate bike and pedestrian traffic along the "high line" (bike/pedestrian throughway connecting BART to the Bay Trail). Prioritize improvements to Hegenberger since the "high line" is many years away.*

As part of detailed site planning for the Pedestrian Promenade/Concourse, separated bike and pedestrian facilities will be considered within the ample right-of-way provided on this facility. Although the I-880 overcrossing is expected to occur in later phases of development, the new

Promenade/Concourse is anticipated to be part of the early phases of development, concurrent with construction of the new Stadium and/or Ballpark.

BP-6: *Consider sharing surface parking lots on game days as has been done in Santa Clara for the new 49ers stadium; learn other lessons from that project.*

The parking program for the Coliseum District is described in the Draft EIR beginning on page 4.13-162, and relies on a strategy of shared parking throughout the District. In total, the Coliseum District would provide 17,766 parking spaces, including about 9,216 structured parking spaces for typical day-to-day operations (4,000 spaces reserved for residential uses, and approximately 5,216 spaces available for sharing between all other uses in the Coliseum District), a total of 8,150 parking spaces reserved for special events (4,326 spaces in surface lots and 3,824 reserved parking spaces in structures), and an additional 400 on-street parking spaces.

It is estimated that the Coliseum District would have a peak parking demand of about 7,800 parking spaces during a non-event weekdays, and a peak demand for about 6,700 spaces on a non-event weekend. The peak weekday non-event parking demand represents about 85 percent of the available non-event day parking supply (of 9,216 structured spaces), which suggests that the Coliseum District may be over-supplying parking by about five percent for day-to-day non-event conditions. These “extra” parking spaces would be available for sharing among all Coliseum District uses, including BART parking.

On game days at the new Stadium (football games would generate the highest peak parking demand), a weekday evening game would generate a demand for approximately 24,000 total parking spaces (approximately 6,000 non-event spaces and 18,000 event-based parking spaces). A weekend afternoon game would generate a total parking demand for approximately 25,000 spaces (5,000 for non-event uses and 20,000 for the event). The Coliseum District’s parking supply of 9,216 day-to-day use structured spaces, plus the 8,150 parking spaces reserved for special events, and the 400 on-street spaces would all be used to accommodate these parking demands, with only 4,000 of those spaces reserved for residential parking. To further supplement these event-day parking demands, 6,000 over-flow parking spaces that are currently used by the Coliseum Authority during large events that now occur at the existing Coliseum would continue to be relied upon.

BP-7: *Create a Parking Benefit District to reinvest in the area.*

As indicated on page 4.13-47 of the Draft EIR, the Project anticipates instituting a Transportation and Parking Management Agency (TPMA) within a Community Benefit District (CBD) to manage the on-street and off-street parking supply, and to use the parking revenue to fund parking operations, and to maintain and improve transportation facilities in the Project Area. The TPMA would also manage the bicycle support facilities such as attendant bicycle parking/bike stations, and/or bike sharing/rental programs, as well as monitor car-sharing programs and other Transportation Demand Management (TDM) programs for the Project Area.

Response to Comments from the September 24, 2014 meeting of the Oakland/Alameda County Coliseum Authority

Oakland City staff and the development team made a presentation to the Coliseum Authority on September 24, 2014, also indicating to the Authority that the Draft EIR had been made available for public review and comment, and that any comments of Authority members were welcome. Although there was discussion regarding the relative merits of the proposed Project, no comment on the Draft EIR were received during this meeting.

Response to Comments from the September 25, 2014 Port of Oakland Board of Commissioners' Meeting

The following comments are derived from a recorded CD of the Port of Oakland's Board of Commissioners' meeting held on September 25, 2014, with comments summarized and responses applicable to CEQA-related concerns addressed below.

Port1: Commissioner Colbruno

Port1-1: Commissioner Colbruno raised concern regarding the Project's proposed building heights in relationship to FAA height limits, including and especially related to tall light standards for the new Stadium and Ballpark. The Board member requested additional information and certainty on this issue.

Port Aviation Director Flint responded to the Commissioner's comment, indicating that Port staff requests the City to provide certainty that FAA approval for any new buildings with height restrictions, that a "no hazard" determination would be required, and that both a real estate disclosure and an aviation easement would be required.

Please see response to the Port's written comments (Response to Comment A13-1), indicating that the EIR makes it clear that proposed buildings within the Project area (including new light standards) exceeding the FAA Part 77 height limit of 159.3 feet would only be allowed if they did not impact airport operations. Please also see response to the ALUC's written comments (response to Comment A7-1), indicating that changes have been made to Mitigation Measure Land-7A to stipulate that findings regarding the acceptability of the height of new structures be obtained from both the FAA and ALUC. Changes have been made to the EIR reflective of these comments, as shown in Chapter 7 of this FEIR.

Please also see response to the Port's written comments (Response to Comment A13-1), and ALUC written comments (response to Comment A7-2) indicating that the EIR has been updated to require a real estate disclosure statement and an aviation easement. Please see Chapter 7 of this FEIR for these edits.

Port1-2: Commissioner Colbruno also requested additional information and clarification regarding the issue of Tidelands Trust responsibilities and any potential land "swap".

Port Commercial Real Estate Director Kershaw responded that the Project's proposed Waterfront Residential District was not a use permitted on lands in the Tidelands Trust, and that if such a use

were to be developed then the Port, as a trustee, could no longer own the property. The Draft EIR (beginning on page 4.9-68) includes a discussion of the Project's consistency with plans and policies related to Tidelands Trust, indicating that development of residential and neighborhood-serving retail uses would conflict with the public trust doctrine and would not otherwise be permitted. However, the potential inconsistency with the public trust doctrine can be removed through appropriate reallocation of the public trust resource. Mitigation Measure Land-9 in the DEIR (p.4.9-72) explains that the sale option requires a finding by the Port Board that the property is no longer needed or required for the promotion of the public trust. Please also see response to the Port's written comments (response to Comment A13-10), clarifying that any such sale of Port property for development under the proposed Project must be for fair market value.

Port1-3: The Commissioner also requested clarification regarding the proposed land use character within the Oakland Airport Business Park, indicating his understanding that the business park was now seen for bio-technology and office use.

Port Commercial Real Estate Director Kershaw responded that the Project's proposed land use plan for the Oakland Airport Business Park did envision emergence of a strong office and bio-tech sector within Sub-Area B, but with retention of industrial and manufacturing that were also supportive of the emerging bio-tech sector in Sub-Area C, and the retention of logistics/warehouse and distribution uses in support of airport operations within Sub-Area D. The Director's responses are fully consistent with the Project Description included in the Draft EIR beginning on page 3-63 through 3-68, and the Draft EIR's analysis of proposed new zoning beginning on 4.9-46.

Port1-4: The Commissioner also requested certainty that the pedestrian overpass over I-880 would include a green linear park in addition to any transit and pedestrian bridge elements.

As noted in the Draft EIR Project Description (page 3-43), the Project's proposed pedestrian concourse "will also be a linear park that extends over I-880, providing a direct link from BART to the Bay." As also noted in Master Response #7, the width of the pedestrian concourse is intended to provide for a designated bicycle path and a wide pedestrian zone with supporting pedestrian amenities and features including street furniture, café seating, landscaping and lighting, all ringed with retail shopping opportunities. As part of the Project's public realm, the approximately 10.3 acres of Promenade urban open space would be fully open to all members of the public as an open public gathering place every day of the week.

Port2: Vice President Butner

Port2-1: Commissioner Butner questioned whether the current Coliseum was taller than the FAA height limits, and whether this currently posed any issues or concerns.

As indicated in the Draft EIR (page 4.9-63), there are existing buildings and structures located within the Project area which currently exceed the Part 77 surface area criteria. The existing Coliseum has obstruction lighting placed on the structure and light standards that project as high as 180 feet above mean sea level, and the top of the Oakland Tribune building located along I-880 (within Sub-Area B) reaches as high as 199 feet, and is marked by obstruction lights located at the top of the building. Given that the large majority of the Project Area is not located with an approach or departure Surface Area as identified in the ALUCP, it is reasonable to assume that

most new buildings proposed within the Project Area that exceed the height criteria can still be approved with implementation of appropriate marking and lighting. However, given the very tall heights of certain proposed structures (as described above), it is possible that a “no hazard to air navigation” finding may not be achievable, even with such obstruction markings. Should such a circumstance arise, Mitigation Measure Land-8A (as amended, see Chapter 7 of this FEIR) would restrict the approval of such buildings to a height no taller than as recommended by the FAA to ensure no hazards to air navigation and/or no modifications to flight operations at Oakland International Airport.

Port2-2: Commissioner Butner raised concerns over the Project’s proposed residential uses within the Oakland Airport Business Park, and questioned whether the planning team had considered the option of not including any new residential uses west of the freeway. He indicated that many existing business owners were concerned about encroachment of residential uses into the business park.

Oakland Strategic Planning Manager Manasse responded that the City had certainly considered the option of not including residential use on the west side of I-880, but that the development team that the City is currently working with believes that such residential use is a critical element of the financing plan necessary for the overall development of the Project. Furthermore, City staff believes that there is a very limited number of potential waterfront development sites within the City of Oakland that would be acceptable and desirable for residential use, and that the City’s corporation yard in Sub-Area B, if redeveloped, could be such a site, benefiting the City and seen as a beneficial component of a more urban, vibrant waterfront associated with new campus-style development as envisioned in the remainder of Sub-Area B.

Please also see responses to the Port’s written comments (response to Comment A13-9) noting that the Draft EIR (on page 4.9-54), recognizing the potential land use policy conflict associated with introducing residential uses into the Airport Business Park, but concluding that residential use would not introduce a physical environmental effect that has not otherwise been addressed within this EIR. Rather, this potential conflict “is a policy inconsistency with the Port’s LUDC and its intent to ensure orderly development of the Airport Business Park and prevent interference with airport operations. As such, this potential conflict does not rise to the level of a CEQA impact. Discussion of this potential policy conflict is included in the EIR for purposes of public information and informed decision-making on the Project. Therefore, this comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, for purposes of clarification, the response to Comment A13-9 also includes a summary of the Draft EIR’s environmental conclusions regarding existing ambient air quality conditions, future potential cancer risks contributed by cumulative toxic air emissions, the potential for new sensitive receptors to be affected by objectionable odors, hazards related to encountering hazardous materials contamination and the applicable stringent clean-up regulations, protection from an accidental release of hazardous substances, noise compatibility of residences, and freeway-generated noise exposures. For each of these issues, the Draft EIR concludes that such impacts would be less than significant with implementation of the City of Oakland’s Standard Conditions of Approval or additional mitigation measures as recommended in the Draft EIR.

Port3: Commissioner Hamlin

Port3-1: Commissioner Hamlin expressed concern that the Port may need all of the property within the business park to accommodate growth in business and airport-related uses, and that allowing residential use may preclude future business opportunities.

As indicated on Table 4.11-9 of the Draft EIR, the Specific Plan's projected business growth within Sub-Areas B, C and D (which comprise the entire Oakland Airport Business Park) anticipate and accommodate an increase of 5.74 million square feet of net new business space, providing for an increase of approximately 14,000 net new employees within the business park. As indicated on page 4.11-24 of the Draft EIR, "employment growth in the Project Area under the full development scenario represents 25 percent of city-wide growth over the next 30 years, as targeted for Oakland in the recently released Plan Bay Area. This comparison indicates the importance of Project Area development in actually achieving the high level of employment growth targeted for Oakland." Based on this information, the Specific Plan does accommodate a substantial share of the projected growth in Oakland's business development, even with the Waterfront Mixed-use Residential component included.

Port3-2: Commissioner Hamlin reiterated Commissioner Butner's concern regarding the land use compatibility of new residential or mixed-use development within the business park, indicating that some existing businesses may decide to move elsewhere because of such conflicts with their business operations.

Comment noted. Please see response to Commissioner Butner's similar comment (Comment Port2-2), above.

Port4: Board President Yee

Port4-1: Board President Yee requested clarification that this hearing was on the Draft EIR and Draft Plan, that no final plans or Final EIR were being considered at this time, and that no decisions or approvals were currently being sought.

Port Commercial Real Estate Director Kershaw responded to clarify that this was a hearing on the Draft EIR and Draft Plan, that the comments of the Port Board and other business owners in the area may cause the City to reconsider some of their recommended land use proposals, and that a final Specific Plan and a Final EIR were still to be prepared. Ms. Kershaw also recommended to the Board that they not consider any changes to the Port's Land Use and Development Code at this time, but rather to wait on any such considerations until a final Specific Plan was completed by the City. Ms. Kershaw also indicated that the Port staff would be submitting a formal comment letter on the Draft EIR to the City, incorporating many of the comments of the Board, as well as other technical matters.

Please see the Port staff's formal comment letter on the Draft EIR (Comment Letter A13) and all responses to those comments, as well.

Oakland Strategic Planning Manager, Mr. Manasse, also responded to the comment. He indicating that the zoning maps provided in the 2014 draft Specific Plan were not yet finalized and may be subject to change, but that they did generally represent the area where the City believed

residential use may be appropriate. In response to the comments of the Port Board, as well as comments from EBRPD, the RWQCB and others regarding the environmental sensitivity of one portion of the area proposed for mixed-use waterfront development, the City has re-considered its proposed zoning map for certain properties within the Business Park. Specifically, the City has reconsidered the zoning to be applied to the approximately 8-acre Edgewater Freshwater Marsh located within the Business Park. Please see Master Response to Comments #6 regarding the Edgewater Seasonal Wetland.

Responses to Comments from the October 1, 2014 Planning Commission Hearing

The following comments were made at the Oakland Planning Commission hearing held on October 1, 2014:

Speaker 1: Esther Goolsby, active community member and part of Communities for a Better Environment and the HOPE Collaborative

PC1-1: *I want to say that you spent a lot of years putting together the Draft of the Specific Plan and the Environmental Impact Report which is a thousand pages. You're only allowing us forty-five (45) days. We need more time so we can get all the organizations together, get the community members together, their opinions and what we need to add to this, what we need to get out of this. It's very critical to the environmental justice that the community that lives where the new project is proposed must have a chance to understand the project and give feedback to you, the decision makers.*

Please see Master Response to Comments #1 regarding the extended public review and comment period for the Draft EIR.

PC1-2: *And it's not just the area where you have the proposal. What I would like you to do, if you flip this around the opposite way where all the people in East Oakland live, that need a whole lot of fixing and this money that is about to be spent that could go there. Those people need this. You say a new urban area, for new people. It's thousands of people that live in East Oakland right now that need help. I love the way your transit system is going to work because basically what it's going to do: they're going to come from everywhere else, be right there and go over there. That is not what we need.*

Please see Master Response to Comments #2 regarding the Planning and Public Outreach Process.

PC1-3: *When we asked for the comment period, you extend it by eleven (11) days. Again, this has taken years to put together and you give us forty five days. For this meeting on October 9th at the 81st Avenue library, I feel that is the community that is going to be affected the most by this, (the public workshop) has changed times, it has changed dates, and a lot of people in that area have no idea what all of this means, what is going to do to us.*

Comment noted. Please see Master Response to Comments #1 regarding the extended public review and comment period for the Draft EIR, and also see response to Written Comment 6-3 regarding the Draft EIR's analysis of potential impacts of the proposed Project on the adjacent neighborhoods.

Speaker 2: Jose Lopez, with CBE and works in East Oakland

PC2-1: *Basically I just want to say that the Coliseum City will be transforming East Oakland and eventually will become a valuable investment to developers and also will increase the land use value. It is a major opportunity and a major investment that is happening in East Oakland that is desperately needed; however it must be done right, and create opportunities for good jobs, affordable housing, and other public health and environmental benefits for our community. We ask that the added value this project will bring to East Oakland and the City must be shared with existing residents and workers and ensure that they benefit from the project and that they're not displaced; and I keep hearing, hearing that this project is very flexible so I'm just wondering what that really means. Does that mean that they're going to be opportunities for people to be displaced and that there is not going to be benefits for communities who are currently living there?*

Please see Master Response to Comment #4 regarding direct and indirect displacement of people and jobs. Please also see Master Response to Comment #3 regarding subsequent development processes.

PC2-2: *I also specifically want to highlight that the current draft EIR doesn't account for the increased air and greenhouse gas emissions from traffic increases, emissions that obviously affect both outdoor and indoor air quality to an area that is already overburdened by air pollution, and that is also anticipated to be hit and impacted the worst by the effects of climate change.*

Air emissions resulting from traffic increases are addressed in the Draft EIR under Impact Air-7A (beginning at page 4.2-59), indicating that “new development at the Coliseum District would result in an increase in criteria air pollutant and precursor emissions, including ROG, NOX, PM10 and PM2.5 from a variety of emissions sources, including on-site area sources (e.g., natural gas combustion for space and water heating, landscape maintenance, use of consumer products such as hairsprays, deodorants, cleaning products, etc.), surface coatings, and mobile on-road sources. Additionally, impact Air-9 (beginning at page 4.2-67) of the Draft EIR addresses health impacts associated with TAC emissions from traffic generated by the Project.

The Draft EIR also identifies that construction and operation of the Project would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG emissions) resulting traffic through the combustion of fossil fuels in daily automobile and truck trips (see page 4.6-30 of the Draft EIR, and Table 4.6-4: Greenhouse Gas Emissions on page 4.6-38).

As also indicated in the Draft EIR (page 4.2-44), the Project would not fundamentally conflict with, but instead would support the Clean Air Plan's land use measures. The Specific Plan would implement urban infill development at an already urbanized site, includes transit-oriented development at the Coliseum BART station, and includes plans and strategies to improve and promote greater reliance on transit as the transportation mode of choice for sporting events and other activities at the new sports and events venues. The Specific Plan provides for a mix of land uses, compact and high-density residential and commercial activities near transit, and a land use development plan that can reduce motor vehicle travel and emissions.

PC2-3: *Lastly, I request that the final EIR strictly account for the project's contribution and the impacts of sea- level rising and poor air quality will have on this planned development.*

Please refer to Master Response #8 in Chapter 4 of this Final EIR regarding sea level rise and mitigation strategies.

Speaker 3: Jean Cohen, with East Bay Housing Organizations (EBHO)

PC3-1: *We have many comments to share and we will be submitting a letter but I just wanted to highlight a couple of issues for you tonight. We appreciate the fact that affordable housing and anti-displacement policies have been included, but it shouldn't be an addendum (Appendix I to the staff report) to this project and that's very concerning. The Plan includes no discussion of affordable housing or anti-displacement policies and we believe that at least 25% of the new residential units should be affordable to low- and very low-income people; and also how the City will meet its Regional Housing Needs Allocation goals should also be included as you consider this plan.*

Please see Master Response to Comments #4 regarding displacement, and its included discussion of affordable housing.

PC3-2: *An analysis of the project mix of future jobs should be conducted to ensure that the jobs-housing fit will mitigate against greenhouse gases and that the goals associated with this project meet the PDA designation that it has.*

Please see Master response to Comments #5 regarding additional information on projected jobs and job types within the Project.

PC3-3: *And finally, this is a developer-driven plan and it's been a very disempowering process for the residents of Oakland. There is been a significant lack of community engagement in the process. We believe community and resident voice have been shut out as the developer and the City try to work out a complicated deal with multiple public and private landowners, and we know that we can do better and we encourage you to help, make sure that our comments on affordable housing and anti-displacement are incorporated in the plan. And most importantly that you ensure that there is an authentic and transparent community engagement process.*

Please see Master Response to Comments #2 regarding the planning and EIR process.

Speaker #4: Barbara Estella Mercado Oviedo

PC4-1: These comments are not included as they were not pertinent to the Coliseum Area Specific Plan nor the Draft EIR.

Speaker #5: Naomi Schiff, for Oakland Heritage Alliance

PC5-1: *Where is the report from the Landmark's Board meeting that was held on September 8th? They're supposed to advise you. You don't have any serious description of their discussion on this issue, and that seems odd.*

Comments made at the September 8th Landmarks Board meeting and responses to those comments are included in this Final EIR, above.

PC5-2: *The Highline was mentioned, there is one big difference between the highline and the linear park in this case and that is that the Highline is a historic object.*

This comment is in reference to a portion of the staff report which refers to the Project's proposed Pedestrian Promenade as being "similar to the High Line in New York", a 1.45-mile-long linear park in New York City built on an elevated section of a disused New York Central Railroad spur. It is recognized that the New York High Line is an historic resource in New York, but is not relevant to the Project or its EIR.

PC5-3: *I just thought I mentioned that because the mitigations proposed for the cultural resources are highly inadequate, among other things they refer to a financial contribution, 25 cents, 50 cents, a billion dollars, we don't know. So, I think there needs to be serious work done on the mitigations.*

Please refer to Response to OHA's written comment letter, Comment B3A-3 regarding historic impact mitigation.

PC5-4: *Secondly, the demolition findings are completely intermingled with design review, this is absolutely incorrect, and it's the City violating the City's own law. Passed by the Planning Commission and the City Council, the demolition findings (for historic structures) are a thing onto themselves.*

Please refer to Response to OHA's written comment letter, Comment B3A-7 through -9 regarding the applicability of demolition findings and their relationship to this EIR.

PC5-5: *Lastly, it is not a mitigation to put money into the Mills Act (program) -- that represents a misunderstanding. The Mills Act is a tax incentive, it does not need any funding from mitigations, that is just plain wrong.*

Comment noted. Please see Chapter 7 of this Final EIR for edits and revisions to Mitigation Measure Cultural 1A-3: Financial Contribution.

PC5-6: *The historic resource (the Coliseum and Arena complex) is quite important. If it is to be demolished, and the assumption is made here that half, or all of it will be (demolished), then there needs to be a much more serious look at mitigation. This (mitigation measure) is entirely inadequate, and as far as the demolition findings go, they need to be pulled out and processed as a (separate) piece.*

Please refer to Response to OHA's written comment letter, Comment B3A-3 regarding historic impact mitigation. Please refer to Response to OHA's written comment letter, Comment B3A-7 through -9 regarding the applicability of demolition findings and their relationship to this EIR.

PC5-7: *Lastly, I did put in a little comment about the coastline. I just want to say that mitigation, SCA-HYDRO 15, assumes that garage areas are being built for flooding so to spare the people upstairs. If those are condo owners, that means an inherent loss of private property will ensue and insurance will be difficult to obtain. So I don't think we want to build like that.*

Comment noted. Please refer to Master Response #8 in Chapter 4 of this Final EIR regarding sea level rise and mitigation strategies.

Speaker #6: Heather Lewis, Communities for Better Environment (CBE)

PC6-1: *CBE and our allies will be submitting extensive legal comments on this Draft EIR, but I wanted to take this opportunity to make a few comments on CEQA process so far. First, as it was previously mentioned, the timing of the process. The City has not given the public enough time to comment on these documents. The documents total more than three thousand five hundred pages for review, City staff spent three years putting these documents together, we need more than forty-five days, and we need more than the fifty-six days that have been given. It's not enough time to understand a project that is going to have such a significant impact on the future of East Oakland.*

Please see Master Response to Comments #1 regarding the extended public review period for the EIR.

PC6-2: *Secondly, the Specific Plan proposes to amend the Planning Code to create new Zoning categories, called Coliseum Districts 1 through 6, however to my knowledge the text of these amendments is not in the EIR, its Appendices or the Specific Plan. How can we be expected to comment on this rezoning proposal when we don't know what the proposal is? Public needs to see the text to the Planning Code amendments describing in detail which uses will be permitted as of right, which will require conditional use permits and what buffer zones will be required around residential uses.*

The new zoning categories recommended in the Specific Plan are the regulatory tools intended to implement the policies and guidelines of the Specific Plan. As such, they will be fully consistent with the Specific Plan, and will enable future physical development that is consistent with the Project Description as presented in the Draft EIR. As such, the physical impacts associated with adoption and implementation of these new regulatory provisions have been fully addressed in the EIR.

PC6-3: *Third, the Specific Plan area is very carefully drawn to avoid the existing residential areas in the Coliseum area. The City cannot exclude this area in order to avoid analyzing the project's impacts on the people who already live here. The EIR has to analyze and mitigate the project's impacts on this community which is already suffering from a disproportional pollution burden.*

Please see Master Response to Comments #2 regarding the planning process for this Specific Plan and the reasons for its development program. Please also refer to responses to Comments B5-10, B5-15 and B5-22 to the East Oakland Building Healthy Communities Land Use Workgroup's written comment letter, and Response to Letter #C6 from Kitty Kelly Epstein regarding the Draft EIR inclusion of assessments of potential impacts of the Project on the surrounding East Oakland community.

PC6-4: *I urge you to consider this project carefully and not to rush to make a hasty decision to substantially rezone this community without full information.*

Comment noted. This comment will be forwarded to City decision makers for their consideration regarding the Specific Plan and its EIR.

Speaker #7: Sunny Gustafson, member of EBHO and recent resident of Palo Vista Gardens

PC7-1: *I would like to speak today on behalf of EBHO and also the affordable housing in the area. It seems to me that although in the recent past there have been a few public meetings where we could learn about the Coliseum Plan, and to make comments; so far I can't see that the comments have had any difference. Even the things that they've said, "we set the goals", "we aim", you know, nothing concrete. There are no requirements. There is no concrete empowerment or enlightenment, or benefits to the people and the businesses that've been here forever. And I find that appalling, I just do. They say that they've spent a lot of time, we've heard that from each of them, that it's been going on for years, but it seems to be planning between the developers and the City, the "haves", the people that are going to get the income, both ways, but nothing for the people who live here and will suffer all of the environmental problems, the transportation problems, the noise problems, everything. There is nothing to that end. I know they sent Devan to the Palo Vista Gardens and I appreciated that but as I see tonight he heard us but nothing was done to make our comments included in any part of anything that is coming up. So, I would like to say that, the people that have lived here the longest, their tax revenues have been included with everybody else's helping the Coliseum, now and in the future, we get all the grunt of (the impacts from the Plan). It shouldn't be the "haves" against the "have-nots", it's just not right.*

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

Speaker #8: Theola Polk, resident of Palo Vista Gardens and a member of EBHO

PC8-1: *I'm here to speak on the behalf of the people in the area concerning the facelifts. As you know "Coliseum City" is being built around the people in East Oakland. So as you build your "City," we would like for you to remember that it is also a part of our City, and as you build to beautify your City, we would like if you donate some of the funds to help beautify our City as well. We would also like for you to consider putting in more businesses such as larger grocery stores, for there are very few grocery stores in the area we live in that we can get to without some kind of transportation provided by someone, because most of the seniors do not have their own transportation. So we would like a larger grocery store for one with affordable prices and we would also like for you to keep in mind that we are located next to the "Coliseum City" and as you make your plans to build your City also remember our City.*

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. The Specific Plan fully provides for and encourages development of new grocery stores and other neighborhood-serving retail uses within the project Area, and the City's Economic Development Department is actively seeking private proposals for development of a grocery store in the neighborhood.

Speaker #9: Mary Butler, resident of Allen Temple Arms

PC9-1: *I'm speaking on my behalf, as well as on behalf of many residents who live near the proposed Coliseum Area Specific Plan. We know that this is a massive plan. It's been decades since anything this large, or that takes this much money from investors, developers and also public money from taxpayers. I believe that we should be included in the plans and that we be taken seriously. Our families have been here for decades, I'm a grandmother, and I have children and grandchildren who are proud to be Oakland residents. We love the plans, we love the improvement but where are we in that? Don't forget us, don't forget our housing needs, and don't forget our educational needs. You're planning on bringing in businesses, hi-tech companies, what about our young people and older people who want to be trained? We need a job skills center in our community so they can be a part of this new city and the jobs, good paying jobs and also to show that they can have pride and feel good, that they are not being neglected or separated from the people who do not need affordable housing or do not need jobs. We need schools, we need a fire (station), if it's going to be improved, right now we need a police (station) in that area, it's more than just housing, and it's more than just sports. We love our sports, we love our teams, but we love our communities, we love the residents there, we want to see everyone benefit from this plan because we all are a part of the community. So I hope you really will consider our needs and our priorities and making this plan.*

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the planning process, and Master Response to Comment #5 regarding future jobs and job types.

PC9-2: *I'm glad to hear that is going to be amended policy regarding affordable housing because the need is there, I know you see it every day, we see it every day. So thank you for listening and please take us serious on this matter. We need your support and your help, including our needs and our priorities and building our community to be successful.*

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

Speaker #10: Anwar Zeidi, long-time resident of Oakland

PC10-1: *I'm really not with this program, I think it's too much. Once you build this program, in this low-income housing area, when you start putting higher income housing in this area, you're going to drive the people out. I heard on the news the other day where this lady was complaining about her rent being \$2,500 a month down by the Lake (Merritt). And as the people from San Francisco, and other areas move (into Oakland) with Hi-Tech jobs, they've got the money to pay this (level of rent). And if she's complaining about \$2,500, people in East Oakland, they don't pay \$2,500 a month, they can't afford it. So when the rents go up and when they build all these new houses and people down by the Lake they can't afford to live there anymore, they're coming this way, and when they're coming this way, the people that's here, the people that have been living here all their lives, are not going to be able to live here. You know, just like it happened in San Francisco. They're driving the yuppies out, so what do you think they're going to do with us? Just like in*

Hunters Point (San Francisco), they are driving all those people out. What you think it's going to happen to us? There is not going to be a Black community, there is not going to be a Mexican community (in Oakland), it's going to be a San Francisco community. What you see in San Francisco, is what you're going to see in Oakland. And I think it should be one program at a time, so people can concentrate on that program and make sure this program is benefiting those residents of Oakland. It can be a lot there in Oakland for the residents. You can build some kind of manufacturing in some of these properties, when people can get a job and make \$25 an hour or something like that, and they can afford to stay here. If you don't give people jobs working at the Coliseum, maintenance men, they won't afford to live in Oakland, just like they can't afford to live in San Francisco.

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #4 regarding direct and indirect displacement, and Master Response to Comment #5 regarding future jobs and job types.

Speaker #11: "Godfather Griz", 66th M.O.B.

PC11-1: I run the longest NFL tailgate gathering in Oakland, on 66th Avenue. I deal with the homeless population, I deal with druggies, I deal with people who are disbanded from their homes all the time, I've been a resident here in Oakland, in at least five different locations, so to the people speaking, I feel you, I honestly feel you deeply, so there are no buts on what I'm going to say. With this tailgating that we host, we are a community-driven organization called "Making Oakland Better" and we are very blue-collar, very down home and we've been also working and discussing these things with this "Coliseum City" concept, to see how we can fulfill these needs that you guys have been talking about, because I am from here and for anything to work in Oakland, it has to stay Oakland, it has to have an Oakland feel to it. I just went to the Wembley Stadium in London (for a NFL Raiders game). London is a whole different country, whole different place, but let me tell you something about what they did over there: that stadium, and I'm free here, and I've struggled many times to survive and pay my bills, when they revamped and made that (Wembley) Stadium with these different places and vendors and shops, all the people that were from the area, still were able to exist there. I was there recently, and what it does to community to create jobs and to boost its community.

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

PC11-2: The problems that we are talking right here folks are the problems that the City hasn't solved in years, not this new concept. So what I am excited about, is that they're going to listen to what you've got to say, because they are City officials and (even County) supervisors haven't solved these problems that you guys are discussing, in years. It's perfectly understandable that these people want to come up here and make sure that this step that we're taking benefits everybody, am I hearing that correctly? And I want everyone to know strive to have a bigger vision, please, because if we don't get this deal done, and it helps everybody, then we'll be ultimately making Oakland better to help get more police in the force, help our charities, help our schools, and that's what I saw when I went out of the country, and that's what Oakland needs now more than ever.

So, please consider this, I'm sure they'll listen to all your comments, and this will come together to make Oakland better. Thank you for your time, let's get this deal done.

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also refer to Master Response to Comment #4 regarding direct and indirect displacement, and the Project's relationship to on-going demographic trends.

Speaker #12: "Dr. Death", representing the Oakland Raider Nation

PC12-1: Before I want you guys to realize this is not just about football, or the silver and the black and the regalia, this is about Oakland. And the policies that happen here in Oakland, the decisions, the start here in Oakland but they don't stop at the City and County lines, it affects everyone around here, from Fairfield to San Francisco, San Jose, my hometown of Sacramento. I am a mass communications major at Sacramento State University, and I had to say to my professors I couldn't make class today because I had to go fight for the City Of Oakland (at tonight's hearing). I consider myself an Oaklander. Look at the people that are in front of you, a culture of people, all these great people that are here and I feel them, I understand that these people that made the City, great we have to keep them here. But let's make Oakland better. We don't want more of the same. In 2010, Oakland's unemployment rate was an astronomical 17%, it's currently 10%. Two years ago, the crime rate here was triple the national average. As of September, they haven't had a murder in 30 days. They are getting better but we need to be great. We need new companies, we need infrastructure, and we need new tax revenues, but let's keep that in mind because they are the ones that make Oakland. I'm an Oaklander, let's make Oakland better. A Maryland newspaper says one (Baltimore) Raven's game brings \$20 million to that city. According to USA Today, Cleveland's Browns home game brings that city \$6 million. I can only imagine what "Coliseum City" will do to the City of Oakland and make Oakland better. But please consider everything that they're saying, and I see here on Policy 3.5.0: "Encourage the provision of new housing and affordable to low and moderate income households", absolutely. Let's work together, let's make Oakland better, because by you being here that means that this is becoming a reality and they're right, this is going on for two years and they only have 45 days to review, I get it. But let's work together and let's make Oakland better.

This is a comment related to the merits of the Specific Plan and its planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

Speaker #13: Rayna Smith, with the Urban Peace Movement, the Revive Oakland Coalition, and the Lift Oakland Coalition

PC13-1: I've been here on several occasions to speak to you guys on several occasions, to let you guys know that I personally feel Oakland needs good jobs that are well-paying jobs, but they don't need these jobs to come to Oakland. The fact that there's going to be 20 to 21 thousand jobs (proposed in the Coliseum Plan), those jobs definitely should benefit Oakland residents, just like the job center in West Oakland, for the redevelopment project happening on the Oakland Army Base, it's only been there for a year, a little under two years, and it has already served over 700 people on a nearly

non-existing budget, therefore Oakland really does need these jobs and the fact that everybody in Oakland doesn't even know about the job center and it's geared towards West Oakland residents, and we have two other parts of Oakland and I'm from North Oakland. I was born and raised in North Oakland, my mother was shot in the head when I was one years old...I've been in North Oakland my whole life, and me personally being an Oakland resident, I know we definitely need to make sure that when these jobs do come to Oakland, they go to Oakland residents but not only saying that they're going to go to Oakland residents, but that it actually happens.

Please see Master Response to Comment #5 regarding future jobs and job types, and Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input.

PC13-2: *We all know what happened to West Oakland, when they built these new apartments and they said these new apartments were going to be for the low-income housing, but then it turns out that the rent is \$1,500 and \$2,000, when everyone knows that the Oakland residents cannot afford that making \$8.25 an hour, even \$9.25 an hour, even \$12.25 an hour, it's just impossible. And it's sad that people have to work 40 hours a week and after they pay their rent and the PG&E, they can't afford to buy groceries, let alone shop locally, let alone live a happy life; it's just not healthy, and it's not happy, and people shouldn't have to go through that. So we are counting on all of you, as our officials, to make sure that jobs go to Oakland residents, to make sure that these homes are for Oakland residents, to make sure that the rent is not \$1,500 and \$2,000 and I hope you guys that you can do that.*

Please see Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input. Please also see Master Response to Comment #4 regarding direct and indirect displacement.

Speaker #14: John Jones: resident of East Oakland, OCO leader, member of Revive Oakland, and member of Senate Street Missionary Baptist Church

PC14-1: *I want to quickly share with you a story: in November, 1979, my dad took me to a Raiders game for the first time. I don't remember who we played, I don't remember if we won or not. What I do remember is that as an African-American child of five years old, I entered a stadium that was filled with people of all races, nationalities and ethnicities, and for three hours on a glorious Sunday, they were all one. There was no division, everybody was on one page, one love, one nation. I'm transitioning from a Raider nation to a "Coliseum City", the City is within the confines of what we call "The Town", of Oakland California. Now you've heard from the people expressing their interest, their desire to make sure that there are meaningful jobs being provided as well as affordable housing for the people who live here. We are not against progress, but so often who has to pay the price for what is determined as progress? It makes no sense to me that citizens who have resided in East Oakland for decades and they have no one to come and lift them off their poverty, can somehow be managed to swept to the side, for this influx of new people who's going to experience the fruits of what Oakland is to become. I know Oakland is a great city, I love this city, I love her dearly, she is a beautiful place and I keep saying "don't guess, vote yes". Now it's the time to say yes to Oakland, now it's the time to say yes to the vision as she so eloquently pointed out. But before I walk away I want to leave you with this: sustainable jobs, as well as a*

dignified place to live shouldn't be just for those who are rich or well to do. Everybody should have the right to a good-paying job. My Dad took me to a Raiders game, I took my 12 year old son to a Raiders game, and I pray to God that he's able to afford to live in a City where he can take his kids to a Raiders game.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #4 regarding direct and indirect displacement, Master Response to Comment #2 regarding the City's planning process and opportunities that may be provided for additional public input, and Master Response to Comment #7 regarding jobs and job types.

Speaker #15: Edward Toomey, Raiders fan and season ticket holder

PC15-1: I flew out to Wembley Stadium (in London), with my wife to see the Raiders. I understand a lot of people have concerns and comments about housing and stuff but let me just say, Wembley Stadium was amazing, and it's kind of what they're doing with "Coliseum City." What you guys have an opportunity to build here something that is not built anywhere in California; there is nowhere in California that you have this opportunity. So, I understand everyone's concerns about housing and jobs, but you're about to embark on something and make it a landmark, nowhere else, San Francisco San Jose, Los Angeles, San Diego, no one can see it, but potentially Oakland can if you approve this Plan. Everybody has some valid concerns, but just realize that this vision, there is potential that you can really make a mark in Oakland.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

Speaker #16: Kate O'Hara, with EBASE - East Bay Alliance for Sustainable Economy

PC16-1: We are a 15-year old organization that builds broad consensus among community, labor and people of faith to ensure that large development projects like Coliseum City really do create good jobs and the healthy neighborhoods that we need here in Oakland. This project and Specific Plan is one of the biggest Oakland has seen in decades, and it really has the potential to transform East Oakland. If it's done right, it can really create opportunities for good jobs, affordable housing and other public health and environmental benefits that folks have been talking about, but that's a big question of if it's done right. The actions that you and the Planning Commission will take and that the City Council will take will make this area more attractive to developers, and it will increase land values and it's important that those values that increased dollars be shared with existing residents and workers. The job creation potential here that we've talked about, there is 25% of Oakland's job growth to happen in this area, is huge. We were involved with the Oakland Army Base Redevelopment and the Revive Oakland Coalition, and through that learned very closely that just any promise of a job is not promise that is a good job, or that it is a job for Oaklanders, and oftentimes we start with very big numbers in the beginning of the process that become much smaller as we go along. And so it's important to look early on what kind of interventions are needed to make sure that these are real good jobs, have real pathways for people who need the

jobs most. Our hope is that this project does bring the kind of good jobs and affordable housing and improved health outcomes for those that need them most.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the City's planning process and opportunities that may be provided for additional public input, and Master Response to Comment #5 regarding jobs and job types.

Speaker #17: Nehanda Imara, resident of East Oakland and on staff with Communities for a Better Environment (CBE)

PC17-1: I've been at several public meetings where I've heard planning staff and elected officials say that "Coliseum City" is a "pipe dream" and it's not going to happen. That doesn't really bother me, but what I do know and what bothers me is that I realized that this Specific Plan and this EIR will become the law of the land for whatever does become, the reality for this part of East Oakland. It is interesting that this project is referred to as the "Coliseum Area Specific Plan" versus the "East Oakland Coliseum Area Specific Plan." Place does matter, place does matter, East Oakland matters. There are people, long-term residents, workers, schools, churches that will be impacted by this plan. What are the specific strategies in the plan and mitigations in the EIR that will serve the existing residents of East Oakland, what's the gateway, the economic engines, the transit corridors and the catalyst for businesses for the existing residents of East Oakland in this plan? The wetlands and natural resources will get rehabilitation, the residents of East Oakland need rehabilitation too. The proposed zoning changes appear to be a continuation of the checker board zoning that East Oakland already suffers under. The Plan seems to make this type of zoning worse, adding new zoning classifications that make it difficult to address environmental injustices.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

PC17-2: The Plan needs to look carefully at these new mixed use zoning areas with an eye to a buffer zone areas between residential use both new and existing and industrial type of uses and trucking activities.

The Draft EIR (page 4.9-34) addresses issues of land use compatibility and conflicts, and identifies City of Oakland Standard Conditions of Approval that would be required of all new future development to address land use incompatibilities that may result from exposure to air quality, noise and hazardous materials from adjacent land uses, including:

- SCA AQ-2: Exposure to Air Pollution - Toxic Air Contaminants Health Risk Reduction Measures: This SCA requires project applicants of certain projects that meet applicable criteria (including new sensitive land uses located within 1,000' of distribution centers, major rail or truck yards, and stationary pollutant sources such as diesel generators) to incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants.
- SCA Noise-4: Interior Noise. This SCA requires compliance with the interior noise requirements of the City of Oakland's General Plan Noise Element, utilizing noise

reduction in the form of sound-rated assemblies incorporated into project building design, if necessary.

- SCA Noise-5: Operational Noise-General: This SCA requires that noise levels from land use activity or on-site mechanical equipment must comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code.
- SCA Haz-8: Other Materials Classified as Hazardous Waste: This SCA requires written confirmation to Fire Prevention Bureau Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of materials classified as hazardous waste.
- SCA Haz-12: Hazardous Materials Business Plan: This SCA requires submittal of a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau Hazardous Materials Unit to ensure that employees are adequately trained to handle the materials and provide information to the Fire Services Division, should emergency response be required.

PC17-3: The Plan should do more to reduce vehicle miles traveled within East Oakland, the increased vehicle trips that are anticipated will only add to the pollution burden of this area.

As noted in the DEIR (beginning on page 4.2-42) the Project includes strategies for improving the efficiency of the existing transit system and to make transit (especially BART ridership at the Coliseum BART station) more convenient and accessible. The Project includes transit-oriented development at the Coliseum BART station, and includes plans and strategies to improve and promote greater reliance on transit as the transportation mode of choice for sporting events and other activities at the new sports and events venues. The Specific Plan provides for a mix of land uses, compact and high-density residential and commercial activities near transit, and a land use development plan that can reduce motor vehicle travel and emissions. Specific transit enhancement proposed under the Plan (see page 4.13-51) include:

- Collaborating with AC Transit to improve bus service to the Project Area by incorporating additional features into the bus network around and through the Project Area such as new bus routes or altering new routes through the Project Area to better serve the new uses, locating bus stops on far-side of intersections, and improving bus stop facilities (shelters, benches, real-time transit arrival displays, route maps/schedules, trash receptacles, etc.);
- Realigning San Leandro Street to expand the pedestrian boarding areas for AC Transit buses and accommodate a side platform at the BART Station; and
- Enhancing the Coliseum/Airport BART Station to provide a seamless and welcoming pedestrian connection to and from the BART Station.

Speaker #18: Maggie Gibson, works at the Coliseum

PC18-1: On the one hand, we'd love for you to build this "Coliseum City," provide this beautiful waterfront, low-income housing as well as good jobs for the people who construct it and all that. I'm hearing what everybody else is saying and there is no wall you're going to build between the neighborhoods that are there now and this shining city down the hill that you plan to build. So I

agree with them, that everybody needs to be integrated in this and I think the cornerstone is to make sure that these are good high-paying jobs that people can stay here and live in this area and shop in this area and increase the tax base in this area. So I would hope as you move forward not only that you consider the people that live in the area but consider those of us who are going to work here, and how we have to make a living too, and how we are going to spend money in this East Oakland area, and hopefully, that doesn't get lost in how pretty everything looks.

This comment is primarily related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #5 regarding jobs and job types.

Speaker #19: Tanya Fuller, works at the Coliseum

PC19-1: I wear a lot of hats at the Coliseum. I work in concessions, I'm also a captain of security at the Coliseum, and I'm also a shop steward at the Coliseum. So, we want to make sure that we are protected as a union at the Coliseum. We want to make sure our jobs are protected, we want to make sure the new people that are coming to the Coliseum are protected, we want to make sure the surrounding communities are protected as well and if they come to the Coliseum and want a job, we want to make sure they're protected as well. We want to create new jobs at the Coliseum, and we want to make sure good jobs and we want to make sure we have a living wage at the Coliseum, as well. As wages increase, as economy increases we want to make sure our wages increase. We don't want to be at a standstill, we want to make sure that we are there, we're going to be there, and we want to make sure that they communicate with the union. We want to make sure that the labor peace is there as well; you know the community is a big part of the Coliseum and we deal with them every day, so we want to make sure that as workers communicate with the developers to make sure our community, as well as the employees, are justified and stand there. Also we are with the community as for affordable housing and public health benefits.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the City's planning process and opportunities that may be provided for additional public input, and Master Response to Comment #5 regarding jobs and job types.

Speaker #20: Jane Martin, member SEIU, USWW

PC20-1: We represent about 500 members who work at the Coliseum and our members also live in East Oakland. We have thousands of members who live in East Oakland, those are folks who are being displaced, you know inequality in the Bay Area is making the headlines all the time and with every new development we have to seek to address that our members need affordable housing, their family members need jobs, that this development can provide good jobs with living wages, with health care, with benefits, but only if we ensure that there is labor peace in the development and only if we assure that there is deep affordable housing.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their

consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the City's planning process and opportunities that may be provided for additional public input, and Master Response to Comment #5 regarding jobs and job types.

Speaker #22: David Zisser, staff attorney with Public Advocates

PC22-1: Obviously, one of the running themes today is that the Coliseum Specific Plan should, but isn't, putting people first. That comes through in a lot of different ways, the fact that we got an addendum, we are not using that word, that it was an afterthought, to include policies addressing affordable housing, displacement and jobs. We now have two weeks to respond to those really important issues, with very little time to actually provide meaningful input and help shape those, especially since it appears that language was essentially lifted from the Broadway-Valdez (Area Specific) Plan, without tailoring to the specifics of this plan.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

PC22-3: One example is land banking, there is a lot of publicly owned land at the site. Land banking should be a real possibility.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input regarding affordable housing.

PC22-3: Other problems: 15% (of units being affordable) is the goal, it's too low. It is targeting low- and moderate- (income) instead of deeply affordable housing which would serve the people living in the area. Very aspirational.

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input regarding affordable housing.

PC22-4: One puzzling problem is this ratio of 5,000, almost 6,000 units and about 10,000 residents. The average household size in Oakland is 2.5 people per household, the ratio used for population estimates in "Coliseum City" is 1.8 persons per household. It would be interesting to hear the justification for that, it's hard to imagine one.

Please refer to response to Public Advocates' letter, specifically response to Comments B7-2 and B7-3 regarding the ratio of population per dwelling units as used in the Draft EIR.

PC22-5: They acknowledge now displacement in the addendum of this Specific Plan (Attachment I to the Staff Report), but in the EIR specifically says there is no risk of displacement. The problem is they are only looking at the project area, not at the surrounding area, seems like a major problem in the

EIR. We will be issuing comments with more details on that. Seems like there is a double standard. One the project tells beneficial impact outside the project area it's made known. When it has negative impacts like displacement, it's not acknowledged in this Specific Plan, that's not right.

Please see Master Response to Comment #4 regarding direct and indirect displacement.

PC22-6: *We need more time to make comments. This project needs to share the benefits of public investment and public action with low income residents and residents of this area, and it needs to put people first.*

Please see master Response to Comments #1 regarding the public review period for the Draft EIR.

Speaker #23: Angela Hadwin, with HOPE Collaborative

PC23-1: *We've been working with East Oakland residents and community groups who have been working hard for many years to improve the health of their neighborhood, to make their neighborhoods healthier and safer places to live, work, come together and be physically active. We feel that is really important that this huge investment and a lot of public land's been involved in this project and significant public investment that there is a significant benefit to the health of surrounding neighborhoods and residents. East Oakland has some of the worst health outcomes in the whole County, and so we feel it's really important that those considerations been taken into account and I think that one of the things that it seems most important and ensuring that that happens is there'd be more robust community engagement process, there was a stakeholder advisory group that was proposed to several community groups that never happened, and I think that that lack of ongoing in-depth engagement with the Plan with the process with the EIR has made it really challenging for us to respond in such a short amount of time to all this information. So, if we could have more robust engagement, more time, potentially revisiting the idea of a stakeholder advisory group for more in-depth engagement, and really a consideration for the health of surrounding residents.*

This is a comment related to the merits of the Specific Plan and the planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #3 regarding the planning process and the public comment process for the EIR.

Speaker #24: Chris Fry-Lopez, resident and employee in Oakland

PC24-1: *I'm concerned about this project, if this project takes place what the impacts will be but I'm also concerned what the impacts will be if this project doesn't come to fruition. I think, you know, the teams will definitely leave at some point, and I'm thinking about the jobs that will be lost for all the Coliseum workers. I've talked to a lot of ushers and people are afraid that their jobs, seasonal jobs, said that they have three seasonal jobs, it really is a full-time job for some of the people I've talked to. I worry about the businesses on the Hegenberger corridor, particularly the motels, that do really well during A's and Raiders games. I've talked to people from Visit Oakland, who are currently in Europe, they were in Europe for the Raiders game (in London) and they were telling me, yes, Raiders games are significant, they bring a lot of tourists, possibly the most tourists, but they didn't want to give the exact number, but it brings a lot of people to*

Oakland, so I'm worried about all these things if this doesn't come to fruition and we definitely need to include provisions for people who live in East Oakland right now.

This is a comment related to the merits of the Specific Plan and the planning process, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

PC24-2: *We need to make sure there is rent control, and that there is adequate low-income housing as they build this but this project can really do a lot for Oakland.*

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please also see Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input regarding affordable housing, and Master Response to Comment #4 regarding direct and indirect displacement.

PC24-3: *When I went to one of the public outreach meetings they talked about the blue collar tech jobs that this will bring and possibly training. I believe they talked to Dr. Webb, who is the Director of Laney College, and I believe they talked to her also about training people for these blue collar jobs in Oakland, which hasn't got the benefit that the rest of the Bay Area has gotten from these tech jobs, we just don't have it. People moved to Oakland but they work elsewhere so this project it's not only about having our sports teams here but it's also about bringing these jobs here.*

Please see Master Response to Comment #5 regarding jobs and job types.

Speaker #25: Johnny Stake, worker at the Oakland Coliseum and union member of Unite 2850

PC25-1: *I've work at the Coliseum for more than 32 years, in concessions. I'm a union member of Unite 2850, which represents approximately 700 workers at the Coliseum, and I'm here to advocate on our behalf in terms of retention. We want to make sure that when, and if, the "Coliseum City" is ever built that we will be able to retain our jobs. I've worked at the Coliseum a long time, have two daughters and a son-in-law who work at the Coliseum for more than 10 years, they share the same concerns. I live walking distance from the Coliseum, I live in deep East Oakland for the last 12 years, and I can actually walk to the Coliseum from my house. I work at the Coliseum Stadium as well as at the (Oracle) Arena, I've lived in Oakland for 35 years, 12 of which right were by the Coliseum. Basically we just want to make sure that we will be able to keep our jobs with decent living livable wages, decent benefits, and in regards to that, the Mayor of San Francisco signed an agreement that if and when the Warriors move to San Francisco, I'm not saying that it's going to happen, but if and when they move, if the Mayor of San Francisco can sign an agreement, I was in his office when the press conference was held, he signed an agreement that the people that work at the Oracle Arena can continue working at the new arena in San Francisco, if and when the Warriors move. Now if he can do that I'm sure that this Commission can have some type of say, I know that you don't have the final authority in terms of who is going to be hired, but if you can advocate on our behalf we'd appreciate that as well.*

Please see Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input regarding jobs access, and Master Response to Comment #5 regarding jobs and job types.

Speaker #26: Brian Holt, Senior Planner with the East Bay Regional Park District

PC26-1: *I'm here to speak about the shoreline, parks and open space. We've heard a lot tonight about sustainability and equity, and parks and open space and access to healthy outdoor environments is a critical component of that. One specific aspect of the Plan that we have a concern about is the proposal to develop on about 8 acres of restored wetlands that we actually own (the "Edgewater Seasonal Wetland"). We've met with the City staff and they've been receptive and they've understood and heard our concerns, and just really understood just how unlikely it is that we're going to turn over restored wetlands to allow a development to occur.*

Please see Master Response to Comments #6 regarding the Edgewater Seasonal Wetlands

PC26-2: *But beyond that, this is a real opportunity to invest in this area in a way that it can be responsive to climate change, sea-level rise, climate adaptation, in a way that can make this whole area much more resilient, that can provide greater access to the shoreline to the East Oakland community, that can provide more parks and open space land and right now, in the Plan, I'm not seeing it there. It's very ambitious in terms of its housing, very ambitious in terms of its sports facilities, and it needs to be equally ambitious in terms of its open space, its parks and recreation provisions, and what it provides to the East Oakland community.*

Please see master Response #7 regarding Parks, and Master Response to Comments #8 regarding sea level rise.

Speaker #27: Michael Sims

PC27-1: *To me this project is very, very important for the people of East Oakland. To me, Oakland is the heart and soul of the Bay Area. Everything that happens in Oakland gets magnified 10 times, and you all know that, because I know that some of you have been alive way longer than me. I just feel like this project is very important for the people of our community, especially regarding jobs. Because right now, I feel like in the City Of Oakland there are really no jobs for people who need job training to make a certain wage to actually stay here. I work in San Francisco. I work for the Port, and for every job I've had that paid well, I had to work outside of the City Of Oakland. And I know some people who don't really work here unless you have some kind of high standard and you work for Kaiser or the County. To me this project is very important for the City, and the housing aspect of it with the low-income housing. (I know the City is concerned with) how to get your investment back and everything (made to renovate the Coliseum and Arena in the 1990's), but low-income housing has to be really incorporated; also, with the job training and to me, that project really has to happen. There are a lot of positives, especially for the community, if you incorporate us in the project.*

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan. Please see Master Response to Comment #2 regarding the

City's planning process and additional opportunities that may be provided for further public input regarding jobs access, and Master Response to Comment #5 regarding jobs and job types.

Speaker #28: Karim Muhammad

PC28-1: *I just want to give a little story. I was born and raised in Oakland, I wasn't dealt the best cards in life, born in Highland Hospital, grew up, went house to house, school to school, getting kicked out of schools, doing bad, but by the age of 12, I was adopted by an Oakland police officer, and he steered me on the right path, and I have now two degrees in Mass Communication and Journalism and Criminology, but I stayed out of trouble, and the number one reason was me going to A's games, and, admittedly, sneaking into Warriors games. So I just wanted to say that these teams are vital part of the community. You look at the likes of Bill Russell, Jason Kidd, Gary Payton, right now, Damian Lillard, they're all from Oakland, and they are the fabric of Oakland. You know every time our backs are against the wall, we fight, we push through, we persevere in tough situations, and this is a vital part to the community, and I wanted to say that this is a huge benefit. East Oakland, California has never seen a development like this, ever. There is going to be jobs, for everyone and the community, and stuff there is going to be a huge benefit and if you notice one thing you can take out of tonight, it is concern. It wasn't anyone, except maybe one person at all of the (public) meetings I've been to, and hearing the public comment, 99% of it is people just being concerned. No one is objecting to this project. Everyone is supporting it, and I hope you guys take that and support it as well*

This is a comment related to the merits of the Specific Plan, and is not related to the adequacy or accuracy of the EIR. The comment will be forwarded on to City decision-makers for their consideration on the Specific Plan.

Speaker #29: Christine Garret, Building Trades Council

PC29-1: *We would like to echo the concerns of the community around the development and affordable housing, but also especially around jobs. So the need for good sustainable career paths, we know how it sounds, but it really needs to incorporate those jobs into this plan, and not as an addendum or add-on, like really think about this jobs policy and how we put this community to work. It's very clear that this community is really wanting to work, and they want to work where they live, and they want to stay as part of this fabric. And I truly believe that if we are going to look at the Broadway-Valdez Specific Plan language, let's fully look at the language, and I'm going to say it, make a "PLA" (Project Labor Agreement), and really put this community to work with good wages, good union benefits, and go ahead and make it a complete process for the community at hand. And I wasn't going to speak tonight, thank you for adding me in, but the job piece is just a little too much for me to resist, especially seeing that sheet of paper as a side note, because these are real concerns for this community, housing, jobs, you know these are real concerns, and so I hope when you are revising this, you address this fully with the community in mind.*

Please see Master Response to Comment #2 regarding the City's planning process and additional opportunities that may be provided for further public input regarding jobs access, and Master Response to Comment #5 regarding jobs and job types.

Speaker #30: Susan Schacher, Oakland resident

PC30-1: *I want to bring up a concern that hasn't been mentioned tonight. One of the presenters referred to the most extensive travel research of hundreds of intersections, and I want to ask whether the (EIR) study includes an awareness of "bomb trains" which will be rolling through the proposed development, unless we can stop them. These "bomb trains" will be full of millions of gallons of highly flammable crude oil, on rails that run parallel to, and half way between San Leandro Street and Coliseum Way, right through the proposed development. Unless we can stop these dangerous "bomb trains" and people are trying, they will start rolling in a year or so, as soon as upgrades that have already started are completed, to Phillips 66 Refineries in Rodeo, up north in Santa Maria, down south to San Louis Obispo. So this is coming, there hasn't been much discussion about it in the community although the Oakland City Council went on record opposing it, but it's really federally controlled. If the Plan is not aware of these dangerous "bomb trains" coming our way, please learn about it, and incorporate them into the Plan.*

Comment noted. The Draft EIR does assess impacts of the Project as related to Project-generated traffic traveling across at-grade railroad crossings that may cause or expose roadway users to a permanent and substantial transportation hazard (Impact Trans-85). That discussion specifically notes the Project Area is located near two railroad corridors that are owned and operated by Union Pacific Rail Road (UPRR); the Niles Line, located just to the east of the project site and west of San Leandro Street, is used by both Amtrak and freight trains, and the Canyon Sub, located east of San Leandro Street and BART tracks, is primarily used by freight trains serving the local industrial uses. The Draft EIR (page 4.13-156) indicates that implementation of SCA Trans-5: Railroad Crossings will require an analysis of potential queuing onto railroad tracks and requires the application of measures to reduce potential adverse impacts, and also recommends Mitigation Measure Trans-86 (site-specific crossing improvements) to further reduce this impact. With these conditions of approval and mitigation measures, hazards related to adjacent freight rail traffic would be reduced, but not to a less than significant level, as any such improvements would also have to be approved by the CPUC.

The impacts associated with potential future cargo loads on these tracks is beyond the scope and range of this EIR, and represents an impact of others on the Project, not an environmental impact of the Project as defined by CEQA.

PC30-2: *Another concern has to do with the nature of the 20,000 jobs that was mentioned that are predicted. I was at a public meeting at the 81st Avenue Library in East Oakland, and I asked for a break down, I don't know if you've got one, but some of the jobs are temporary construction jobs, some other jobs are seasonal jobs, and as people have mentioned we need to know how much year-round ongoing good jobs will be in this project. So please make sure that 20,000 (jobs estimate) is broken down.*

Please see Master Response to Comment #5 regarding jobs and job types.

Speaker #31: Michael Sims

PC31-1: *I see there's a light rail incorporated within the Plan. I work in San Francisco, sometimes I don't drive over there, I take the (Muni) "T" train when I get off from BART, and it goes right to my job. To me, Oakland needs a light rail so bad, especially down International Blvd. I know AC Transit has*

a bus plan (Bus Rapid Transit), with a bus stop down the middle of the street, but, no, that's not going to work, we need a light rail; AC Transit needs a light rail desperately down Oakland, down International Blvd, Telegraph Avenue -- the City needs light rail, period.

Comment noted.

Speaker #32: unidentified speaker

PC32-1: How about the police department, are you going to have your own substation, or are you pulling officers from neighboring beats in East Oakland? Response times to get to our house are slow: sometimes, the police don't even come.

As indicated in the Draft EIR (page 4.12-2), locally the OPD operates from the Eastmont Substation at 73rd and Bancroft Avenue, and their OPD Communications Center located at 7101 Edgewater Drive, in the City Corporation Yard. Particular to the Coliseum Area, the OPD Special Events Units oversee home games for Oakland's three major sports teams. The Coliseum BART station is patrolled by BART Police, and the Alameda County Sherriff's Office patrols the Oakland International Airport, just outside of the Project Area. As further indicated on page 4.12-12, should the need for a permanent on-site police presence be required, the proposed Project could readily add a Police Substation within the development, and relocation of the OPD Communications Center from the City's corporation yard to another on-site location would be required as part of the redevelopment of this area.

Revisions to Draft EIR

The changes to the Draft EIR presented in this chapter of the Final EIR were either initiated by City of Oakland (Lead Agency) staff, or made in response to comments received on the Draft EIR. Changes consist of corrections, revisions or clarifications to descriptive information presented in the Draft EIR. None of the changes affect the original conclusions or determinations of the Draft EIR.

Throughout this chapter, newly added text is shown in single underline format, and deleted text is shown in ~~strikeout~~ format. For changes specifically initiated by comments received on the Draft EIR, the numeric designator for the comment is indicated in [brackets] prior to its description. For changes initiated by City staff, the word “City” appears in [brackets] prior to its description.

Changes are listed in the order in which they would appear in the Draft EIR document. A revised Summary Table of Impacts, Standard Conditions of Approval and Mitigation Measures, which shows proposed final text of all impacts, Standard Conditions of Approval and mitigation measures as modified from the Draft EIR, is presented in Chapter 2 of this document.

As indicated in Chapter 1: Introduction, the entirety of the Final EIR consists of the Draft EIR and its Appendices and this Response to Comments document. Thus, the changes to the Draft EIR presented in this chapter (and the revised Summary Table of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts) incorporate and supersede the text of the Draft EIR.

Chapter 3: Project Description

[Staff Initiated Changes]: The text beginning on page 3-26 of the Draft EIR is amended as follows:

Sub-Area B: All of Sub-Area B is currently zoned under the City’s Zoning Map as Industrial/Office (IO). The IO zoning is intended for a wide variety of businesses and related commercial and industrial establishments in a campus-style setting. Development and performance standards in this district are restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development under the Plan is intended to reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

However, the Specific Plan envisions a new Arena sports and events center, a science and technology district, as well as a high-density waterfront residential development within ~~the northerly portions~~ of Sub-Area B. In order to accommodate these uses, the Specific Plan recommends that zoning for the easterly portion of Sub-Area B Arena site and the waterfront residential site be changed to a new Coliseum zoning District (D-CO-3), which would permit an Arena, science and technology uses consistent with the Specific Plan and other more traditional businesses and related commercial and industrial establishments (see Sites #18, #21 and #22). ~~and would conditionally permit residential and mixed-use development under certain conditions (see Site #18 #14)~~

A significant change to the current zoning designation of I/O in Sub Area B would be proposed between Edgewater Drive and the shoreline: a new mixed-use zone, Coliseum Zoning District 4 (D-CO-4), to allow new residential uses on the waterfront, on land currently occupied primarily by the City's corporation yard, conditionally permitting residential and mixed-use development under certain conditions (see Sites #17 #19), ~~the East Bay Regional Parks Edgewater Seasonal Wetland, and potentially, mapped for the warehouse building at 7303 Edgewater Drive (see Sites #15 and #16).~~

The zoning map for the remainder of Sub-Area B would be re-zoned as Open Space consistent with the Urban Park and Open Space land use designations indicated above for the General Plan (see Sites #16 and #20 ~~#13 and #19~~).

Sub-Area C: The existing City zoning applicable within Sub-Area C is IO and CR-1, with the Regional Commercial zoning (CR-1) mapped primarily along Hegenberger Road. The Project proposes to rezone portions of Sub-Area C with two new Coliseum zoning Districts (D-CO-3 and D-CO-5). The new D-CO-3 zone would replace the current Regional Commercial zoning along Hegenberger Road and Oakport Street, and would more clearly permit the existing commercial character of these properties, provide greater consistency with applicable Port of Oakland zoning, and recognize the greater prominence of regional commercial use in this area (see Sites #5 and #6 ~~#3 and #4~~). The new D-CO-5 zone would replace the current IO zoning, and emphasize the science and technology support uses envisioned under the Specific Plan for this area; the proposed D-CO-5 zone would be similar to the "Business Park Interior" designation in the Port of Oakland's Land Use and Development Code (see Site #13 ~~#14~~).

Sub-Area D: The existing City zoning applicable within Sub-Area D is CIX-2 and CR-1, with the CR-1 zoning applicable primarily along Hegenberger Road. The portions of Sub-Area D inbound of the Hegenberger Road corridor are currently zoned Commercial/Industrial Mix (CIX-2), which is intended to create, preserve, and enhance industrial areas in the Central and Eastern portions of the City appropriate for a wide variety of heavy commercial and industrial establishments. The Project proposes to rezone portions of Sub-Area D with the two new Coliseum zoning Districts (D-CO-3 and D-CO-5) similar to the proposed re-zoning of Sub-Area C. The new D-CO-5 zone would emphasize the warehouse, logistics and airport support functions of this area as envisioned under the Specific Plan (see Sites #8, #9 and #10 ~~#6, #7 and #8~~). There are corrections proposed to the zoning map to confirm an open space zoning designation on a portion of Arrowhead Marsh previously zoned both CIX-2 and M-40 (see Sites #11 and #14 ~~#10 and #26~~). Likewise, the entrance to San Leandro Creek along Hegenberger is corrected to an open space zone (Site #7 ~~#5~~). A further correction, along San Leandro Creek for properties at 8300 and 8400 Pardee Drive, from M-40 to D-CO-5 is proposed (See Site #12 ~~#9~~).

Sub-Area E: Most all of Sub-Area E is currently zoned M-40 (an industrial zone), with the property immediately adjacent to the 66th Avenue off-ramp zoned CIX-2. Similar to the General Plan amendments proposed above, the Project proposes to rezone the waterfront of this Sub-Area to Open Space (OS) (See Site #25 ~~#19~~). The EBMUD-owned properties on Oakport Street (the water treatment facility, corporation yard and vacant 14 acre site) are proposed to be mapped with a new Coliseum District Zone D-CO-6, to more accurately reflect the current and expected long-term uses at the site (see Site #26 ~~"20"~~). Additionally, the City-owned properties adjacent to the 66th Avenue off-ramp from I-880 are proposed to be zoned Open Space (Site #27 ~~#21~~).

The Specific Plan's recommended zoning for the Planning Area is shown on **Table 3-5** and **Figure 3-8** (for reference, the existing zoning is shown in Figure 4.9-4).

Table 3-5 Proposed Zoning Changes for Sub-Areas B, C, D and E

ID #	Existing Zoning	Proposed Zoning Change	Acres
<u>2</u>	<u>CIX-2: Commercial Industrial Mix</u>	<u>D-CO-1: New Coliseum District-1</u>	4
<u>5</u> 3	IO: Industrial/Office	D-CO-3: New Coliseum District-3	31
<u>6</u> 4	CR-1: Regional Commercial	D-CO-3: New Coliseum District-3	50
<u>7</u> 5	CR-1: Regional Commercial	OS: Open Space	3
<u>8</u> 6	CR-1: Regional Commercial	D-CO-3: New Coliseum District-3	40
<u>9</u> 8	M-40: Industrial	D-CO-5: New Coliseum District-5	1
<u>10</u> 7	CIX-2: Commercial/Industrial Mix	D-CO-5: New Coliseum District-5	84
<u>11</u> 40	CIX-2: Commercial/Industrial Mix	OS: Open Space	17
<u>12</u> 9	M-40: Industrial	D-CO-5: New Coliseum District-5	8
<u>13</u> 44	IO: Industrial/Office	D-CO-5: New Coliseum District-5	105
<u>14</u> 26	M-40: Industrial	OS: Open Space	<u>128</u> 127
<u>15</u> 42	M-40: Industrial	OS: Open Space	18
<u>16</u> 43	IO: Industrial/Office	OS: Open Space	4
<u>17</u> 46	IO: Industrial/Office	D-CO-4: New Coliseum District-4	<u>22</u> 28
<u>18</u> 44	IO: Industrial/Office	D-CO-3: New Coliseum District-3	82
<u>19</u>	<u>IO: Industrial/Office</u>	<u>D-CO-4: New Coliseum District-4</u>	7
<u>20</u>	<u>M-40: Industrial</u>	<u>OS: Open Space</u>	1
<u>21</u> 45	M-40: Industrial	D-CO-4: New Coliseum District-4	<u>2</u> 44
<u>22</u>	<u>IO: Industrial/Office</u>	<u>D-CO-3: New Coliseum District-3</u>	<u>6</u>
<u>23</u> 47	IO: Industrial/Office	OS: Open Space	2

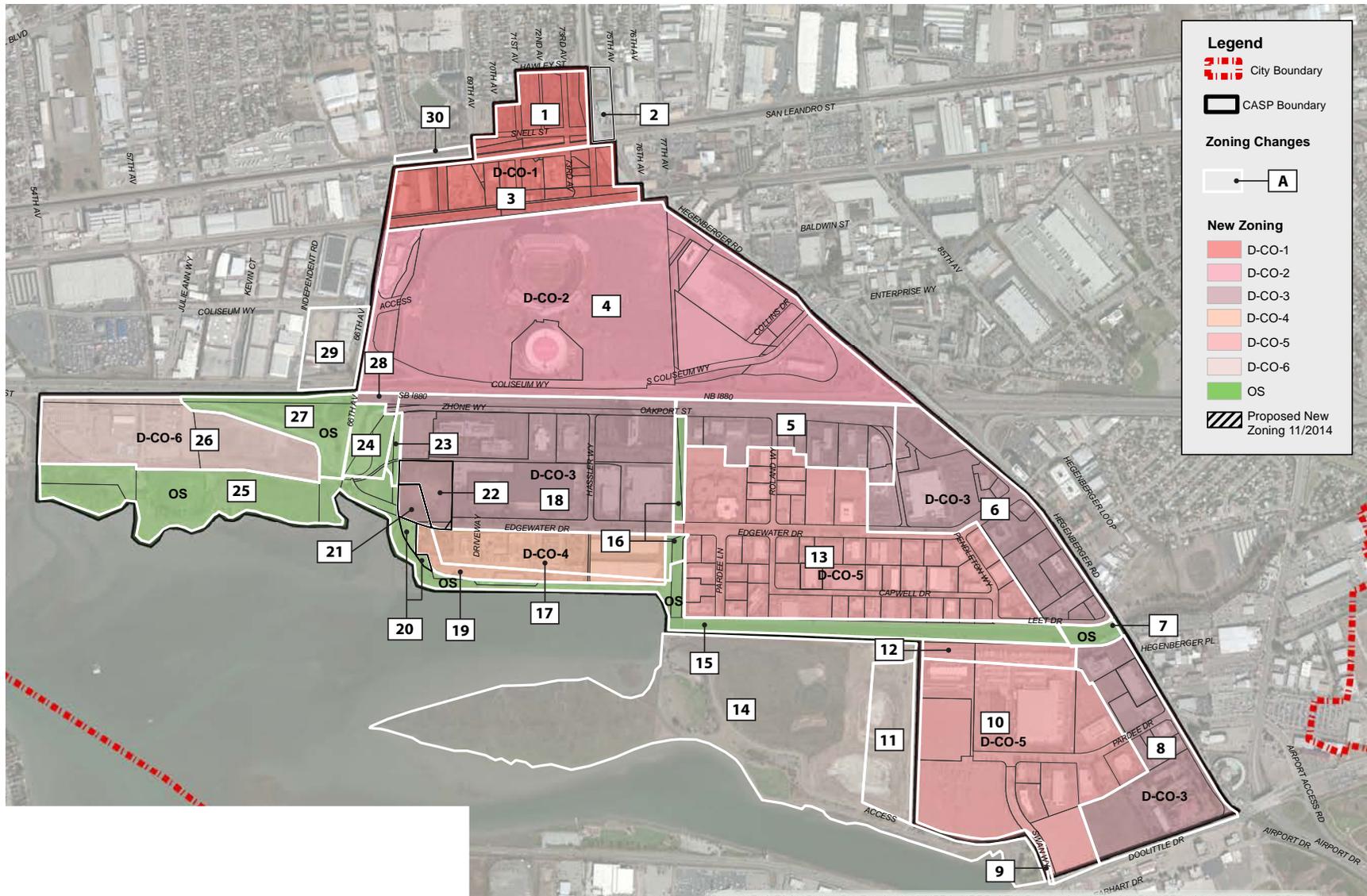
24-48	CIX-2: Commercial/Industrial Mix	OS: Open Space	7
25-49	M-40: Industrial	OS: Open Space	50
26-20	M-40: Industrial	D-CO-6: New Coliseum District 6	41
27-24	M-40: Industrial	OS: Open Space	15
28-23	CIX-2: Commercial/Industrial Mix	D-CO-3: New Coliseum District-3	1
29-22	CIX-2: Commercial/Industrial Mix	CIX-1: Commercial/Industrial Mix-1	11
30-25	S-15: Transit Oriented Development	D-CO-1: New Coliseum District-1	2

[A1-1]: The text on page 3-41 of the Draft EIR is amended as follows:

The existing BART station platform will not accommodate the full buildout of the proposed Coliseum District development. The current platform capacity accommodates approximately 1,900 persons at a time, well below what is needed to efficiently move up to ~~16,700~~ 7,500 persons per hour, which is the expected transit ridership demand on game day peaks at the sports venues. At full Plan Buildout, it is expected that transit demand may exceed ~~28,500~~ 14,490 daily riders, ~~which will make this one of the busiest stations in the BART system.~~ The improved sports venues will attract significantly higher attendance, creating bigger peak demands, while the proposed surrounding development will increase daily commute demand.

[A1-3 and A1-6]: The text on page 3-43 of the DEIR is amended as follows:

- Construct at-street station improvements east of the station so both non-BART and BART patrons can cross between San Leandro Street and Snell Street (requires coordination with railroad for crossing railroad right-of-way).
- Provide a visual and physical link between the elevated concourse and the street-level access so special event patrons will use both the concourse and the street level access to travel to and from BART. This is needed distribute riders more evenly across platform and to help ensure that development is integrated into the existing neighborhood.



Revised Figure 3-8
Proposed Zoning Code Amendments



[Staff]: Table 3-8, which defines the on-site parking supply provided at the Coliseum District, is amended as follows:

Table 3-8: Proposed Parking Spaces, by Location

	Structured Spaces	Surface Spaces	Total Parking Spaces
Concourse Parking Garages, east and west	4,500		4,500
Stadium Lot – south of Stadium		3,060	3,060
Ballpark Garage	1,000		1,000
North Ballpark Lots		520	520
Arena Garage	800		800
Science and Technology District (total of 6 podium structures and 2 surface lots)	2,275	750	<u>3,025</u> 3,050
Sports Neighborhood (podium parking structures below residential)	2,025		2,025
Coliseum BART TOD (podium parking structures below residential and hotel)	2,140		2,140
San Leandro Street Residential (podium parking structures below residential)	1,100		<u>1,100</u> 1,000
Total	13,840	4,330	18,170

Chapter 4.2: Air Quality

[A10-5]: The text on page 4.2-47 is amended as follows to clarify that all Basic and Enhanced construction measures will be required for all development projects:

The City of Oakland considers implementation of effective and comprehensive dust control measures (Best Management Practices) recommended by the BAAQMD as the threshold of significance for fugitive dust emissions (both PM10 and PM2.5); if a project complies with specified dust control measures, it would not result in a significant impact related to construction period dust emissions. In order to be protective of the health of nearby residences as well as to reduce dust emissions that could affect regional air quality, all future development pursuant to the Specific Plan is required to implement BAAQMD recommended construction period dust control measures pursuant to the City’s Standard Conditions of Approval, and to comply with the requirements found under the City Municipal Code (Section 15.36.100; Dust Control Measures). Future development under the proposed Project will need to incorporate ~~These measures include~~ both “Basic” and “Enhanced” measures ~~for the Project~~ since the Project meets several of the criteria for enhanced measures. The City’s Standard Conditions of Approval SCA Air-1 is consistent with both the “Basic” and “Enhanced” measures recommended by the BAAQMD.

[A10-5]: The text on page 4.2-51 is amended as follows to clarify that all Basic and Enhanced construction measures will be required for all development projects:

Each new development at the Coliseum District will be required to incorporate both “Basic” and “Enhanced” emission reduction measures as described in SCA Air-1.

[A11-5]: The following text on pages 4.2-52 and 4.2-53 of the Draft EIR is removed in accordance with direction from BAAQMD:

Quantification of construction-period emissions for Plan Buildout has not been conducted because of the high number of variables (even beyond those used for the assessment of emissions from construction at the Coliseum District) and the unknown nature of these variables. Without modeling each individual development project pursuant to Plan Buildout, it is not possible to assess whether construction emissions would exceed the City threshold. ~~However, BAAQMD screening criteria indicates that if all of the following criteria are met, an individual construction project pursuant to Plan Buildout would be unlikely to result in a significant impact from criteria air pollutant and precursor emissions:~~

~~The project does not exceed the following sizes:~~

- ~~• 114 single-family homes, 240 units in a mid-rise apartment, or 252 units in a high-rise apartment or condo;~~
- ~~• 277,000 square feet of commercial retail or office space,~~
- ~~• 259,000 square feet or 540 employees within a light or heavy industrial building of industrial park.~~
- ~~• All Basic construction mitigation measures would be included in the project design and implemented during construction pursuant to Supplemental SCA A; and~~
- ~~• Construction-related activities would not include any of the following: a) demolition; b) simultaneous occurrence of more than two construction phases; c) simultaneous construction of more than one land use type (not applicable to high density infill development); d) extensive site preparation for grading, cut/fill, or earth movement); or e) extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.~~

~~However, those construction projects that cannot meet these criteria may result in construction period emissions exceeding City threshold levels for individual project level effects.~~

Chapter 4.3: Biology

[A6-1] The text on page 4.3-28 of the Draft EIR is amended to add the following description of the RWQCB's authority under the State of California's Porter-Cologne Water Quality Control Act.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act, in part, implements the federal CWA to provide a mechanism for protecting the quality of the state's waters through the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs). The Porter-Cologne Act and the San Francisco Bay Basin Plan developed pursuant to the Act provide independent authority to regulate discharge of fill material to wetlands outside the jurisdiction of the Corps. Waters of the State are defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB protects all waters in its regulatory scope, but has special responsibility for isolated wetlands and headwaters. These waterbodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the CWA. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a USACE permit, or fall under other federal

jurisdiction, and have the potential to impact Waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but does involve activities that may result in a discharge of harmful substances to waters of the State, the RWQCB has the option to regulate such activities under its State authority in the form of Waste Discharge Requirements or Certification of Waste Discharge Requirements.

[A2-4]: The following Mitigation Measure Bio 1A-4 is added to the Draft EIR on page 4.3-50 to incorporate the Bay Plan's policies on maximizing public access opportunities while minimizing significant adverse impacts upon wildlife resulting from development at the Coliseum Site.

MM Bio 1A-4: Public Access Design. All proposed new or additional public access to San Francisco Bay, the Bay shoreline, Damon Slough and San Leandro Creek shall be implemented in a manner consistent with the San Francisco Bay Conservation and Development Commission's Public Access Design Guidelines for the San Francisco Bay, in particular its recommendations for avoiding adverse effects on wildlife, including:

- a) Preparation of individual site analyses to generate information on wildlife species and habitats existing at the site, and the likely human use of the site.
- b) Employing appropriate siting, design and management strategies (such as buffers or use restrictions) to reduce or prevent adverse human and wildlife interactions.
- c) Planning public access in a way that balances the needs of wildlife and people on an area-wide scale, where possible.
- d) Providing visitors with diverse and satisfying public access opportunities to focus activities in designated areas and avoid habitat fragmentation, vegetation trampling and erosion.
- e) Evaluating wildlife predator access and control in site design.
- f) Retaining existing marsh and tidal flats and restoring or enhancing wildlife habitat, wherever possible.

[A2-4]: The following Mitigation Measure is hereby added to the Draft EIR on page 4.3-55 to incorporate the Bay Plan's policies on maximizing public access opportunities while minimizing significant adverse impacts upon wildlife resulting from Project Buildout:

MM Bio 1A-4: Public Access Design. (See full text above under Impact Bio-1A)

Chapter 4.4: Cultural Resources

[City]: The text on page 4.4-27 is amended as follows:

Based on NWIC records search, background research, consultation with OCHS staff and local historical societies, and an intensive field survey of the Coliseum District, 23 built structures over fifty years of age are located within the Coliseum District, as shown on Table 4.4-1 and Figure 4.4-2. Except for the Oakland Coliseum and Arena complex (Site GANDA-9043-11) these structures have either been previously determined ineligible (California Historical Resources [CHR] Status Code 6Y) or ~~have been previously~~ are recommended as ineligible (CHR Status Code 6Z) by this CEQA analysis for listing in the NRHP, CRHR, and Local Register of Historical Resources. These remaining 22 structures have been previously recorded on DPR 523 forms and are not considered to be historical resources under CEQA.

[City]: The first row of Table 4.4-1 on page 4.4-27 is amended, as follows, to assign a California Historical Resources (CHR) status code of “5B” to the Coliseum Complex, which is more appropriate than “7R” because it’s been identified as a locally significant property.

CHRIS Resource No.	Resource Name	Resource Type	Construction Date	OCHS Rating	CHR Status Code
GANDA-9043-11	Oakland Coliseum and Arena	Sports complex	1966	Coliseum: A1+ Arena: B+1+	7R <u>5B</u>

5B: Locally significant both individually (listed, eligible, or appears eligible) and as contributor to a district that is locally listed, designated, determined eligible, or appears eligible through survey evaluation

[PC5-5]: Mitigation Measure Cultural 1A-3 of the Draft EIR, from page 4.4-36, is hereby amended to remove the incorrect reference to financial contributions to the City’s Mills Act program and to more accurately reflect the process by which the amount of such a financial contribution shall be established.

MM Cultural 1A-3: Financial Contribution. If the Oakland Coliseum and/or Arena are demolished, project applicant(s) shall make a financial contribution to the City of Oakland to be used to fund historic preservation projects within or in the vicinity of the Coliseum District, as described below.

- a) The financial contributions can be applied to programs such as a Façade Improvement Program or Tenant Improvement Program, ~~or Mills Act program.~~
- b) ~~The contributions will be determined by the City at the time of the approval for specific projects based on a formula determined by the Landmarks Preservation Advisory Board~~ may recommend a monetary value or a formula for assessing the amount of financial contribution for the City Council’s consideration, but the amount of any such contribution shall be as negotiated between the City and the developer(s), and as ultimately determined by the City Council.

[Staff]: The text on page 4.4-37 is hereby amended to correct spelling, from ~~Benjamino Bufano~~ to Beniamino Bufano.

Chapter 4.9: Land Use and Planning

[A8-2]: The following text found from page 4.9-45 of the Draft EIR is amended and further edited for clarity, in response to comments from EBMUD:

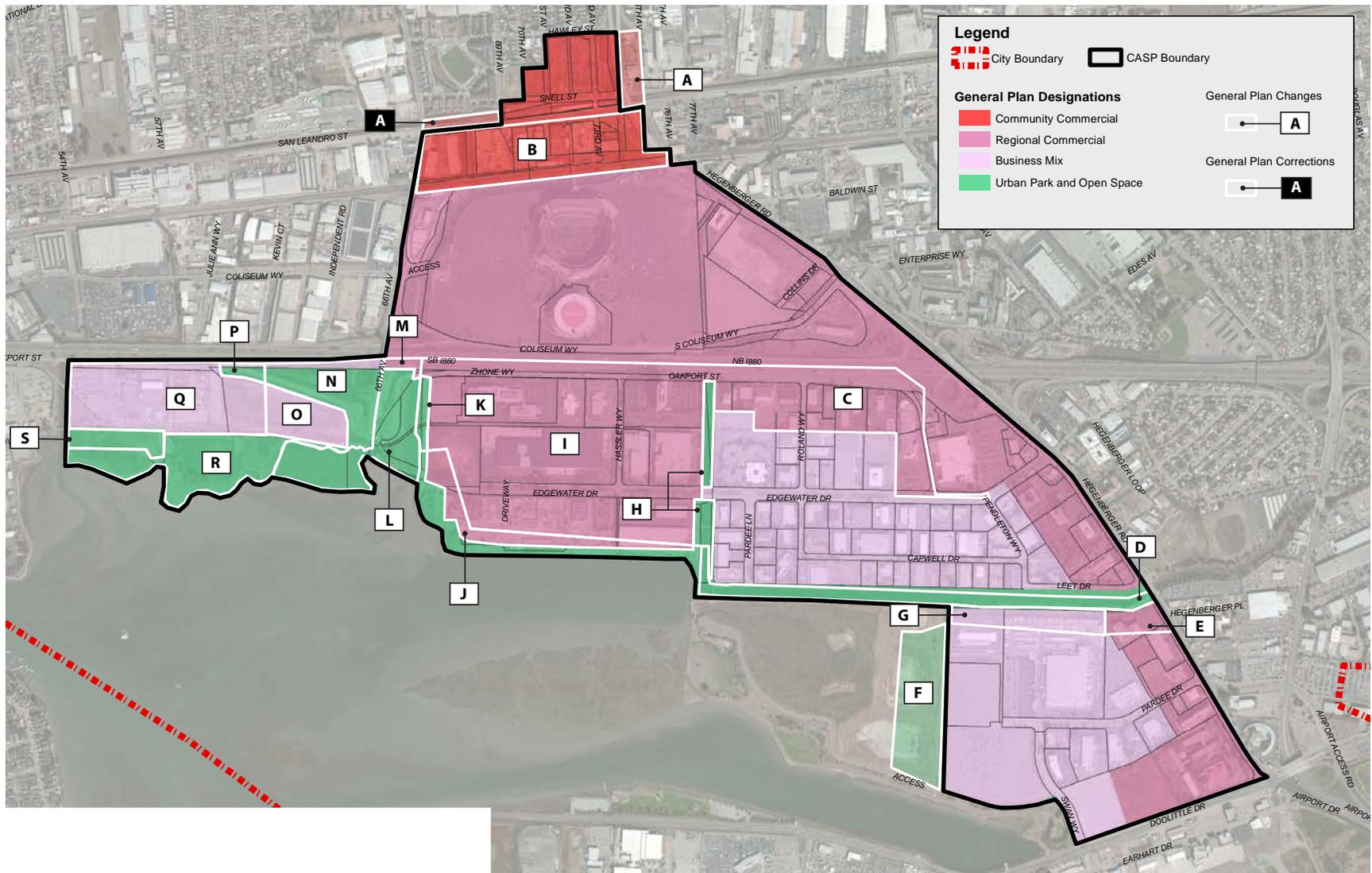
The Project recommends re-creation of wetland habitat on a large portion (a minimum of 16 acres) within Sub-Area E, as mitigation for impacts of the Project at the Edgewater Seasonal Wetlands. Property ownership within Sub-Area E is split between City of Oakland and EBMUD. The current Estuary Policy plan land use designations do not allow the proposed open space use of much of this this property.

The Project proposes a General Plan amendment for the approximately 40-acre Oakport Street property owned by EBMUD, north of the 66th Avenue interchange at I-880 (sites B, E and G on Figure 4.9-5). The Estuary Policy Plan currently designates these properties as General Commercial 2 (on the southern property) and Light Industry 3 (on the northerly property). The General Plan amendment would change the land use designations for sites B and E to Business Mix. The Business Mix designation would accommodate the existing EBMUD Oakport Water Treatment facilities, and generally permit the same types of land uses currently allowed under the Light Industrial 3 and General Commercial 2 land use designations of the Estuary Policy Plan, but would also better enable future open space use if EBMUD were to sell or dedicate portions of this site (not including the Oakport Water Treatment Plant site) for wetland habitat creation and restoration. If this land was not ultimately acquired as a wetlands mitigation site, the Business Mix designation would permit EBMUD to continue its current use of this property. The Project would also re-designate 5 acres of EBMUD land west of the abandoned railroad line (site G on Figure 4.9-5) to Urban Park and Open Space. This land is currently leased to EBRPD and used as open space. The new “Urban Park and Open Space” designation would be consistent with this existing use and would not fundamentally conflict with the EPP, and would enable retention of the continuously accessible shoreline from Damon Slough to East Creek Slough along the Martin Luther King, Jr. regional trail system that currently exists within Sub-Area E.

~~The proposed Project would construct new wetlands as a mitigation site for other Project wetland impacts. The proposed Project would not change or call for the removal of the existing EBMUD water treatment facilities or the PG&E facilities that exist within Sub Area E, but does, in addition, suggest the re-creation of wetland habitat in the less frequently used EBMUD outdoor storage yard adjacent to the City soccer fields.~~

The Project also proposes re-designating undeveloped City-owned land (sites C, F, and I on Figure 4.9-5) and 21 acres of current soccer fields currently designated as “Parks” (site H on Figure 4.9-5) as “Urban Park and Open Space,” which poses no fundamental conflicts with existing or permitted uses.

These proposed General Plan amendments would remove Sub-Area E from the Estuary Policy Plan planning area, and instead provide land use policy for this area via the Land Use and Transportation Element of the Oakland General Plan. Despite the differences in land use designations, the Project’s proposed General Plan amendments are fundamentally consistent with the land use policy direction set by the Estuary Policy Plan.



Revised Figure 4.9-5
Proposed General Plan Amendments



Source: City of Oakland Planning and Building Department, February 2015

[Staff]: The text on page 4.9-59 is amended as follows:

The ALUCP defines seven safety zones within its AIA. The choice of safety zone criteria appropriate for a particular zone is largely a function of risk acceptability. For example, some land uses represent unacceptable risks when located too near to aircraft operation areas and are prohibited (e.g., schools and hospitals). Of the seven safety zones associated with the Oakland Airport, only Zones 3, 6 and 7 apply to the Project Area (see Figure 4.9-9):

- Zone 3: Applies only to the southwestern-most corner of Sub Area D;
- Zone 6: Traffic Pattern Zone, occurs within portions of Sub-Areas C and D, primarily along Hegenberger Road; and
- Zone 7: Other Airport Environs (the area between Zone 6 and the outer boundary of the AIA), applies to the rest of the Project Area with the exception of those properties outside of the AIA and not subject to the criteria of the ALUCP.

[A13-4]: The text on page 4.9-59 is amended as follows:

Airspace protection criteria are intended to reduce the risk of harm to people and property resulting from an aircraft accident. Airspace protection criteria seek to prevent the creation of land use features that can be hazards to aircraft or that have the potential to cause an aircraft accident. Such hazards may be physical, visual, or electronic. Tall structures, trees, or other objects, or high terrain on or near airports, or glare, smoke, or distracting lights may constitute hazards to aircraft.

[A7-2, A13-4]: The text on page 4.9-62 is amended as follows:

Pursuant to the State Aeronautics Act and Public Utilities Code Sections 21658 and 21659, the City of Oakland is required to inform project proponents of a project that may exceed the elevation of a Part 77 surface that notification to the FAA is required. FAA review is required for any proposed structure more than 200 feet above the ground level of its site and for proposed structures which exceed the applicable Part 77 surface area criteria. Based upon their review, the FAA or the California Division of Aeronautics may recommend the dedication of an avigation easement as a condition for approval of development that restrict the height of the proposed structure(s), or may determine that marking and lighting of obstructions is required. An avigation easement is a type of easement that typically conveys the following rights:

- A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement
- A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquire airspace.
- A right to prohibit electrical interference, glare, misleading lights, visual impairments, wildlife hazards, or other hazards to aircraft flight from being created on the property.

[A7-1 and A13-2]: Page 4.9-63, Mitigation Measure Land-7A is hereby amended to provide greater compatibility with the requirements of the Oakland International Airport Land Use Compatibility Plan:

MM Land-7A: No structures that exceed 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, and/or which exceed 200 feet above the ground level of its site, will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and receives either:

- a) An FAA finding that the structure is “not a hazard to air navigation” and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable; or
- b) A conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.

[A13-5]: Mitigation Measure Land-7B on page 4.9-63 is amended to remove the use of “aviation easement” to avoid confusion with an aviation easement and to require coordination of the dedication wording with the Port, as follows:

MM Land-7B: Sellers or leasers of real property located within the Oakland Airport Influence Area (AIA) shall include a real estate disclosure notification informing all parties ~~disclose within an aviation easement included as part of all real estate transactions within the AIA~~ that their property is situated within the AIA, and may be subject to some of the annoyances or inconveniences associated with proximity to airport operations. The City shall coordinate the wording of the disclosures with the Port of Oakland.

[A7-2 and A13-4]: Page 4.9-63, new Mitigation Measure Land-7C is hereby added to the Draft EIR, consistent with Port of Oakland requirements:

MM Land-7C: An aviation easements shall be dedicated to the Port of Oakland as a condition for any discretionary approvals of future residential or non-residential development within the Project Area. The aviation easement shall:

- a) Identify the potential hazard associated with the proposed project and its location within protected airspace;
- b) Identify the airport owner’s right to clear or maintain the airspace from potential hazards;
- c) Identify the right to mark potential obstructions and notify aviators of such hazards;
- d) Provide the right to pass within the identified airspace.
- e) Restrict the heights of structures and trees on the property to conform to the Oakland International Airport Land Use Compatibility Plan, unless otherwise approved by the FAA and ALUC as described in Mitigation Measure Land-7A.
- f) Require sponsors for fireworks displays or other aerial releases to coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Oakland International Airport.
- g) The City shall coordinate the wording of the easements with the Port of Oakland.

Chapter 4.10: Noise

[B5-15]: New Mitigation Measure Noise 2A-1 is hereby added to the Draft EIR at page 4.10-24 to clarify the expectations regarding increases in noise levels from the Project.

Mitigation Measure Noise 2A-1: Event Venue Noise Levels. Although noise levels from future open air sports and event venues is expected to exceed the City's Noise Standards and there are no feasible measures that can reasonably attain these City standards, any future open-air venue (Stadium or Ballpark) shall incorporate design features that seek to maintain future event-based noise levels that are not appreciably louder than existing noise levels from the Coliseum as heard at off-site sensitive receivers.

[A13-7]: Additional description of ambient aircraft noise and a non-CEQA recommendation id added to the Draft EIR at page 4.10-30, consistent with the recommendations of the Port of Oakland:

Most of the Project Area is located within the Airport Influence Area (AIA) of Oakland International Airport which means that the Alameda ALUC would review the project, including the potential for noise to affect proposed uses. According to the Airport Noise Contours for Oakland International Airport (see Figure 4.10-5) the entire Project Area is located outside the CNEL 60 dBA contour. The Alameda County ALUC considers a CNEL of less than 60 dBA as compatible for residences and all other land uses in the proposed Project. This is consistent with the City of Oakland, which considers a CNEL of less than 60 dBA as normally acceptable. Consequently this impact is less than significant.

However, airport operations due to downwind arrivals to Runways 28L/R, VFR departures from Runways 28L/R, "Salad One" night time departures and other traffic pattern overflights may result in over-flights over the proposed Mixed-Use Waterfront Residential District in Sub-Area B. These overflight operations are not indicating as resulting in a significant noise impact according to City thresholds, but the frequency of overflights and associated single events will be audible and may be found objectionable to some residents. Therefore, the following non-CEQA recommendation is recommended:

Recommendation Noise-9: The developer of residential uses in the Waterfront Mixed Use District within Sub-Area B should consider conducting noise studies to determine if overflight noise may warrant sound insulation and other design measures for new homes in Sub-Area B to reduce outdoor aircraft noise levels.

Chapter 4.11: Population, Housing, and Employment

[City]: In Table 4.11-5, the second column heading for showing growth is corrected from "1990-2040" to "2010-2040".

[City]: The following additional information regarding jobs and job types is added to the Draft EIR, beginning at page 4.11-

Broad Range of Employment Opportunities Anticipated Under the Specific Plan

Future employment in the Project Area would provide job opportunities for workers with a broad range of skills, experience, and educational attainment. Over time, jobs in the Project Area are anticipated to increase in all of the occupational categories. Table 4.11.16 provides an overall summary of employment opportunities pursuant to the Project by occupation category.

Table 4.11.17 profiles the occupations in terms of education/training levels and median hourly wages in the East Bay.¹ **Table 4.11.18** provides examples of the types of jobs included in each occupation category.

Table 4.11.16: Employment Opportunities in the Project Area, Jobs by Occupation Category

	Existing	Future	Change
Higher Education Occupations			
Management and Business/Financial Occupations			
Management	753	2,819	2,066
Business and Financial Operations	<u>628</u>	<u>2,590</u>	<u>1,962</u>
Subtotal	1,381	5,409	4,028
Professional, Technical, and Scientific Occupations			
Computer and Mathematical	344	3,130	2,786
Architecture and Engineering	200	1,478	1,278
Life, Physical, and Social Sciences	90	1,386	1,297
Community and Social Services	288	422	134
Legal	90	412	322
Education, Training, and Library	185	328	143
Arts, Design, Entertainment, Sports, and Media	365	1,037	672
Healthcare Practitioners and Technicians	<u>143</u>	<u>423</u>	<u>280</u>
Subtotal	1,704	8,616	6,912
Subtotal	3,085	14,025	10,940
Entry-Level, Mid-Level and Blue Collar Occupations			
Service, Sales, and Office/Administrative Support Occupations			

¹ The median hourly wages shown in Table 4.11.17 provide a relative indication of the differences in wages among occupation categories. The median hourly wage data are for 2012 (most recent data available at the time of analysis). Wages for jobs in Oakland would be higher than shown where there is unionized employment in a category where most employment countywide is not unionized (such as for workers at the Coliseum Complex sports facilities). Further, wages in Oakland will be higher than shown for occupations with workers to be affected by the increase in Oakland's minimum wage to \$12.25 per hour as of March 2015 and increasing with inflation each year thereafter.

Table 4.11.16: Employment Opportunities in the Project Area, Jobs by Occupation Category

	Existing	Future	Change
Healthcare Support	47	147	100
Protective Services	512	736	224
Food Preparation and Serving Related	884	2,104	1,220
Building and Grounds Cleaning and Maintenance	767	1,349	582
Personal Care and Service	680	1,283	603
Sales and Related	757	1,951	1,194
Office and Administrative Support	<u>1,860</u>	<u>5,550</u>	<u>3,690</u>
Subtotal	5,506	13,120	7,614
Industrial/Blue-Collar Occupations			
Construction and Extraction	441	647	206
Installation, Maintenance, and Repair	382	699	317
Production	742	1,838	1,096
Transportation and Material Moving	<u>843</u>	<u>1,644</u>	<u>800</u>
Subtotal	2,408	4,828	2,420
Other Occupations			
Farming, Fishing, and Forestry	16	16	0
Subtotal	7,930	17,963	10,033
TOTAL	11,015	31,988	20,973

Source: California Employment Development Department and Hausrath Economics Group; see description in text

Table 4.11.17: Occupational Profiles: Wages and Education Training Levels
(Oakland-Fremont-Hayward Metropolitan Division, Alameda and Contra Costa Counties)

SOC Code ¹	Occupation	Median Hourly	
		Wage (2012) ²	Education Training Levels ³
11	Management	\$54.53	Bachelor's Degree + Experience (65%); Work Experience (17%); Bachelor's Degree (17%)
13	Business and Financial Operations	\$36.02	Bachelor's Degree (77%); Bachelor's Degree + Experience (12%); Long-term OJT (9%)
15	Computer and Mathematical	\$43.50	Bachelor's Degree (75%); Associate Degree (22%)
17	Architecture and Engineering	\$43.77	Bachelor's Degree (75%); Associate Degree (17%); Post-Secondary Voc. Ed. (8%)
19	Life, Physical, and Social Science	\$36.50	Master's Degree (31%); Doctoral Degree (31%); Bachelor's Degree (28%); Associate Degree (10%)
21	Community and Social Services	\$24.18	Master's Degree (43%); Bachelor's Degree (36%); Moderate-term OJT (22%)
23	Legal	\$47.16	LLD/MD Degree (59%); Associate Degree (22%); Bachelor's Degree (11%)
25	Education, Training, and Library	\$25.93	Bachelor's Degree (58%); Short-term OJT (17%); Master's Degree (11%)
27	Arts, Design, Entertainment, Sports, and Media	\$23.77	Bachelor's Degree (47%); Long-term OJT (32%); Bachelor's Degree + Experience (13%)
29	Healthcare Practitioners and Technical	\$45.37	Associate Degree (52%); Post-Secondary Voc. Ed. (16%); LLD/MD Degree (16%)
31	Healthcare Support	\$16.05	Short-term OJT (66%); Moderate-term OJT (28%)
33	Protective Service	\$22.64	Short-term OJT (53%); Long-term OJT (30%); Moderate-term OJT (10%); Work Experience (7%)
35	Food Preparation and Serving-Related	\$9.48	Short-term OJT (83%); Long-term OJT (7%); Work Experience (7%)
37	Building and Grounds Cleaning and Maintenance	\$14.12	Short-term OJT (92%); Work Experience (8%)
39	Personal Care and Service	\$11.18	Short-term OJT (73%); Post-Secondary Voc. Ed. (16%); Bachelor's Degree (7%)
41	Sales and Related	\$15.56	Short-term OJT (58%); Moderate-term OJT (20%); Work Experience (14%)
43	Office and Administrative Support	\$19.64	Short-term OJT (49%); Moderate-term OJT (40%); Work Experience (7%)
47	Construction and Extraction	\$28.41	Moderate-term OJT (50%); Long-term OJT (40%); Work Experience (10%)
49	Installation, Maintenance, and Repair	\$24.93	Long-term OJT (48%); Post-Secondary Voc. Ed. (34%); Work Experience (8%); Moderate-term OJT (7%)
51	Production	\$16.62	Moderate-term OJT (50%); Long-term OJT (20%); Short-term OJT (19%)
53	Transportation and Material Moving	\$16.18	Short-term OJT (75%); Moderate-term OJT (17%)
45	Farming, Fishing, and Forestry	\$10.43	Short-term OJT (92%); Work Experience (8%)

1. Standard Occupational Classification (SOC) System.

2. First quarter 2012; the most recent data available at the time of this analysis. Wages do not include self-employed or unpaid family workers, nor tips earned by food service industry workers. The median hourly wage data are for Alameda and Contra Costa Counties. Wages for jobs in Oakland would be higher than shown where there is unionized employment in a category where most employment countywide is not unionized (such as for workers at the Coliseum Complex sports facilities). Further, wages in Oakland will be higher than shown for occupations with workers to be affected by the increase in Oakland's minimum wage to \$12.25 per hour as of March 2015 and increasing with inflation each year thereafter.

3. From 2008 - 2018 Occupational Employment Projections, March 2009 benchmark. Only the most common education/training levels for each occupation; detail will not add to 100 percent.
OJT = On The Job Training

Sources: State of California, Employment Development Department and Hausrath Economics Group.

Table 4.11.18: Description of Types of Jobs within Occupation Categories

SOC Code ¹	Occupation	Types of Jobs Included ²
11	Management	Managers
13	Business and Financial Operations	Buyers; Purchasing agents Human Resources & Training Specialists Cost estimators Meeting, Convention & event planners Market researchers Loan offers Accountants; tax preparers Appraisers & assessors of real estate
15	Computer and Mathematical	Computer programmers Computer systems analyst Software developers Computer support specialists Statisticians Operations research analysts
17	Architecture and Engineering	Architects Engineers-all types Engineering technicians Surveying and mapping technicians
19	Life, Physical, and Social Sciences	Scientists: food, plant, chemists, biologists, physicists, medical, environmental Science technicians Economists Psychologists and sociologists Urban & regional Planners
21	Community and Social Services	Counselors – behavior, education, rehabilitation, vocational Therapists Social workers Health educators Clergy
23	Legal	Lawyers Law clerks Judges Court reporters Legal support workers
25	Education, Training, and Library	Teachers & instructors Libraries Teaching Assistants Professors

Table 4.11.18: Description of Types of Jobs within Occupation Categories

SOC Code ¹	Occupation	Types of Jobs Included ²
27	Arts, Design, Entertainment, Sports, and Media	Art directors; artists; designers Merchandise developers Producers & directors Sports officials, umpires, & referees Coaches and scouts Musicians and singers Editors, writers, authors Translators Media & communications workers Broadcast, sound technicians Photographers, film & video editors
29	Healthcare Practitioners and Technicians	Doctors, dentists, optometrists, Nurses, therapists Pharmacists Lab technicians Diagnostic technicians Paramedics, EMTs Other health technicians
31	Healthcare Support	Aides, orderlies, attendants Medical/dental assistants Home health aides Healthcare support workers
33	Protective Services	Police and detectives/investigators Firefighters Correctional officers and jailors Security guards Lifeguards Crossing guards Animal control workers
35	Food Preparation and Serving Related	Chefs and cooks Food preparation workers Bartenders Food servers; waiters, waitresses, counter attendants Dishwashers and helpers Hosts, hostesses
37	Building and Grounds Cleaning and Maintenance	Housekeeping and janitorial workers Landscaping and grounds-keeping workers Pest control workers Supervisors of the above

Table 4.11.18: Description of Types of Jobs within Occupation Categories

SOC Code ¹	Occupation	Types of Jobs Included ²
39	Personal Care and Service	Ushers, lobby attendants, and ticket takers Amusement and recreation attendants/workers Locker room and coat room attendants Hairdressers and skincare specialists Baggage porters and bellhops Fitness trainers Recreation workers Funeral service workers Supervisors of the above
41	Sales and Related	Cashiers and counter clerks Salespersons; sales representatives Supervisors Securities and financial services sales agents Travel agents Real estate brokers Telemarketers
43	Office and Administrative Support	Customer service reps File clerks; order clerks. Clerical assistants Eligibility interviewer, government programs Human resource assistants Receptionists; information clerks Reservation and ticket clerks Hotel desk clerks Cargo & freight agents Couriers and messengers Dispatchers Postal service workers Stock clerks and order fillers Shipping and receiving clerks Secretaries and administrative assistants Loan interviewers and clerks Bookkeeping, accounting, auditing clerks Payroll clerks Computer and office machine operators Word processors; data entry workers Supervisors of the above
45	Farming, Fishing, and Forestry	

Table 4.11.18: Description of Types of Jobs within Occupation Categories

SOC Code ¹	Occupation	Types of Jobs Included ²
47	Construction and Extraction	Carpenters Plasters and masons Construction equipment operators Electricians, plumbers, and other special trades workers Roofers Structural iron and steel workers Construction laborers Helpers Inspectors Supervisors
49	Installation, Maintenance, and Repair	Equipment, computer, machine installers and repairers Auto/bus/truck/airplane mechanics and repairers Telecommunications line installers and repairers Medical/precision equipment repairer General maintenance and repair workers Helpers Supervisors of the above
51	Production	Assemblers and fabricators Bakers, butchers, food processors Machine and tool setters, operators, tenders Welders, cutters, solderers Printing press operators; print binding Laundry and dry cleaning workers Sewing machine operators, tailors, dressmakers Wood workers and metal workers Artisans and crafts people Inspectors, testers, sorters Plant and system operators Grinding and polishing workers Water and Wastewater treatment plant and system operators Dental laboratory technicians Semiconductor processors Photographic process and machine workers Helpers - production Supervisors of the above

Table 4.11.18: Description of Types of Jobs within Occupation Categories

SOC Code ¹	Occupation	Types of Jobs Included ²
53	Transportation and Material Moving	Truck, tractor, forklift drivers/operators Bus drivers; transit drivers Light truck and delivery service drivers Train engineers and operators Parking lot attendants Taxi drivers and chauffeurs Transportation inspectors Transportation attendants Crane operators Excavating and loading machine operators Laborers and freight, stock, and material movers Packers and packagers Refuse and recycling collectors Supervisors of the above

1 Standard Occupational Classification (SOC) system.

2 Types of jobs listed are examples taken from the longer list of more detailed occupations under the SOC system

Source: Hausrath Economics Group based on data and information from CA EDD, Labor Market Information, Oakland-Fremont-Hayward Metropolitan Division, September 28, 2012

Majority of Jobs in Entry-level, Mid-level, and “Blue Collar” Occupations

At build-out of development envisioned under the Specific Plan, the majority of jobs in the Project area (56 percent, or 17,960 of 32,000 jobs), are anticipated to be jobs in entry-level, mid-level, and “blue collar” occupations that do not require a college education. These jobs employ entry-level workers as well as people with work experience in related occupations. Many employers provide on-the-job training and offer advancement opportunities for workers. Employment in these occupation categories is anticipated to increase by over 10,000 jobs, from 7,930 jobs today to 17,960 jobs in the future (see data in lower half of Table 4.11.16).

This large group of jobs includes employment in **service occupations** (food preparation and serving, building and grounds maintenance workers, personal service workers including ushers and ticket takers at the sports facilities, protective service/security workers), jobs in **sales and related occupations**, and a large number of jobs in the broad category of **office and administrative support occupations**. Among occupation categories, the group of office and administrative support occupations includes the largest number of jobs in the Project Area currently and in the future, as all business activities include jobs in this occupation category. Examples of office and administrative support jobs include secretaries and administrative assistants, word processors, data entry workers, bookkeeping and accounting clerks, payroll clerks, receptionists, reservation and hotel desk clerks, ticket clerks, dispatchers, couriers and messengers, shipping and receiving clerks, stock clerks and order fillers, and cargo/freight agents. Overall, jobs in the service, sales, and office/administrative support occupations are

anticipated to more than double in the Project Area from approximately 5,500 existing jobs to 13,100 jobs in the future, reflecting an increase of 7,600 jobs.

The large group of entry-level and mid-level jobs also includes substantial employment in “blue-collar” occupations that include jobs in **production/manufacturing, transportation and material moving, construction, and installation, maintenance, and repair occupations.** Most of the jobs in these occupations are good-paying, middle-wage jobs for workers and skilled workers with less than a college education. Many jobs offer training and advancement opportunities, and provide stable, full-time employment. Overall, jobs in the industrial/“blue collar” occupations are anticipated to double in the Project Area, from approximately 2,400 jobs today to 4,800 jobs in the future reflecting an increase of 2,400 jobs.

Large Share of Jobs in Management, Business/Financial Operations, and Professional/ Technical/ Scientific Occupations

At build-out, about 44 percent of jobs in the Project Area (or 14,030 of 32,000 jobs), are anticipated to employ workers in management, business/financial operations, and professional/technical/scientific occupations that typically require higher education and often require work experience as well. Many of the jobs in these occupations pay higher wages. They also include the employment of workers beginning their careers and developing their expertise. Employment in these occupation categories is anticipated to increase in the Project Area by nearly 11,000 jobs under the Specific Plan, from 3,090 jobs today to 14,030 jobs in the future (see data in upper half of Table 4.11.16).

Jobs in the **management and business and financial operations occupations** occur in small, medium size, and large businesses, and in all types of business activities, from retail stores, restaurants, and hotels to office uses to light industrial and logistics and distribution businesses. The jobs in these occupations are anticipated to increase by about 4,000 jobs under the Specific Plan, from approximately 1,400 jobs today to 5,400 jobs in the future.

The larger group of jobs in higher education occupations includes a mix of jobs in eight different **professional, technical, and scientific occupations.** In the Project Area, the largest numbers of jobs currently are in three of those occupations: arts, design, entertainment, sports, and media occupations; computer and mathematics occupations; and community and social service occupations. The largest growth of jobs and the largest numbers of jobs in the future are anticipated in four of the occupations: computer and mathematics occupations; architecture and engineering occupations; life, physical, and social sciences occupations; and arts, design, entertainment, sports, and media occupations. Overall, in the future, the jobs in the professional, technical, and scientific occupations are anticipated to increase substantially, by about 6,900 jobs from approximately 1,700 jobs today to 8,600 jobs in the future.

Range of Employment Opportunities Reflects the Mix of Business Activities in the Project Area

All of the business activities in the Project Area support jobs in a range of occupation categories. However, the overall mix of types of jobs in each case reflects the specific business activities and industries in each group. **Table 4.11.19** summarizes the types of job opportunities supported by the major business activities and land uses in the Project Area. The following summarizes the patterns. Overall, jobs in entry-level, mid-level, and “blue collar” occupations account for the majority of jobs in four of the five business activity groups in the Project Area.

Sports/Retail/Restaurant/Hotel Business Activities in Sub-Areas A and B

Development of new sports facilities would retain the sports teams in Oakland and provide attractions that bring people to the area and facilitate the development of retail, dining, entertainment, and hotel uses nearby. All of those activities would support approximately 5,500 jobs in the Project Area, the large majority (88 percent) in entry-level-and-mid-level occupations including food preparation and serving, ushers and ticket takers, building maintenance and groundskeepers, protective/security services, ticket sellers and food and retail sales, hotel reservations and desk clerks, and office and other administrative support occupations. There also is a share of jobs in management and business/financial operations and in the arts, design, entertainment, sports, and media occupation category.

Without the development of new sports facilities that retain the sports teams in Oakland, there would be a loss of approximately 2,400 jobs associated with the current sports facilities and related activities in the Project Area. The large majority of those jobs (85 percent) are in occupations that employ people without college educations, and many of these jobs pay higher than median wages reported for the occupations overall because many are unionized positions at the Coliseum Complex.

Science and Technology and Office Business Activities in Sub-Areas A and B

Creation of a new science and technology district of regional significance in the Project Area would expand opportunities for the region's innovation economy in Oakland. Business activities could include research and development (R&D) and office activities in the life sciences and biotechnology, digital media and information technology, clean technology, and advanced technology manufacturing industries. Along with more traditional office activities including those already in Subarea B, these business activities would support approximately 13,100 jobs in the Project Area at build-out. Many of the job opportunities, 8,650 jobs (about 66 percent), would employ workers in the professional, technical, and scientific occupations (computer and mathematical, architects and engineering, and life, physical, and social science occupations), and in management and business and financial operations positions. Most of the jobs in these occupations employ workers with college educations and often with some work experience.

These business activities also would employ 4,450 workers (34 percent of total) in a mix of occupations that do not require college educations. The jobs in this group include a large number (2,280 jobs) in the broad category of office and administrative support occupations, and a notable number of jobs in sales and related positions and in production and transportation/material moving occupations.

Table 4.11.19: Employment Opportunities for Major Business Activity under the Coliseum Area Specific Plan, Jobs by Occupation Category and Business Activity

	Sports, Retail, Restaurant, and Hotel			Science and Tehnology and Office			Business Park: Office, Lt. Ind'l., S&T Support			Commercial along Hegenberger Corridor			Logistics & Distribution and Utility			TOTAL		
	Subareas A&B			Subareas A&B			Subarea C			Subareas C&D			Subareas D&E					
	Existing	Future	Change	Existing	Future	Change	Existing	Future	Change	Existing	Future	Change	Existing	Future	Change	Existing	Future	Change
Higher Education Occupations																		
Management	97	211	114	147	1,543	1,396	307	798	491	175	239	63	26	29	3	753	2,819	2,066
Business and Financial Operations	29	64	35	150	1,481	1,331	276	795	519	158	233	76	15	17	1	628	2,590	1,962
Computer and Mathematical	12	20	8	95	2,334	2,239	164	671	507	67	99	32	6	6	0	344	3,130	2,786
Architecture and Engineering	0	1	0	72	1,171	1,099	101	276	175	21	24	3	5	5	0	200	1,478	1,278
Life, Physical, and Social Sciences	-	-	-	20	1,123	1,103	51	241	190	18	21	3	1	1	0	90	1,386	1,297
Community and Social Services	-	-	-	50	116	66	116	172	55	121	134	13	-	1	1	288	422	134
Legal	-	-	-	24	204	179	52	192	140	14	16	2	0	0	0	90	412	322
Education, Training, and Library	-	-	-	28	101	73	86	154	67	70	73	3	-	0	0	185	328	143
Arts, Design, Entertainment, Sports, and Media	202	337	134	32	401	370	84	232	148	46	65	19	2	2	0	365	1,037	672
HealthCare Practitioners and Technicians	11	24	13	29	179	150	48	154	106	55	66	11	-	0	0	143	423	280
<i>Subtotal</i>	352	656	305	648	8,653	8,005	1,286	3,684	2,398	745	971	226	55	61	6	3,085	14,025	10,940
Entry-level, Mid-level, and Blue Collar Occupations																		
Healthcare Support	-	11	11	9	59	50	15	49	34	23	27	4	-	0	0	47	147	100
Protective Services	280	450	170	13	22	9	198	235	37	20	26	6	0	2	2	512	736	224
Food Preparation and Serving Related	543	1,425	882	11	70	59	25	175	151	306	434	128	0	0	0	884	2,104	1,220
Building and Grounds Cleaning and Maintenance	343	790	447	12	77	65	290	345	55	120	133	13	2	3	1	767	1,349	582
Personal Care and Service	518	1,021	503	26	71	45	64	105	41	72	85	13	-	1	1	680	1,283	603
Sales and Related	67	322	255	63	655	592	239	532	293	354	411	57	33	31	(2)	757	1,951	1,194
Office and Administrative Support	141	429	288	308	2,280	1,971	755	1,963	1,208	485	668	182	171	211	41	1,860	5,550	3,690
Construction and Extraction	5	10	4	8	79	71	357	472	115	69	84	15	1	2	0	441	647	206
Installation, Maintenance, and Repair	44	125	81	19	168	150	180	266	86	116	114	(2)	23	26	3	382	699	317
Production	6	49	42	183	635	453	463	1,040	577	59	81	22	31	33	2	742	1,838	1,096
Transportation and Material Moving	94	195	100	52	329	277	310	618	308	122	152	30	265	349	84	843	1,644	800
Farming, Fishing, and Forestry	0	0	0	0	1	0	13	12	0	1	1	0	1	1	0	16	16	0
<i>Subtotal</i>	2,042	4,827	2,784	703	4,447	3,743	2,909	5,813	2,904	1,746	2,215	469	528	661	133	7,930	17,963	10,033
TOTAL	2,394	5,483	3,089	1,352	13,100	11,748	4,195	9,497	5,302	2,491	3,186	695	583	722	139	11,015	31,988	20,973

Business Park and Science and Technology Support Uses in Sub-Area C

Intensification of uses in the existing Oakland Airport Business Park would occur over time to accommodate a mix of light industrial, advanced technology and other manufacturing, office, R&D and test product design, and other uses that supplement, support, and supply business activities in the new science and technology district nearby and in the rest of the Project Area. These activities would employ about 9,500 workers, 5,800 or 61 percent of which would hold entry-level, mid-level, and “blue collar” jobs that do not require college educations. There also would be approximately 3,700 jobs for workers in occupations that typically require higher education. Overall, the occupation categories with the largest numbers of jobs would include office/administrative support, production/manufacturing, transportation and materials moving, and management and business/financial operations occupations.

Commercial Activities along the Hegenberger Corridor in Sub-Areas C and D

Intensification of commercial activities also is anticipated along the Hegenberger Corridor, including retail, dining, hotel, office, and auto-related (auto/motorcycle dealers, gas stations) uses. Future employment for this group would reach close to 3,200, about 70 percent or 2,200 of which would be entry-level and mid-level jobs. The largest numbers of jobs would be for workers in office/administrative support (including hotel reservations and related jobs), food preparation and serving, sales and related, and managerial occupations.

Logistics/Distribution Business Activities in Subarea D and Utility in Sub-Area E

Continuation and growth of these activities are anticipated with about 720 jobs in the future. The large majority of these jobs would be for workers in two occupations: transportation and materials moving (truck and delivery service drivers, and freight, stock, and material movers), and office and administrative support (shipping and receiving clerks, dispatchers, cargo and freight agents, customer service representatives, couriers and messengers, stock clerks, bookkeeping and accounting clerks).

Future Jobs in the Project Area Would Benefit Residents of Oakland, Including East Oakland Residents in Surrounding Areas

As described above, employment in the Project Area would increase substantially over time, and would provide greater job opportunities for workers with a broad range of skills, experience, and education. The employment opportunities would be of benefit to residents of surrounding areas of East Oakland. They also would be of benefit to Oakland residents throughout the City. The employment benefits are summarized below.

Overall, the large number of jobs anticipated in the Project Area (32,000 jobs) and the large growth of jobs under the Specific Plan (+21,000 jobs) would result in more employment of Oakland residents and less unemployment in Oakland over what would occur without the development envisioned under the Plan. The numbers of jobs are significant and represent 25 percent of citywide employment growth over the next 30 years as targeted for Oakland by the regional projections.

Development of new sports facilities that retain the sports teams in Oakland would retain up to 2,400 jobs in the Project Area that would be lost without the new development. The large majority of those jobs (85 percent) are in entry-level occupations, and many pay higher than

median wages for their occupations overall because they are unionized positions. Many of those jobs are held by Oakland residents, some of whom testified at the Planning Commission in favor of retaining these jobs.

The broad range of employment opportunities anticipated under the Specific Plan would provide employment options for a wide range of Oakland residents with different skills, experience, and education.

- The majority of jobs in the Project Area, 56 percent or about 18,000 of the total estimated 32,000 jobs, are anticipated to employ workers in entry-level, mid-level, and “blue collar” occupations. Many of these jobs provide on-the-job training and offer advancement opportunities for workers. Employment in these occupations is anticipated to increase by over 10,000 jobs under the Specific Plan. Oakland residents will benefit from a share of those jobs.
- A large share of the jobs in the Project Area, 44 percent or about 14,000 of the total estimated 32,000 jobs, are anticipated to employ workers in management, business and financial operations, and professional, technical, and scientific occupations. Jobs in these occupations typically employ workers with higher education. They include jobs for experienced workers and jobs for workers beginning their careers and developing their expertise through work experience. The creation of a new science and technology district would expand job opportunities for workers in professional, technical, and scientific occupations that would not otherwise exist in Oakland without the development envisioned under the Specific Plan. Employment in occupations in this group is anticipated to increase by nearly 11,000 jobs under the Specific Plan. Oakland residents will benefit from a share of those jobs.
- The broader the mix of types of jobs in the Project Area as well as the greater the number of jobs there, the more opportunities there would be for Oakland residents to work in Oakland. There also would be less need for residents to seek employment in other parts of the Bay Area, reducing the need to commute to and from jobs outside the City. In this regard, there would be benefits for Oakland residents, both unemployed residents and residents employed outside of Oakland, to find employment locally and reduce commute times and costs.

Chapter 4.12: Public Services and Recreation

[C2-4]: Page 4.12-6, last paragraph is hereby amended with the following additional text and citation:

The City also puts forth in its General Plan an overall parkland standard of 10 total acres per 1,000 residents. The City exceeded this standard in 2012, with 15.2 acres of parkland per 1,000 residents.

Overall, Oakland has approximately 5,937 acres of parkland, including 4,101 acres of parks managed by Office of Parks and Recreation, and 1,836 acres of open space managed by East Bay Regional Parks District (EBRPD) within the City of Oakland. With this acreage, and a population of 390,724 in 2012, Oakland has around 15.2 acres of parkland per 1,000 residents, meeting its overall parkland acreage goal. Oakland’s 5,937 park acres make up 16.6% of its total land area (Trust for Public Land, 2012). Regional open space within city limits contributes to the City’s parkland acreage goal. The EBRPD, which acquires and develops regional parks, open spaces, and regional trails throughout the East Bay, also provides open space and recreational facilities within Oakland’s city limits. EBRPD parks in Oakland include the 271-acre Leona Canyon

Regional Open Space Preserve, the 741-acre Martin Luther King, Jr. Regional Shoreline Park, the 1,829-acre Redwoods Regional Park, the 660-acre Sibley Volcanic Regional Preserve, and the 100-acre Roberts Regional Recreational Area (EBRPD, 2013). Additionally, the Port of Oakland operates Middle Harbor Shoreline Park, a 38-acre shoreline park, with more than two miles of pathways encircling Middle Harbor Basin (Port of Oakland, 2013).²

[A9-3]: Page 4.12-7, 1st and 2nd paragraphs of the Draft EIR are hereby amended to correct the identification of EBRPD properties and ownership:

EBRPD currently manages over 114,000 ~~73,000~~ acres of parkland in 65 regional parks, recreation areas, wilderness, shorelines, and preserves in Alameda and Contra Costa County. ~~47 East Bay parks.~~ These parks complement those provided by the City of Oakland by providing larger park areas, more isolated and wild settings, and an emphasis on naturalist activities as opposed to active recreation. EBRPD parks in Oakland include the 271-acre Leona Canyon Regional Open Space Preserve, the 660-acre Robert Sibley Volcanic Regional Preserve, the 100-acre Roberts Regional Recreational Area, and the 741-acre Martin Luther King, Jr. Regional Shoreline Park which covers much of the Project Area's shoreline on San Leandro Bay.

The Martin Luther King, Jr. Regional Shoreline Park was established in April, 1976, when the Port of Oakland and the EBRPD entered into a formal agreement setting aside Bay side lands for development as a Regional Shoreline Park. ~~2000 as a wetlands restoration project by a partnership between the East Bay Regional Park District and Save the Bay.~~ The Shoreline includes the mouths of five major creek systems and protects some the last remaining wetland in the East Bay including Damon Marsh, in Sub-Area E, and the 50-acre Arrowhead Marsh, adjacent to Sub-Area D and part of the Western Hemisphere Shorebird Reserve Network. The MLK Shoreline Park features the Shoreline Center, an indoor/outdoor facility that accommodates 60 seating or 125 standing guests for special events. Additionally, the park is host to the Tidewater Boating Center, a 12,300-square-foot complex that consists of boat launch dock, a boathouse, training area, boat storage facility, Recreation Department Offices, and a security residence. The park includes hiking and biking trails, benches and picnic areas.

[C2-5]: The following additional General Plan policy is hereby added to the list of Oakland General Plan Land Use and Transportation Element (LUTE) policies relevant to the public services impacts of the proposed Project as provided on page 4.12-8 of Draft EIR:

Policy N.2: The Provision of government and institutional services should be distributed and coordinated to meet the needs of City residents.

[C2-12]: The following text on page 4.12-10 of the Draft EIR is hereby amended to correct the assertion that City-wide SCA's address recreational needs:

The City's Standard Conditions of Approval relevant to public services and recreation are listed below. These Standard Conditions of Approval would be adopted as mandatory requirements of each individual future project within the Project Area when it is approved by the City and would avoid or reduce significant impacts related to public services ~~and recreation~~. The Standard Conditions and Approval are incorporated and required as part of development in accordance with the Specific Plan, so they are not listed as mitigation measures.

² City of Oakland, Broadway-Valdez Specific Plan EIR, prepared by ESA, September 2013

[C2-15]: The following text on page 4.12-14 of the Draft EIR is hereby amended to correct an inaccurate reference to a Policy 3-10 of the OSCAR Element:

Adherence to the General Plan's OSCAR Policies 3.1 and 3.3 ~~and 3.10~~, described above, would reduce potential impacts to recreational facilities from development of the proposed Project. Regardless of the proposed Project, the City would continue to exceed its overall park standard and would continue to fall short of its stated local-serving park standard, although the proposed Project would have a positive contribution to both standards. As a result, the impact would be less than significant.

Chapter 4.13: Transportation

[Staff]: The following correction is hereby made to page 4.13- 113, Table 4.13-19: 2035 Plus Specific Plan Buildout Conditions, Intersection LOS Summary, is as indicated below:

Intersection #100 at Hegenberger Road / Hegenberger Court / Edgewater Drive:

2035 Specific Plan Buildout = Delay; 147.8, and LOS: F

2035 Specific Plan Buildout, Mitigated = Delay 145.9 ~~165.6~~, and LOS: F

[A11-3]: Mitigation Measure Trans-81 on pages 4.13-150 and 4.13-151 of the Draft EIR is hereby amended as follows to incorporate additional events-based TDM strategies as recommended by Air District:

Mitigation Measure Trans-81: Implement an Event Traffic Management Plan through the TPMA to reduce the automobile trips generated by special events and better manage the traffic traveling to and from the new venues. The Event Traffic Management Plan shall consider the following strategies:

- a) Develop plans for roadway closures and manual control of traffic by police officers during peak congestion periods before and after the games.
- b) Develop way-finding plan with changeable message signs on freeways and surrounding major streets to direct patrons to available parking facilities.
- c) Collaborate with transit providers in the area (AC Transit, BART, Amtrak) to expand transit service for special events.
- d) Develop Promotional material for special events that encourage the use of transit, carpooling and other non-automobile travel modes.
- e) Consistent with SCA Trans-3, develop a Parking and Transportation Demand Management Program to encourage employees and spectators for special events to use non-automobile travel modes and reduce the automobile trips and parking demand of special events.
- f) Bundle parking pricing into the ticket price to maximize efficiencies at parking entrances.
- g) Coordinate parking management within the Project Area to maximize the use of available parking spaces during special events.
- h) Operate buses between the Project Area and major transit destinations such as West Oakland BART or East Bay BRT during weekday evening coliseum events and consider them when events overlap at the ballpark and arena.
- i) Provide pre-paid and discounted transit passes with all event tickets to encourage transit

use.

- j) Offer valet bicycle parking on event days.
- k) Study possible applications of parking and road congestion pricing plans to discourage driving to events.

[B4-1]: New Mitigation Measure Trans-85B is added to the Draft EIR at page 4.13-157 to address potential safety concerns related to increased trespass onto the railroad right-of-way.

Mitigation Measure Trans-85B: Pedestrian Safety along Rail Lines. All new development adjacent to the Niles Line (located west of San Leandro Street and used by both Amtrak and freight trains), and adjacent to the Canyon Sub-Line (located east of San Leandro Street and primarily used by freight trains) shall incorporate safety fencing along the edge of the rail right-of-way to prevent trespass, and preferably shall provide an additional open space buffer including a pedestrian/bicycle trail on the outside (development side) of the fence line, separating the development from hazardous rail activity.

Chapter 4.14: Utilities

[A8-7]: The text on page 4.14-4 of the DEIR is amended as follows:

EBMUD's South Interceptor line runs through the Project Area. Beginning at Pump Station 6G, located near the intersection of Doolittle Drive and Swan Way, the 63" concrete pipe heads north to Hegenberger, crosses I-880, and then runs south to north through the Coliseum Site.

[A8-8]: The text on page 4.14-5 of the DEIR is amended as follows:

Sanitary sewer treatment is provided by the EBMUD Main Wastewater Treatment Plant (MWWTP) located at the eastern end of the San Francisco-Oakland Bay Bridge. EBMUD's 2010 Urban Water Management Plan states that the MWWTP is currently operating at ~~39~~ approximately 43 percent of its 168 million gallons per day (mgd) capacity in dry weather.

[A8-9]: The text on page 4.14-5 of the DEIR is updated to reflect recent developments in the discharge permit situation for EBMUD's wastewater treatment facilities:

The MWWTP and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from the proposed Project and to treat such flows provided that the wastewater generated by the Project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I&I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to the Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities (WWFs). ~~In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer~~

lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system sub-basins contributing to the EBMUD wastewater system, including the sub-basin in which the Project Area is located. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined.

Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows. Various enforcement orders issued between 2009 and the present have allowed EBMUD to temporarily continue operating the WWFs as designed, but these enforcement orders are interim in nature and do not resolve the East Bay's long-term wet weather issues. To reduce the volume of primary-treated wastewater that is discharged to the Bay, actions will need to be taken over time to reduce I&I in the system sufficiently to reduce peak wet weather flows so that all wastewater can receive secondary treatment.

On July 28, 2014 a proposed consent decree was lodged for public review. This proposed order, negotiated among EBMUD, the Satellite Agencies, EPA, SWRCB, and RWQCB, would require EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and locate key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the proposed consent decree would require the Satellite Agencies to perform I&I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies would need to jointly demonstrate at specified intervals that a sufficient, pre-determined level of reduction in WWF discharges has been achieved through this work. If sufficient I&I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

As stated, EBMUD's NPDES permit for the WWFs prohibits discharges. If the consent decree is adopted as anticipated, it will require a demonstration of continuous improvement in reducing the volume of discharges over time. Meeting these legal requirements will require I&I reduction, which in turn requires sewer main and sewer lateral repair.

[A8-11]: The text on page 4.14-7 of the DEIR is updated to add a description of Section 31 of EBMUD's Water Service Regulations to the Regulatory Setting section on Water Quality, Supply, and Distribution:

Section 31 of EBMUD's Water Service Regulations identifies the types of water efficiency requirements for water service and the procedure for notification to Applicants that water efficiency measures are required. The most water-efficient requirement of EBMUD, local, state or federal regulations apply. EBMUD will not furnish new or expanded water service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

[A8-11 and A8-14]: The text on pages 4.14-13 and 4.13-14 of the DEIR is updated to include Section 31 of EBMUD's Water Service Regulations, as well as corrections for clarity:

New development within the Coliseum Site will result in a reduced per capita water demand for new development as a result of incorporating conservation measures into all public and private improvements as required by California Green Building Standards (CalGreen), California Building Code, CalGreen and the City of Oakland Green Building Ordinance, (as required pursuant to SCA Util-3: Compliance with the Green Building Ordinance, OMC Chapter 18.02, and SCA Util-4: Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist), and Section 31 of EBMUD's Water Service Regulations, including compliance with the California Model Water Efficient Landscape Ordinance. The Specific Plan requires these measures, as stated in Policy 6-4. The new California State Green Building Code (CalGreen, effective January 1, 2011, and adopted by the City of Oakland October 2010), will substantially reduce projected water demands associated with new Coliseum Site development as compared to pre-CalGreen water demand estimates.

[A8-9]: The text on page 4.14-19 of the DEIR is updated to reflect recent developments in the discharge permit situation for EBMUD's wastewater treatment facilities:

~~Treatment capacity for Plan Buildout is not likely to be an issue, as EBMUD's 2010 Urban Water Management Plan states that the MWWTP is currently operating at only 43 percent of its 168 million gallons per day (mgd) capacity in dry weather. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities. As explained in the Existing Setting section, since the January 2009 order from the RWQCB prohibiting further discharges from EBMUD's Wet Weather Facilities (WWFs) because of exceptionally high peak flows during storms, those WWFs have been operating under temporary enforcement orders. A consent decree has been negotiated and proposed that would create a more permanent permit, so long as EBMUD and other wastewater collection system agencies work over time to reduce I&I in the system so that all wastewater can receive secondary treatment. I&I reduction will require sewer main and sewer lateral repair.~~

~~Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system sub-basins contributing to the EBMUD wastewater system, including the sub-basin in which the Project Area is located. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined. In the meantime, it would be prudent for development projects throughout the Plan Buildout Area to incorporate measures into their design, including replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow, and ensuring any new wastewater collection systems, including sewer lateral lines, are constructed to prevent infiltration/inflow to the maximum extent feasible.~~

[A8-12]: The text on page 4.14-29 of the DEIR is updated to acknowledge that EBMUD does not use the City's sub-basin allocation system, and to incorporate suggested replacement text.

The sub-basin allocation system is the method by which EBMUD and the City of Oakland ensure that the City's overall allocation of wastewater collection and treatment capacity is not exceeded. There is sufficient system-wide collection and treatment capacity to serve cumulative development. If a sub-basin generates more wastewater flows than its allocation, unused allocations may be redirected among other sub-basins. The City's Inflow and Infiltration Correction Program allows an approximately 20 percent increase in wastewater flows for each sub-basin to accommodate projected growth. A mitigation fee is assessed on all new development or redevelopment in sub-basins that have a growth rate greater than 20 percent. Treatment capacity for Plan Buildout is not likely to be an issue, as EBMUD's 2010 Urban Water Management Plan states that the MWWTP is currently operating at only 43 percent of its 168 million gallons per day (mgd) capacity in dry weather. Wet weather flows currently exceed treatment capacity due to system wide I&I, but the proposed Project would provide the opportunity to rehabilitate or replace existing sewer laterals that may be defective, and therefore would likely lessen this issue. Therefore, cumulative impacts related to wastewater would be less than significant.

Chapter 7: References

[Staff]: The following references for the Draft EIR's Chapter 4.3: Biology were inadvertently omitted in publication of the Draft EIR, and are provided, below:

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